

## CHAPTER ONE

# Inherent Rights

### AS YOU READ

This book is about the contemporary political, economic, and social issues that Aboriginal peoples (First Nations, Métis, and Inuit) face in Canada today. Many of these issues involve the protection of various kinds of rights. A right is the authority to act or be treated in a particular way. How would you define *inherent rights*, the title and subject of this chapter? Refer to a dictionary, if necessary, to write a definition in your own words.

The reading that begins this chapter is one of many declarations that you will learn about in this course. It was adopted on July 19, 1975, by the Indian Brotherhood of the Northwest Territories (now called the Dene Nation) at a meeting in Fort Simpson, Northwest Territories. As you read this declaration, make a list of the rights the Dene Nation is asserting. What goals seem most important? Upon what or whose authority does the Dene Nation assert its rights?

### FOCUS QUESTIONS

As you read this chapter, think about these questions:

- ▲ Who are indigenous peoples?
- ▲ What do the terms *inherent rights*, *self-determination*, *self-government*, and *sovereignty* mean?
- ▲ What inherent rights do indigenous peoples have?
- ▲ What is the difference between collective rights and individual rights?
- ▲ How has colonization affected the rights of Aboriginal peoples in Canada?
- ▲ How did treaties function in traditional First Nations political systems?

## Dene Declaration\*

Indian Brotherhood of the Northwest Territories, 1975

### STATEMENT OF RIGHTS

We the Dene of the N.W.T. insist on the right to be regarded by ourselves and the world as a Nation.

Our struggle is for the recognition of the Dene Nation by the Government and people of Canada and the peoples and governments of the world.

As once Europe was the exclusive homeland of the European peoples, Africa the exclusive homeland of the African peoples, the New world, North and South America, was the exclusive homeland of Aboriginal peoples of the New World, the Amerindian and the Inuit.

The New World like other parts of the world has suffered the experience of colonialism and imperialism. Other peoples who have occupied the land — often with force — and foreign governments have imposed themselves on our people. Ancient civilizations and ways of life have been destroyed.

Colonialism and imperialism is now dead or dying. Recent years have witnessed the birth of new nations or rebirth of old nations out of the ashes of colonialism.

As Europe is the place where you will find European countries with European governments for European peoples, now also you will find in Africa and Asia the existence of African and Asian countries with African and Asian governments for the African and Asian peoples.

The African and Asian peoples — the peoples of the third World — have fought for and won

\* At the request of the Dene Nation, the spelling, capitalization, and punctuation in this document have been reproduced exactly as in the original.

the right to self-determination the right to recognition as distinct peoples and the recognition of themselves as nations.

But in the New World the native peoples have not fared so well. Even in countries in South America where the Native peoples are the vast majority of the population there is not one country which has an Amerindian government for the Amerindian peoples.

Nowhere in the New World have the Native peoples won the right to self-determination and the right to recognition by the world as a distinct people and as Nations.

While the Native people of Canada are a minority in their homeland, the Native people of the N.W.T., the Dene and the Inuit, are a majority of the population of the N.W.T.

The Dene find themselves as part of a country. That country is Canada. But the Government of Canada is not the Government of Dene. The Government of the N.W.T. is not the government of the Dene. These governments were not the choice of the Dene, they were imposed on the Dene.

What we the Dene are struggling for is the recognition of the Dene Nation by the governments and peoples of the world.

And while there are realities we are forced to submit to, such as the existence of a country called Canada, we insist on the right to self-determination as a distinct people and the recognition of the Dene Nation.



We the Dene are part of the Fourth World. And as the peoples and Nations of the world have come to recognize the existence and rights of those peoples who make up the Third World the day must come and will come when the nations of the Fourth World, will come to be recognized and respected. The challenge to the Dene and the world is to find the way for the recognition of the Dene Nation.

Our plea to the world is to help us in our struggle to find a place in the world community where we can exercise our right to self-determination as a distinct people and as a nation.

What we seek then is independence and self-determination within the country of Canada. This is what we mean when we call for a just land settlement for the Dene Nation.

*The flag shown here represents the Dené Tha' First Nation in Alberta. What is the function of a flag? With a partner, think of at least three flags and describe what country or group of people each represents. In your opinion, how significant are flags to a group's sense of identity?*

#### REFLECTION

The Dene Declaration refers to the Dene Nation as part of the fourth world. With a partner, use an Internet search engine to find definitions for the term *fourth world*. Try using "*fourth world*" definition as a search term. How is the fourth world different from the third world (today known by the preferred term *developing world*)? What cultural biases are inherent in terms such as first world and third world? A **cultural bias** is an attitude that favours one culture over another.



## Nations, Peoples, and Inherent Rights

### AS YOU READ

The Dene Declaration from pages 2–3 states the Dene people's right to be recognized as a nation. It also declares Dene rights to self-determination and independence. How does it define *self-determination*?

This section defines many terms related to rights. These terms will be the foundation of your work in the rest of this course. Each time you encounter a bold-face term, write a definition for it using the information on the page and the glossary at the back of the book.

**A** NATION IS AN IDENTIFIABLE GROUP OF PEOPLE. HOWEVER, THE CRITERIA USED TO IDENTIFY A NATION VARIES FROM DEFINITION TO DEFINITION. ALTHOUGH ARGUING OVER THE MEANING OF A WORD MIGHT SEEM TRIVIAL, DEFINING THE

- ❖ factors that unite a group of people into a nation is key to understanding the kinds of rights that group is able to exercise.

One definition of nationhood involves a sense of common identity. The Haudenosaunee (Iroquois) word for the concept of nation, *kanakerahsera*, has the root *naker*, which means “to be born.” Similarly,

*Indigenous peoples from around the world further their rights by co-operating and learning from one another. Here, Grand Chief George Manuel of the Secwepemc (Shuswap) First Nation greets a delegation of Ainu women from Japan in the late 1970s. The Ainu are indigenous to the Japanese island Hokkaido. The women were part of a delegation from Japan sent to learn about First Nations in Canada.*

*George Manuel spent much of his life helping indigenous peoples around the world. Learn more about George Manuel and write a two-page profile of his life and work.*



the English word *nation* is from a Latin word meaning “birth.” In both languages, the concept of nation flows from a sense of birthright and family. In this view, a nation is a group of people who share common kinship, culture, history, language, beliefs, and values. This sense of nation links people by identity, but not necessarily physical location or territory.

A different definition maintains that a nation is a group of people occupying a particular territory with a common government. For example, Canada and the United States each have a distinct territory and independent government. Each is a nation that includes people with a variety of languages, cultural identifications, beliefs, and historic ties of kinship.

Neither of these definitions easily includes all **Aboriginal peoples** in Canada: **First Nations**, **Métis**, and **Inuit**. Some Aboriginal peoples that share a territory have a sense of common identity, such as the Inuit in the Arctic or First Nations with reserves. Other people who share a territory have different cultural identities, such as First Nations and Métis people in the Northwest Territories. Still others, like the Métis of western Canada, share a sense of identity, but lack a common territory.

### INDIGENOUS PEOPLES

A discussion of nations and their rights is not limited to Canada. Aboriginal peoples are indigenous to Canada, but indigenous peoples exist all over the world. **Indigenous peoples** originate from a particular territory, which they consider their

place of origin and their homeland. They are descendants of the land's original inhabitants. Aboriginal languages have their own ways of defining indigenous peoples. Nehiyaw (Cree) describes indigenous peoples as *ota ê-kî ahikoyabk kisê manitô*, which means “where the Creator placed us.” Blackfoot describes indigenous peoples as *Itoomitsipo'toaksi*, *iitoomita'pawaawahkaaksi*, or “those who were put here first, those who were here first.”

Indigenous peoples stand in contrast to immigrants, who move from one territory to make a new home in another territory. In some cases, immigrants are supported by their homeland in an effort to colonize the new territory. **Colonization** is the attempt to control another country and transform it into a replica of the colonizing country.

A significant difference between indigenous and immigrant peoples is illustrated by the following example, often used by Aboriginal peoples to explain the importance of preserving their languages. Immigrants to Canada might lose their languages, but could always return to their original countries to re-learn them. Their languages have their origins in other places. For Aboriginal peoples, Canada is their original country. Aboriginal languages that cease to exist in this country become extinct.

The word *nation* is sometimes used interchangeably with the word *people*. Used in this way, *people* is not the plural of *person*, referring to a group of individuals. In this special meaning, *people* is the group as a whole. A people has special rights recognized by international law. When we use the term *indigenous*



Indigenous communities, peoples, and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions, and legal systems.

— United Nations Special Rapporteur  
J. Martinez Cobo

According to Martinez Cobo, what history do indigenous peoples share? What goals for the future do they share? Why do they have these goals?

*peoples*, we mean indigenous nations — the groups who were first to inhabit specific territories around the world.

Around the world, each indigenous people has a different culture, history, and contemporary situation. The term *indigenous peoples* is broad and includes diverse groups. For example, some indigenous people, such as the Sámi people from northern Europe, are Caucasian, unlike many other indigenous peoples around the world. In Canada, because of their unique history and the language used in Canadian legal documents, indigenous peoples are more commonly referred to as Aboriginal peoples. *Aboriginal peoples* is an umbrella term that includes highly diverse First Nations, Métis, and Inuit groups.



## A SUMMARY OF COLONIAL HISTORY IN CANADA

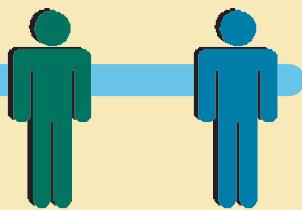
As you learned from the words of United Nations Special Rapporteur J. Martinez Cobo on page 5, indigenous peoples around the world have histories of colonization by other nations. Pages 6–7 review the history of the relationship between Aboriginal peoples and the governments that colonized Canada. Each group of Aboriginal people in Canada was affected differently by colonial policies, so all aspects of this summary do not apply to all Aboriginal groups. You will learn more about the specific experiences of First Nations, Métis, and Inuit peoples in later sections of this textbook.

The information on these pages is adapted from *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples*, which was published in 1996. It summarizes many centuries of history into four stages.

Most of this information is likely a review of material you learned in other courses. If this history is unfamiliar, do some of your own research. You might start by reading the full Royal Commission highlights document at [www.ainc-inac.gc.ca](http://www.ainc-inac.gc.ca).

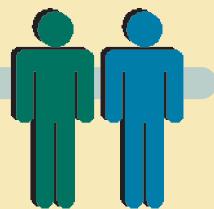
### Stage 1: Separate Worlds

There was a time when Aboriginal peoples (First Nations and Inuit) in the Americas and European peoples lived on separate continents and knew nothing of one another. Before 1500, societies in the Americas and in Europe developed along separate paths. The differences in their languages, cultures, and social traditions were enormous. On both sides of the Atlantic, independent peoples with their own social, economic, and political systems flourished and grew.



### Stage 2: Nation-to-Nation Relations

In the years after first contact, First Nations and European nations developed fragile relations of peace, friendship, and rough equality. Cautious co-operation, not conflict, was the theme of this period, which lasted into the eighteenth or nineteenth century, depending on the region. Early contact unfolded roughly as follows:



- mutual curiosity and apprehension
- an exchange of goods, tentative at first, then expanding steadily
- barter and trade deals, friendships and intermarriage, creating bonds between individuals and families
- military and trade alliances, creating bonds between and among nations

For the most part, First Nations and European nations saw each other as separate, distinct, and independent. Each was in charge of its own affairs. Each could negotiate its own military alliances and trade agreements. This co-operation was seen in treaties, both those in writing and those recorded by First Nations oral history and wampum belts, as well as in the Royal Proclamation of 1763.



### Stage 3: Respect Gives Way to Domination

In the nineteenth century, power tilted towards Euro-Canadian peoples and their governments. European settlers displaced First Nations and Métis peoples from much of their land and tried to impose European ways upon them. Euro-Canadian peoples gained power during this period from four changes that were transforming the country:

- The population mix was shifting to favour settlers. Immigration continued to add to their numbers, while disease and poverty diminished Aboriginal nations. By 1812, immigrants outnumbered Aboriginal people in Upper Canada by a factor of ten to one.

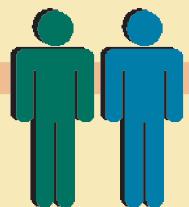
- The fur trade was dying, and with it the old economic partnership between traders and trappers. The new economy was based on timber, minerals, and agriculture. It needed land — not labour — from Aboriginal peoples, who began to be seen as impediments to progress instead of valued partners.
- Colonial governments in Upper and Lower Canada no longer needed Aboriginal nations as military allies. The British had defeated all competitors north of the forty-ninth parallel. South of it, the United States had fought for self-government against the British and won. The continent was at peace.
- An ideology proclaiming European superiority over all other peoples on Earth was taking hold. Europeans travelled throughout the world, taking charge of colonies to add to their countries' wealth. The ideology of superiority provided a rationale for policies of domination and assimilation that slowly replaced policies of partnership in the North American colonies.

Ironically, the transformation from mutual sovereignty to domination by Euro-Canadian laws and institutions began with the documents of the era of nation-to-nation relations: treaties and the Royal Proclamation of 1763. These documents offered First Nations peace and friendship, respect and some degree of equality, but also “protection.”

The government's policy of protection was the leading edge of domination. At first, it meant preservation of First Nations lands and cultural integrity from encroachment by settlers. Later, it meant assistance, which in reality meant help in assimilating into Euro-Canadian settler society. Policies of protection took the form of compulsory European-style education, economic adjustment programs, social and political control by federal agents, and more.

#### Stage 4: Renewal and Renegotiation

Policies of domination and assimilation battered traditional Aboriginal institutions, sometimes to the point of collapse. Poverty, ill health, and social disorganization grew worse.



Resistance to assimilation went underground. In the fourth stage of the relationship, resistance caught fire and began to grow into a political movement. One stimulus was the federal government's White Paper on Indian policy, issued in 1969.

First Nations were nearly unanimous in their rejection of the proposed changes. With Inuit and Métis communities, they began to realize the full significance of their cultural survival in the face of sustained efforts to assimilate them. They began to see their struggle as part of a worldwide human rights movement of indigenous peoples. They began to piece together the legal case for their continuity as peoples — nations within Canada — and to speak out about it.

This is the stage of contemporary Aboriginal political, economic, and social renewal in Canada.

#### REFLECTION

1. As a class, discuss each of the four stages, contributing additional information that you know from other courses or reading that you have done. In particular, think about how First Nations, Métis, and Inuit people's experiences differed from one another.
2. How useful do you find the Royal Commission's summary? Does it adequately portray the changing relationship between Aboriginal peoples and other Canadians? Would you divide the history into different stages or represent the history in a different way? If so, how and why would you do this?
3. Research background on the Royal Commission and prepare a summary that answers the following questions: Who? What? When? Where? Why? How?

## HUMAN AND ABORIGINAL RIGHTS

The period of renewal and renegotiation described on page 7 gained momentum in the 1970s, but actually began many years earlier. It began with a fundamental change in the way colonizing countries viewed colonized nations.

This change in attitude was expressed on December 10, 1948, when the United Nations adopted the Universal Declaration of **Human Rights**. This declaration asserted that no cultures and no individuals are superior to any others. The declaration stated that all people are equal and deserving of rights and dignity. These human rights are above any rights guaranteed by a constitution, set of laws, or government. A person has these rights simply by virtue of being human. Human rights are an inherent part of human existence.

Throughout colonial history, Europeans had acted under the belief that societies with more advanced technologies also had people who were more advanced. In centuries past, when European countries colonized new territories — Asia, Africa, and the Americas — they felt

Despite the Universal Declaration of Human Rights, the situation for indigenous peoples around the world did not always change for the better. In response, the United Nations issued its Draft Declaration on the Rights of Indigenous Peoples in 1989. The statement has been revised many times. With a partner, use the Internet to find copies of the Universal Declaration of Human Rights and the most recent Draft Declaration on the Rights of Indigenous Peoples. How do the two documents compare?

justified, under this belief of superiority, in attempting to change, control, or destroy the cultures they encountered.

To a great extent, World War II changed this thinking. In Germany, the Nazi government's extreme **racism** proclaimed that Aryan (non-Jewish Caucasian) people were genetically superior to others. These beliefs led to the systematic murder of millions of people. Individuals and countries around the world were horrified. Even before the war ended, a group of nations were working together to try to prevent anything similar from ever happening again.

In 1945, fifty-one countries formed the United Nations. According to the declaration of human rights adopted three years later, all peoples have the right to determine their own political, economic, social, and cultural futures without external interference from other nations.

In the years following World War II, most European colonial empires were dismantled, creating many more independent countries in the international community. European countries were recovering from an expensive war and could no longer justify having colonies — financially or politically. Nor could they justify them morally in the face of changing attitudes about equality and human rights.

Some countries, such as India, Sri Lanka, and Burma, became independent, as they had been before European colonization. Other countries, such as many of those in East and West Africa, were created from groups of formerly independent territories or kingdoms.

In other parts of the world, such as the United States and Canada, the situation for indigenous populations remained unchanged. Aboriginal peoples in North America were not recognized by the world community as independent nations.

### Aboriginal Rights

In the civil rights movement of the 1960s, African Americans demanded to have the same rights as other American citizens. This inspired Aboriginal peoples to make their own demands. In the United States, the American **Indian** rights movement expressed the rights of indigenous peoples in that country.

In Canada, First Nations, Métis, and Inuit political groups gained strength in their assertion of Aboriginal rights. **Aboriginal rights** belong to a group of people because of their position as indigenous peoples. They and their ancestors have a long history of occupying and using the land. This history entitles them to certain cultural and land rights.

The Aboriginal rights movement gathered momentum during the 1960s, but Aboriginal peoples' demands for self-determination began much earlier. For example, Métis calls for autonomy date back to the Red River settlements in the early nineteenth century. Many people consider the Battle of Seven Oaks in 1816 as the beginning of Metis nationalism. Leaders from the Six Nations Confederacy have declared their independence from British and Canadian authority since the late eighteenth century. Throughout Canadian history, First



*In 1923, a Cayuga chief named Deskaheh travelled to Geneva, Switzerland, to visit the League of Nations. Following World War I, the league was formed to resolve disputes between countries. Deskaheh asked the league to support the Haudenosaunee right to independence from Canada. Why do you think Deskaheh is wearing a feathered headdress that is part of Plains First Nations cultures, not his own?*

Nations, Métis, and Inuit groups have resisted Canadian government policies and legislation in ways that range from quiet **resistance** to armed conflict.

Most Aboriginal rights involve land. A **land claim** is when a group of people asserts its right to title or other rights regarding certain territories. **Aboriginal title** is a legal right to the exclusive use and occupancy of a specific territory, which is usually ancestral land. Both these terms will be explored in more detail in Chapters Three and Four.



Research the basic history of the American civil rights movement using a resource such as an encyclopedia. As a class, compare demands for equal rights to demands for Aboriginal rights. How are these rights different?

## COLLECTIVE AND INDIVIDUAL RIGHTS

All Aboriginal rights are **collective rights**, which means they belong to a group of people. For example, the traditional knowledge of a particular First Nation or Inuit group belongs to the whole group, including ancestors of the group and those who are yet to be born into the group. Traditional knowledge includes generations of experience with aspects of life such as the behaviour of animals, seasonal change, traditional medicines, and plant cycles. A few individuals in a group might be entrusted with this knowledge, but the information itself is collective property.

In Blackfoot, the concept of a collective right to land is described as *O'kiowaissksaahko. Kimaatotamsksaahkoominnoona. Manaakitapiiwa mattsito'tohkoikiwai*. (The land is collectively owned by our people. It is not ours alone. The ones who have not yet been born have a right to it, too.) In the Cree language, a similar concept is expressed by *Kisê manitô ôta ê-kî ahikoyabk ta nâkatteyihtamabk ôma askiy*. (The Creator has placed us here to look after this land.) The Dene Sûliné say *Setsune adi nubni theb dja nahide hib*. (Grandmothers say that this is our land. The Dene Sûliné are the first people of North America.)

In contrast, cultures based on Western European philosophical thinking tend to define rights in individual terms. **Individual rights** protect people's ability to pursue their lives in their own self-interest. This worldview asserts that what is good for an individual might not be

good for the group. For example, individuals living on the land might want to hoard food to make sure they have enough to survive a long winter, even if this means other people in their group will not have enough to eat.

In reality, most governments protect people's rights to pursue their own interests only as long as this pursuit does not infringe upon other people's ability to do the same. The purpose of a government is to ensure balance between various individual self-interests. If the act of hoarding food did not prevent other people from hoarding their own food, that right would be protected.

Traditional Aboriginal forms of governance did not distinguish between individual self-interest and the interests of the group. They were seen as one and the same. Individuals who act against the good of the group would be perceived as acting against their own interests as well.

Using the example of the individual hoarding food, such selfishness would be perceived as a foolish depletion of the individual's support network. What if the individual survived the winter, but became sick or injured and unable to hunt in the spring? Without the support of the group, the person might not survive.

The collective rights that belong to an Aboriginal group vary from nation to nation and community to community, depending on their history and culture. For example, one First Nation may have an Aboriginal right to fish, while another may have a right to hunt moose. Aboriginal leaders maintain that these rights include everything necessary to live

a good life, including rights to land and the right to preserve language, values, and political, economic, cultural, legal, and spiritual systems. In the Canadian legal system, Aboriginal rights are defined on a case-by-case basis by the courts. Chapters Two, Three, and Four explore the implications of this process.

### INHERENT RIGHTS

Aboriginal rights are inherent rights. **Inherent rights** cannot be taken away, transferred, or surrendered. Inherent rights cannot be given, but can be recognized, by a government. These rights are sometimes called **inalienable** rights.

Aboriginal leaders often stress that their nations have the inherent right to **sovereignty**, or independence, and have had this right from time immemorial. The right was never lost, although the ability to exercise the right may have been.

Some people misunderstand and respond negatively to a demand for sovereignty, seeing the demand as the desire to separate from Canada. Most Aboriginal leaders do not want to pursue separation, but want to prevent the federal government from imposing rules upon or interfering in Aboriginal ways of life.

Perhaps because sovereignty can be a controversial term, most Aboriginal leaders call instead for the right to self-determination. **Self-determination** allows control over such areas as education, cultural preservation, economic development, and government. Self-determination is ultimately the right of a nation to determine its own future.

Many leaders frame this demand as the desire for self-government, through which they hope to achieve all the goals of self-determination. **Self-government** is a community's right to make decisions about matters internal to the community. It is also the most common means of achieving self-determination in Aboriginal communities today, and has become an integral part of land-claims negotiations.

#### A Declaration of First Nations

We the Original Peoples of this land know the Creator put us here.

The Creator gave us laws that govern all our relationships to live in harmony with nature and mankind.

The Laws of the Creator defined our rights and responsibilities.

The Creator gave us our spiritual beliefs, our languages, our culture, and a place on Mother Earth which provided us with all our needs.

We have maintained our Freedom, our Languages, and our Traditions from time immemorial.

We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the land upon which we were placed.

The Creator has given us the right to govern ourselves and the right to self-determination.

The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other nation.

— Assembly of First Nations

### LOOKING BACK

Create a concept map that shows relationships between all the bolded words in this section. Add details or examples that will help you remember what each concept means.

## Independence and Interdependence

### AS YOU READ

When Europeans first arrived and began to explore North America, the First Nations and Inuit peoples they encountered had diverse political, economic, social, and spiritual systems. Each group was an independent nation. Relationships between groups were conducted accordingly, with nation-to-nation negotiations and agreements.

For many years, European nations worked within these systems. Until the end of the eighteenth century, Europeans, First Nations, Inuit, and later Métis people, negotiated relationships with one another as independent nations. Pages 12–18 describe traditional First Nations ways of thinking about their world and the place of other nations within it. As you read, make a list of the values that underpin this view of the world and how agreements between different nations showed these values.

**A** WORLDVIEW IS THE PERSPECTIVE FROM WHICH A PERSON PERCEIVES, UNDERSTANDS, AND REACTS TO THE WORLD AROUND THEM. AN INDIVIDUAL'S WORLDVIEW IS SHAPED BY AGE, GENDER, EXPERIENCE, FAMILY HISTORY, AND LANGUAGE,

*First Nations and Inuit oral traditions include creation stories, such as the one represented by Bill Reid's sculpture The Raven and the First Men. Creation stories explain how First Nations and Inuit peoples came into existence and how they and other elements of creation should live on the land. Find the Haida creation story represented by this famous sculpture and compare it to a creation story from a local First Nation. How do the stories show the people to be an indigenous part of their land?*

among other characteristics that make individuals unique. However, people from the same culture tend to share relatively similar worldviews. This results from a shared cultural history, spiritual or religious beliefs,



language, institutions, geographic environment, and other factors.

There is no single First Nations culture or worldview. First Nations differ from one another just as European nations differ from one another. That said, First Nations cultures share many general features in their approach to the world. Inuit people and some Métis people share similar cultural beliefs. Despite the similarities, keep in mind as you read this section that each Aboriginal group has its own way of expressing these beliefs through unique symbolism, customs, and institutions.

This discussion focuses upon **traditional** First Nations worldviews, which were those common before regular contact with European cultures began in the sixteenth century. Some traditional First Nations people today hold beliefs that stem back to this time period.

In general, First Nations worldviews are **holistic**. This means they focus on the whole of creation, rather than on individual parts of creation, such as humans. In this sense of the world, people are simply one part of the universe, no more or less important than any other. The Creator put humans on Earth and provided everything needed to live a good life. In return, humans are required to respect **natural laws**. Natural laws are those that can be learned over generations by closely observing how the natural world works.

Although each First Nation traditionally lived in a specific territory, it did not see itself as the owner of the land in the European sense. Nations, clans, and family groups sometimes asserted control

over their **traditional territory** — determining who could hunt or farm there, for example — but the concept of individual land ownership was alien. Rather, traditional beliefs hold that the people and the land are intertwined, along with other living things and spirits — all living under the Creator's laws.

The Creator's teachings are reinforced through the **oral tradition**, which is the collection of spoken words that pass down a culture's teachings from generation to generation. This tradition is the philosophical basis of First Nations cultures.

A holistic attitude applies to interpersonal relationships as well. As you learned in the discussion of collective rights on pages 10–11, First Nations cultures traditionally focus on the interests of the group rather than the interests of the individual.

This worldview translates into economic practices of sharing and **mutual support** — key strategies for living on the land. Each person depends on others and in turn is depended upon. By supporting one another, the group as a whole is stronger. Individuals are seen as **interdependent** components of a whole.

Politically this worldview translates into practices such as **consensus** decision making and community participation. Decisions made through consensus are reached through discussion and general agreement among members of a group, rather than by voting or the will of the strongest. Individuals have **personal autonomy** — independence, or the freedom to choose their own course of action. Leaders are supported by their community

Under Cree law, the traditional lands of the Pimicikamak people do not belong to them. Rather, the people belong to the land. They are the stewards of the land. The land provided the means of their survival since the last Ice Age more than 10 000 years ago.

— Pimicikamak Cree Nation, *Power Positive Project: Legal and Human Rights Issues*

Our roots are deep in the lands where we live. We have a great love for our country, for our birthplace is here. The soil is rich from the bones of thousands of generations. Each of us was created in these lands and it is our duty to take great care of them, because from these lands will spring the future generations of our peoples. We walk about with great respect, for the Earth is a very Sacred Place.

— Sioux, Navajo, and Iroquois Declaration, 1978

because of their wisdom, rather than their ability to coerce others. Harmony depends on balance between personal autonomy and the needs of the group, or independence and interdependence.

The cultural importance placed on living in harmony within a group was traditionally extended to other nations. First Nations recognized and respected each other's right to exist, make decisions, and pursue ways of life according to different spiritual and cultural beliefs. Most First Nations have traditional practices of non-interference in the affairs of other nations. In return, they expected the same respect from others. For example, most groups respected one another's traditional territories. Where conflicts occurred, **treaties** were a traditional method of resolving problems. Treaties are agreements between sovereign nations.

## EARLY TREATIES

First Nations had always encountered other groups, whether through trade, exploration, or seasonal **migrations**. Such encounters sometimes led to conflict, but more often to a peaceful exchange of goods, ideas, and values.

Some treaties ended war, while others affirmed trading ties and promoted marriages among families of different nations. The principle of mutual respect governed all treaties. Each participant in a treaty process treated other participants with respect in a reciprocal relationship of giving and taking. Treaties worked well between First Nations because participants generally shared a similar worldview.

As in Europe, some First Nations treaties settled conflicts about land. However, First Nations land disputes were significantly different from European land disputes. First Nations conflicts involving land generally concerned use of the land's resources, not ownership of the land itself. Such ownership was not even possible in traditional First Nations worldviews. Treaties sorted out how each nation would relate to each another and the available resources.

Early treaties (those before European domination in North America) reflect traditional First Nations values and goals for relations with other peoples: mutual respect, independence, and interdependence between sovereign groups and the land.

### The Great Law of Peace

One of the most famous treaties between First Nations was the Great Law of Peace. Sometime before 1450, the Haudenosaunee nations of the Mohawk, Oneida, Onondaga,

Cayuga, and Seneca agreed to form a **confederacy** in which each nation would live with the others in peace and harmony. Before this agreement, these nations had endured years of conflict: nation against nation, village against village, clan against clan.

According to Haudenosaunee oral history, a prophet named Dekanawideh (Peacemaker) came across Lake Ontario, from the north, to deliver a vision of peace and union to the Haudenosaunee. Some stories have him travelling in a white stone canoe so that others would see proof of his message's power. Despite this proof, he was unable to convince any Haudenosaunee leaders to heed his word. Some stories say that Dekanawideh travelled with his message of peace for over forty years before finding success. Most versions of the story say a woman named Jikonsahseh took Dekanawideh in and fed him. She was the first to accept his message of peace and she encouraged him to continue his mission.

The first leader to accept Dekanawideh's message was Hiawatha, a Mohawk-Onondaga man who was searching for an alternative to the conflict hurting his people. Over time, Dekanawideh and Hiawatha spread the message of peace throughout Haudenosaunee lands. They won over their last opponents at a great assembly of leaders on the southern shore of Onondaga Lake.

The Great Law of Peace this assembly agreed upon became the founding constitution of North America's first federal democracy. A **constitution** is a set of institutions and principles that govern a country or group of people. The Haudenosaunee Confederacy and

its constitution is thought by many to be one of the models used by the men who framed the United States constitution many years later.

The Great Law of Peace defined the rights of individuals and the rights of member nations. Each nation was considered independent. The Grand Council of the Confederacy was established as a forum to discuss issues of common concern, such as resolving disputes or defence. Each nation was represented by its leader in the Grand Council, and each leader was considered equal to the others.

Leaders did not vote, and instead discussed all issues until consensus was achieved. Even if it took time, consensus was the only way a decision could be made. This kept harmony between the nations because there was never a dissenting minority.

Besides defining the rights and responsibilities of the confederacy government, the Great Law of Peace also outlined the rights of foreign nations and the rights of war. Foreign nations had the right to a national territory, to join the confederacy, and to promote peace with member nations. In times of war, the confederacy had the right to self-defence, to occupy the territory of an enemy, and to establish treaties of peace and friendship.

The Great Law of Peace was recorded in the Hiawatha Belt, a series of belts and strings made of wampum, which are beads made of shell. Wampum belts and strings were used to record significant events and agreements. In 1722, the Tuscarora people entered the confederacy and it became known as the Six Nations Confederacy.



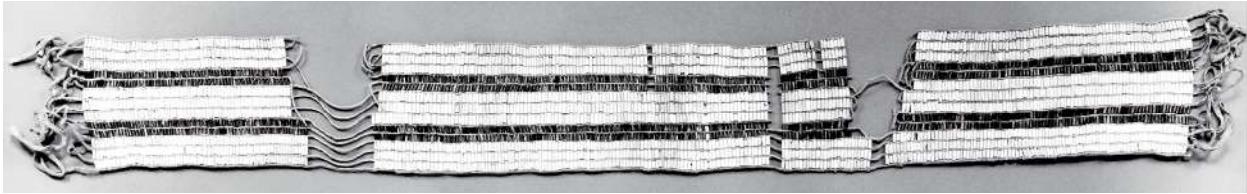
*The territories shown for each nation of the confederacy are main areas of occupation. Each nation also used the resources of a wide surrounding region.*

### Indigenous Knowledge

A photograph of the Hiawatha Belt is inset in the map of the Confederacy of Five Nations. From left to right, each figure on the belt represents the original five nations of the confederacy from west to east. The nations are joined by a bar that links them all. How does the wampum belt's symbolism reinforce principles of independence and interdependence?

### The Guswentah (Two Row Wampum) Treaty

One of the earliest treaties between First Nations and Europeans was the Guswentah (Two Row Wampum) Treaty of 1645. It was the first treaty the Haudenosaunee Confederacy negotiated with Europeans. The Dutch wanted to establish a trading fort on Haudenosaunee lands, so the confederacy proposed a treaty of mutual respect and peaceful co-existence.



One dark row of the Guswentah Treaty wampum belt represents a canoe and the other a European sailing ship. Each vessel is symbolic of the people's customs and laws. The parallel paths on the belt mean that the nations should remain separate and equal forever.

According to the Two Row Wampum Treaty, the nations declared their intention not to interfere in each other's internal affairs. The treaty recognized the rights of each nation to maintain its own traditions, customs, values, and ways of living. In addition, the treaty allowed the nations the right to establish relationships with other groups in accordance with their own laws, traditions, and customs. In other words, the treaty established a relationship, but allowed each people to retain complete political, economic, and cultural independence.

After much discussion and debate, the Grand Council of the Confederacy approved the treaty. The Grand Council declared that the treaty was an expression of the right of the confederacy to retain its full independence and sovereignty as a nation. The terms of the treaty were symbolized by two rows of purple beads on a wampum belt.

This treaty became the standard of all future treaties between the Haudenosaunee and European nations. For example, in 1674, the British accepted the Guswentah Treaty when they took over the Dutch colony. In 1701, in Montreal, the Haudenosaunee signed a treaty of peace and mutual understanding with the French, ending almost a century of hostilities.

With the Treaty of Fort Stanwix, signed in 1768 between the British and the Haudenosaunee, the Crown

tried to honour the spirit of the Guswentah Treaty. It sought to end the sale of traditional Haudenosaunee lands to British settlers without the British monarch's approval. Unfortunately, the treaty did not stop settlers from seizing First Nations land. Britain was losing control of settlers in its Thirteen Colonies, which are now part of the United States.

When the Thirteen Colonies rebelled against British rule in 1775, some Haudenosaunee joined the American side against the British. Others sided with the British. However, most Haudenosaunee did not view the conflict as their own and refused to take sides. Some American rebels saw this neutrality as support for the British, and drove thousands of Haudenosaunee from their homes.

In 1794, following the end of the War of American Independence, the American government signed a treaty with the Haudenosaunee. The Canandaigua Treaty is the only formal agreement signed between the United States and the Haudenosaunee Confederacy. In it, the United States agreed to respect Haudenosaunee territory. All Haudenosaunee nations sent representatives to the treaty signing and accepted the agreement with a large wampum belt. Today, Haudenosaunee nations view the Canandaigua Treaty as the United States's admission that the Haudenosaunee Confederacy is a sovereign nation.

### Agreement of 1844

In the early 1840s, the Dakota Nation had come to resent the Métis people living to the north. Both peoples relied on the buffalo hunt for their livelihood. For the Dakota, the animal also had great spiritual significance. Around this time, Métis people were hunting larger numbers of buffalo for trade and food for the expanding Red River settlements. This led Métis hunters farther south into traditional Dakota hunting grounds.

Dakota resentment built up until one day a dozen Dakota hunters killed Métis hunter Louison Vallé after finding him and his son cutting up a buffalo in Dakota territory. The Métis retaliated by killing eight Dakota. The matter was settled that year through negotiation between Métis leaders and one of the Dakota Nation's leaders. The peace did not last.

During the 1844 buffalo hunt, Cuthbert Grant, leader of the Métis hunt, witnessed several conflicts between Métis and Dakota hunters. After the hunt, four Dakota leaders sent a letter to Grant requesting compensation for the deaths of sixteen young men.

In reply, Grant refused compensation, but offered peace. The excerpt that follows is from the response by the Dakota leaders who accepted Grant's offer.

*Friends, — I, the afflicted father of one of the young men killed by you, wish that he who killed my son should be my son in his stead. He had two feathers on his head. Ne Tai Ope*

*Friends, — Among the young men killed by you, I have a nephew. He who killed him I wish to be my nephew. He was the smallest of all the unfortunates.*

*Friends, — You killed my son, he was brave, San-be-ge-ai-too-tan. He who pointed the gun at him, I wish to be my son. He had a feathered wand in his hand. I send it by Lange [the messenger] to my adopted son. Tah Wah Chan Can...*

Following First Nations traditions of forming **alliances**, or partnerships, the leaders most offended by the conflict — those who lost family — offered to accept their enemies as kin. Kinship ties, whether through adoption or marriage, were traditionally one of the most significant means of forming alliances between groups. The system of mutual support and interdependence between individuals within one nation would extend to relationships between nations.

The peace agreement was tested the following year. During the 1845 hunt, a Métis hunter killed a Dakota hunter. Grant had the Métis man arrested. He was convicted and hanged for his crime. Grant's word and the agreement stood.



Cuthbert Grant, Jr., was born in 1793 in Red River. His father, Cuthbert Sr., was a partner and trader with the North West Company. His mother was a Métis-Cree woman.



Research the life of Cuthbert Grant and his contributions to the Métis Nation. From the perspective of someone who lived in his community, write a tribute to Grant as a leader. The tribute could be in a letter or speech.



## EVALUATING EARLY TREATIES

Contemporary Aboriginal demands for self-determination and self-government often refer to early treaties as examples of Aboriginal people's historic sovereignty over the land. Early treaties followed traditional First Nations leadership and governance practices rather than European customs. All treaties, whether signed by European nations or First Nations, have the same legal status in international law.



### Do early treaties support the right to self-government?

#### WHAT TO DO

1. Form groups of three or four students. Imagine that your group is to make a presentation to a Royal Commission on Self-Government. Your job is to research the circumstances of an early treaty between First Nations or between First Nations and European nations. Try to answer each of the questions that follow in your research:
  - What groups were involved in the treaty?
  - Were their worldviews different or similar? Explain.
  - What were reasons on both sides for supporting the treaty? Were goals compatible?
  - What were immediate results of the treaty?
  - What is the treaty's significance today? Analyze any long-term effects. Some effects may be indirect. For example, the Haudenosaunee were an influential force in the early fur trade because the Great Law of Peace had made their confederacy so strong.
  - How did the treaty recognize independent First Nations governments?

- How did the treaty recognize interdependence between sovereign nations?
  - How does independence and interdependence reflect traditional First Nations worldviews?
2. Compile your research in a concisely worded one-page document that can be read aloud to the Royal Commission. Select one member of your group to present your findings to the rest of the class.

#### Thinking About Your Project

As a class, discuss whether you think early treaties reinforce contemporary Aboriginal rights claims. List specific examples.

#### LOOKING BACK

Refer to the notes you began making on page 12 about the values governing early treaties. What kinds of expectations towards the treaty process might these values create? What kinds of rights are guaranteed by these early treaties? How are these rights related to independence and interdependence? Before moving to the next section, create a timeline of events discussed in this chapter so far.

# Colonization

AT THE TIME OF FIRST CONTACT WITH NORTH AMERICA's INHABITANTS, EUROPEAN CULTURES COULD NOT HAVE BEEN MUCH MORE different from First Nations and Inuit cultures. In the sixteenth century, European cultures were in the midst of radical changes. For centuries, most of Europe had operated under a **feudal** system. This meant that countries had monarchs, but power was spread out among the nobility. Nobles ruled over large estates and peasants worked for the nobles or paid them taxes for use of the land. It was a hierarchical system with little or no opportunity for advancement. People were born into and lived their lives in rigid social classes.

By the 1600s, however, power had become much more concentrated in the hands of monarchs, and nations had become much more clearly defined. As the power of monarchs grew, so did their ambition. They began to look beyond their borders, and even beyond their continent, in the quest for greater power, influence, and resources. The age of **imperialism** had begun. European countries began to acquire colonial empires around the world. The colonies were considered possessions; their purpose was to contribute to the mother country's wealth and prestige.

Most Europeans in the sixteenth century shared a worldview: they saw themselves as entitled to power over non-Europeans. In their view, European cultures represented the peak of human civilization and military strength.

## AS YOU READ

The Guswentah Treaty's terms of peace and friendship were typical of early treaties between First Nations and European nations. In the 1600s and 1700s, Europeans wanted to ensure friendly relationships with the Aboriginal peoples who surrounded and outnumbered them. Europeans often depended on these nations to assist them with their military goals towards other European nations on the continent. They also wanted Aboriginal peoples as trading partners.

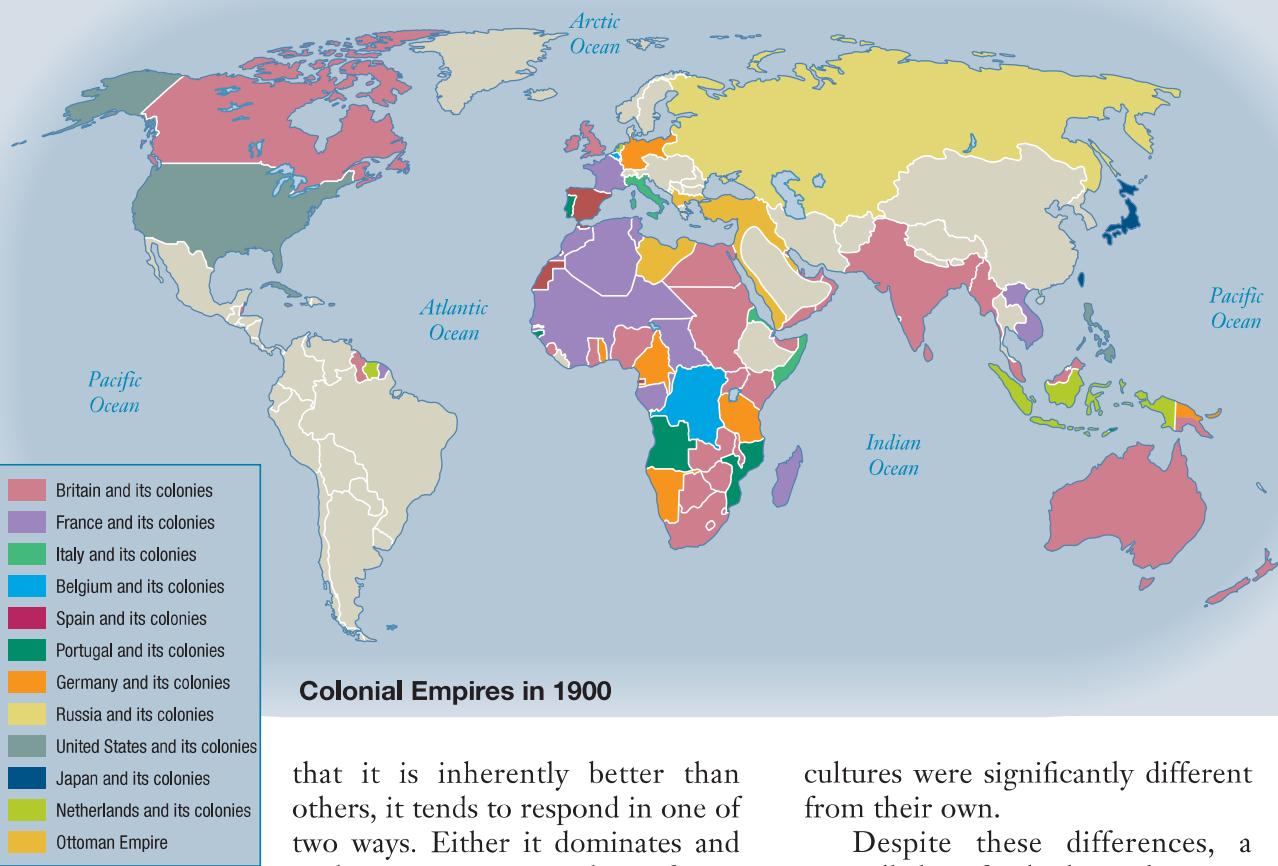
Underneath this peaceful co-existence, however, lay significant differences in worldview. By the mid 1800s, those differences started to become more apparent. As you read this section, add to the timeline you began on page 18.

Their concept of time was linear, with their countries at the leading edge of progress. The rest of the globe was theirs for the taking, to be divided up among the strongest and best.

This worldview reflected the concept of Social Darwinism. Social Darwinism proposed that the evolutionary theories of the naturalist Charles Darwin (1809–1882) could be applied to human society. According to this belief system, people who get ahead in society are the most fit and deserving. Inequality is a natural condition of life.

In general, European belief in their own superiority was so firm that colonial powers felt they were doing the rest of the world a favour by spreading European culture far and wide.

Different cultures can successfully co-exist under the right conditions. First Nations and Inuit peoples had managed this for centuries. Problems emerge, however, when one culture views itself as superior to another. Once a nation decides



*The system of colonial empires shown on this map was not dismantled until after World War II. Consider the importance of geography in the development of colonies. Why do you think Africa had so many different colonizing countries? Why did North America have relatively few?*

that it is inherently better than others, it tends to respond in one of two ways. Either it dominates and exploits nations it considers inferior, or it tries to “help” them, which usually means coercing the colonized to be more like the colonizers.

Many colonizers saw themselves as performing God’s work. Christian churches believed they had both a right and a duty to convert non-Christians to their faith. Along with political colonization, European nations pursued religious colonization. They saw non-Christians as those needing spiritual salvation — by force, if necessary. The Roman Catholic church placed a particularly high priority on converting people with other belief systems.

### CLASHING WORLDVIEWS

When Europeans and First Nations in North America began to interact regularly in the early sixteenth century, they were curious about one another. They quickly recognized that the other peoples and

cultures were significantly different from their own.

Despite these differences, a mutually beneficial relationship grew over time. Each group had something to offer the other. The Europeans brought trade goods that made First Nations peoples’ lives easier. First Nations helped early settlers survive and their land supplied them with natural resources. Each group contributed knowledge to the other with benefits to all. Over time, they developed many agreements and alliances that led to relatively peaceful co-existence. A new people — the Métis — were a result of this partnership at the social, economic, and personal levels.

Beneath this relationship, however, lay profound differences. First Nations and Europeans viewed the world (and their role in it) in fundamentally different ways. As time passed, the differences between First Nations and European worldviews became more significant. By the eighteenth century, the time of

peaceful co-existence was beginning to draw to a close.

Once the colonists felt securely established and their numbers grew, they became more assertive about reshaping the colony into familiar institutions. They began to need First Nations' land more than their co-operation and guidance. As their priorities changed, Europeans became less willing to accept co-existence with First Nations. Increasingly, Europeans wanted to control and change First Nations cultures.

This change in attitude coincided with the weakening power of First Nations because of many factors, including disease and the decline of the fur trade. European and First Nations cultures began to clash, with long-lasting harm to First Nations people and their cultures.

Canada's history would have been far different if the relationship between First Nations and Euro-Canadians had remained one of peaceful co-existence. Instead of allowing their two worldviews to collide, they might have been able to shift them so that they were both headed in the same direction. First Nations' oral history indicates that this was the intention of First Nations in making agreements with the newcomers. In 1763, the British government seemed to affirm this same understanding when it issued the Royal Proclamation.

## ROYAL PROCLAMATION

According to the British government's own system of **common law**, a set of unwritten legal precedents, First Nations held title to their land. They had rights to the land because

they were the original occupants. This view was formally written into law in the Royal Proclamation of October 7, 1763. The events leading up to the proclamation illustrate how First Nations were on the cusp of a change in their relationship with colonizing powers. These events began three years earlier, with the end of French power in North America.

In 1760, the Capitulation of Montreal ended Britain's war with France in North America. Britain took control of all North American territory east of the Mississippi River. However, in the spring of that year, the British found themselves scrambling to contain an uprising known as Pontiac's Rebellion.

Pontiac's Odawa (Ottawa) First Nation, along with several allied First Nations, were unhappy with the British regime for several reasons. Immediately after taking over North American territories from the French in 1760, British Commander-in-Chief Jeffrey Amherst ordered the end of gift distributions to First Nations. In his view, the annual gifts amounted to bribes that the colony could not afford.

To First Nations, the gifts and associated ceremonies were a symbolic renewal of friendly relations between nations as well as a price for using their land. Gift-giving was an essential part of traditional treaties. It symbolized the reciprocal relationship of giving and taking that formed the basis of mutual support and harmony.

First Nations did not view the French defeat as their own defeat. They had seen the French as tenants

*In 1763, Chief Pontiac signed treaties with the British government to end a series of armed conflicts he had led against the colonizing power.*

*At the treaty signings, he was clear that he was making peace, not surrendering land.*



- ❶ on their land and, when Britain took over, First Nations believed they would continue the same relationship with the British.

As First Nations experienced shortages of the guns and ammunition they had grown to depend on during French tenure, many viewed Amherst's ruling as a sign of disrespect. In addition, the British did little to discourage settlers from moving onto First Nations lands, and many British traders acted without regard for the needs of their First Nations partners.

After three years of growing discontent, many First Nations had had enough. In the spring of 1763, a group allied under Pontiac's leadership put Fort Detroit under siege and captured nine other forts. Not interested in the forts themselves, the First Nations generally took what they needed from fort supplies and left for their winter hunting grounds. Pontiac's military success made British officials nervous about their ability to hold on to power in the territory.

The Royal Proclamation was designed to prevent future uprisings and to strengthen British government control over formerly French territories. It is significant today for several reasons.

The proclamation uses the phrase "nations or Tribes of Indians." This phrase provides support for First Nations assertions today of their rights as sovereign nations. A sovereign nation has independence, the right to a specific territory, and the ability to conduct its own affairs without interference. First Nations argue that they were not conquered in a war. The proclamation does not refer to them as subjects of the Crown. Therefore their right to sovereignty has never been extinguished, or ended permanently.

The proclamation also acknowledged that First Nations held title to the lands west of the Appalachian Mountains and said that these lands, "not having been ceded to or purchased by Us [the Crown], are reserved to them, or any of them, as their Hunting Grounds."

In addition, the proclamation forbade colonists to enter into any private land negotiations with First Nations because "great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests, and to the great Dissatisfaction of the said Indians." The document stated that, in the future, only Crown representatives would be able to negotiate the purchase of First Nations territory.

In recognizing First Nations' title to the land, and in asserting the Crown's exclusive right to negotiate with First Nations, the Royal Proclamation laid the foundation for all future land agreements between First Nations and the government in Canada. Its importance and continued relevance was affirmed

again when the Royal Proclamation was specifically mentioned in the Canadian Charter of Rights and Freedoms in 1982.

However, the Royal Proclamation also established a **paternalistic** attitude towards First Nations. This means it took a tone of superiority and assumed powers over First Nations. For example, the proclamation unilaterally put the Crown in the position of intermediary between First Nations and settlers. From this position, it had the power to decide what agreements could be made to take First Nations' land and what kinds of compensation First Nations could receive in return. First Nations had no voice in these decisions. This paternalism became even more significant in subsequent treaty negotiations during the late nineteenth century.

### BRITISH NORTH AMERICA ACT

Throughout the 1800s, European settlers gradually occupied more and more of what is now Canada. The British colonial government signed treaties with First Nations whenever it needed more land for these settlers.

In 1867, the British North America Act created the Dominion of Canada. As part of creating the new country, it transferred the British Crown's relationship with First Nations to the Canadian federal government. This act is significant today because it means that a First Nation has the right to negotiate self-government and land claims with the federal government as one sovereign nation to another.

Chapter Two discusses this relationship in the past and present in terms of Aboriginal peoples' ability to be self-governing nations.

### ROYAL PROCLAMATION OF 1763

The introduction to the Royal Proclamation stated that it was

Just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of our Dominion and Territories as, not having been ceded to or purchased by Us, are reserved to them or any of them as their Hunting Grounds.

#### REFLECTION

How might this preamble be interpreted as stating British possession of the land to which it refers? How might it be interpreted as affirming First Nations possession of the same land? Which words or phrases give rise to this confusion?

#### LOOKING BACK

In your notes, use a concept map, table, or other technique to describe key ways European and First Nations worldviews differed from each other in the sixteenth century. In your opinion, do these differences still exist today? Explain your answer.

Explain the significance of the following in terms of Aboriginal rights: Great Law of Peace, Guswentah Treaty, colonialism, Royal Proclamation, British North America Act. Be sure each is noted on your timeline.

## Numbered Treaties

### AS YOU READ

After Confederation in 1867, treaty-making between First Nations and Canada became increasingly systematic. Between 1871 and 1921, the Canadian government negotiated eleven treaties with First Nations across the West to free up more land for settlement. These treaties, known as the numbered treaties, were supposed to balance the needs of incoming settlers with the traditions of the First Nations.

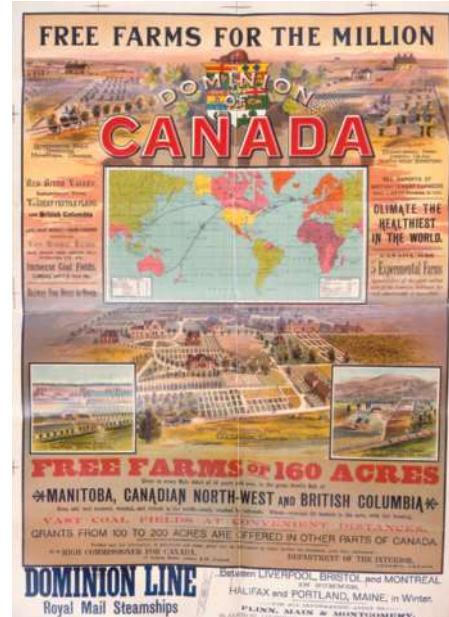
First Nations approached treaties with Europeans the same way they had always approached treaties with each other. The overall objective was to establish a relationship based on peaceful co-existence and shared resources.

Write the questions that follow in your notes: Why did the Canadian government pursue the numbered treaties? Why did First Nations agree? What rights are part of these treaty agreements? How were Euro-Canadian and First Nations understandings of the agreements different? How did treaties fit into Canada's evolving colonial policies? As you read this section, make notes that answer each question.

BEFORE CONFEDERATION IN 1867, TREATIES BETWEEN FIRST NATIONS AND EUROPEANS RECOGNIZED THE POLITICAL AUTHORITY OF EACH SIGNATORY. PRE-CONFEDERATION TREATIES DID NOT OFTEN INVOLVE LAND

- transfers and compensation; most instead dealt with political, trade, and military issues. European colonial governments dealt directly with First Nations until 1867, when the newly created Canadian government took over treaty-making responsibilities.

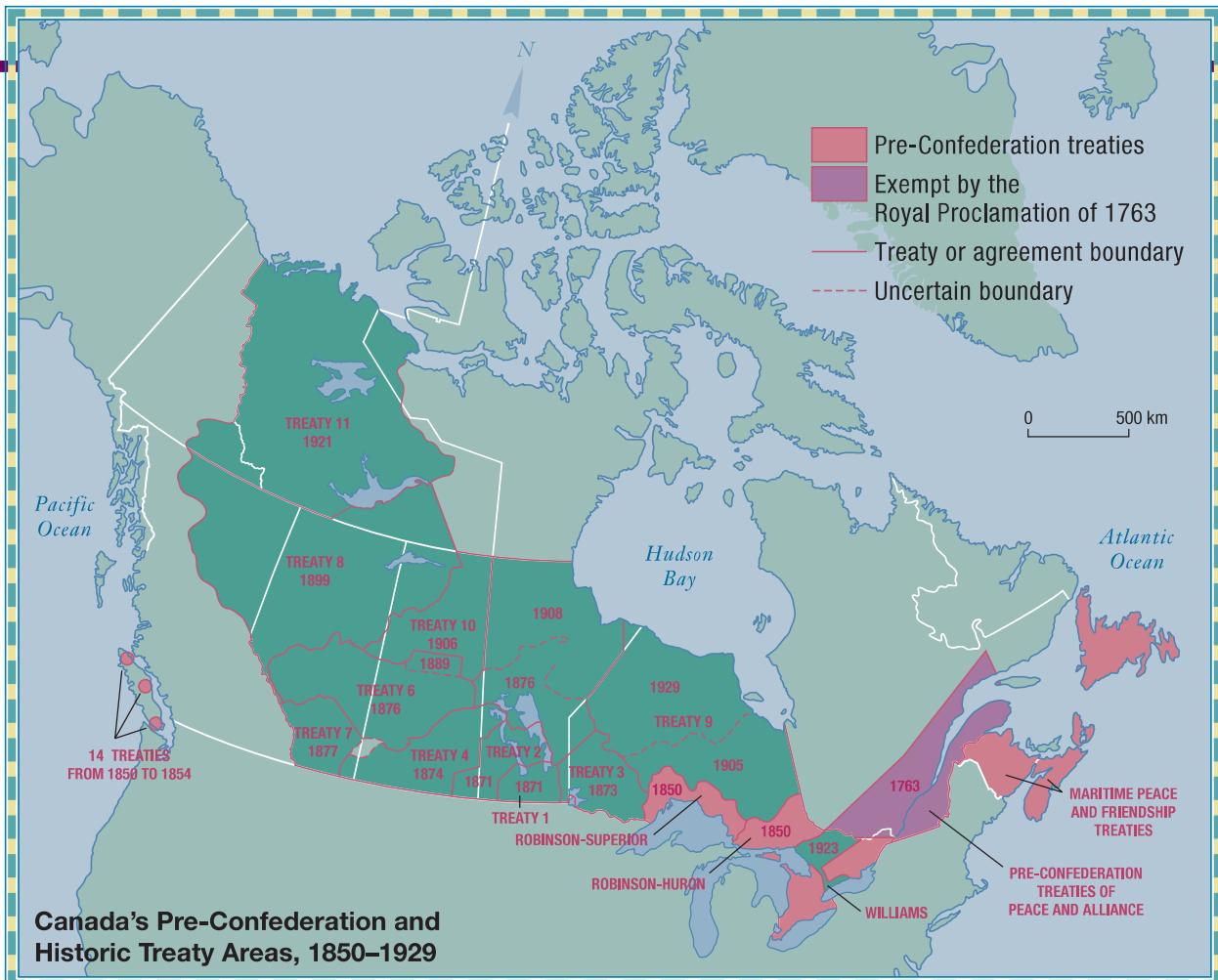
- With Confederation in 1867, the Canadian government inherited the British Crown's relationship with First Nations. The Royal Proclamation required the federal government to negotiate with First Nations in order to open up more territory for settlement. This was the primary goal for the new Canadian government.



After Confederation, the federal government actively recruited settlers from Europe with posters such as this one from 1890. What do you think about the government's assertion that the land is free? What costs did European settlement have for First Nations? Create a poster or other artwork that shows a different perspective.

By 1867, Europeans in Upper Canada already outnumbered First Nations people by a wide margin. Before long, the pressure for land began to spread westward. On December 1, 1869, the Canadian government bought Rupert's Land from the Hudson's Bay Company for \$300 000. Suddenly Canada was responsible for vast new areas, from northern Quebec to the Rocky Mountains and Arctic.

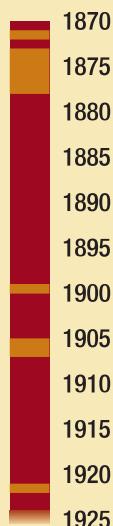
The government began to negotiate treaty agreements with First Nations in the region so it could open up the West to settlement. The treaties were numbered in order as they were settled.



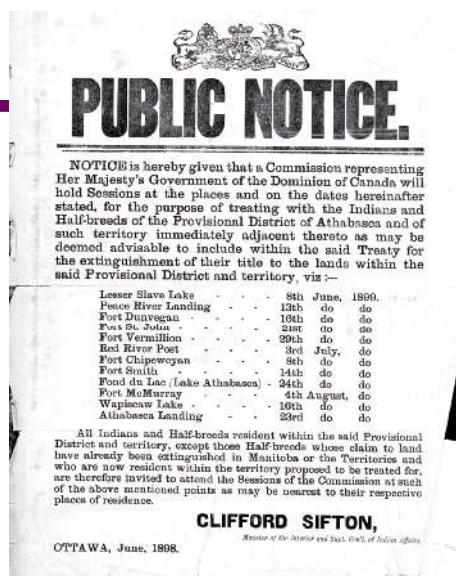
Treaties in Canada usually fall into three categories: pre-Confederation treaties that were concluded prior to 1867, the numbered treaties, which were concluded up to 1921, and the modern treaties, which are settled land-claim agreements.

## NUMBERED TREATIES (1867–1921)

1871 Treaty One	The federal government wants land for farming. First Nations are expected to adapt to an agricultural economy instead of hunting, fishing, and trapping.
1871 Treaty Two	
1873 Treaty Three	
1874 Treaty Four	
1875 Treaty Five	
1876 Treaty Six	
1877 Treaty Seven	
1899 Treaty Eight	The federal government wants to secure overland access to Yukon gold discoveries.
1905 Treaty Nine	The federal government wants to secure access to natural resources such as timber in northern Ontario.
1906 Treaty Ten	
1921 Treaty Eleven	The federal government initiates treaties after discovery of oil at Fort William.



This poster was displayed in public places during the summer and fall of 1898. The government hoped it would encourage First Nations and Métis people to meet with the treaty commission.



The numbered treaties mark a significant change in the government's goals and priorities for treaty-making. At this time, the fur trade was beginning to decline and the Canadian government's focus was shifting towards settlement and industry. The government needed more land — land that was occupied by First Nations, Métis, and Inuit people.

In the United States, the tension between settlement and First Nations land rights led to armed conflict. In the mid to late 1800s, the American government spent millions of dollars

Indigenous Knowledge

By signing [the treaties], British authorities appeared to recognize the nationhood of Aboriginal peoples and their equality as nations. But they also expected First Nations to acknowledge the authority of the monarch and, increasingly, to cede large tracts of land to British control — for settlement and to protect it from seizure by other European powers or by the United States.

— *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples*

What contradiction is noted in this statement?

each year fighting frontier wars. Much blood was shed on both sides. The Canadian government could not afford to make the same mistakes. Instead, it chose to negotiate treaties with First Nations.

First Nations priorities had shifted from pre-Confederation times as well, although their expectation for the basis of the treaties — agreements between sovereign nations — had not. The lives of First Nations people had changed with staggering swiftness since the beginning of the sixteenth century. They now faced wave upon wave of incoming settlers. Whether they liked it or not, they were now living in a shared land.

First Nations were understandably concerned about losing use of their territory little by little. They saw that the settlers would be difficult to move once they established themselves. Unless First Nations concerns were dealt with, the situation would become increasingly uncertain and tense.

In exchange for allowing the settlers on their land, First Nations wanted to ensure their people would get the assistance they needed to adapt to the new way of life. They wanted their people to have a place to live, to be free to pursue their traditional lifestyles as much as possible, and to have support in adjusting to the new way of life taking shape around them.

Negotiations for the numbered treaties, therefore, started on an uneven basis. The government saw the treaties as First Nations agreements to surrender their claim to the land. First Nations leaders saw the treaties as agreements to share the land.

## PROFILE

### JAMES AHNASSAY

#### Dené Tha' First Nation

"To get an idea of how my ancestors approached land entitlement and treaty signing, refer to what Chief Chateh did at Fort Vermilion back in 1899, when he signed a Treaty Eight adhesion," says James Ahnassay, former chief of the Dené Tha' First Nation.

"Chief Chateh held off signing treaty for a week, I've heard, because he wanted to make sure all traditional lands of his people would be protected for years to come," Ahnassay explains. No wonder the chief was hesitant. How could he be sure officials understood his demands when he spoke only the language of the Dené Tha', the Europeans spoke English or French, and the hired translator was said to have only been fluent in Cree, with English as his second language?

"I doubt the translator was able to capture what the chief and Elders wanted. I do know that our Elders appreciated European assurances that the treaty entitlements would last 'as long as the sun shall shine and the rivers shall flow.' To this promise, Dené Tha' Elders and other leaders at the time added 'and as long as the stars of the Big Dipper move forward in the sky.'" The Elders' worldview was based on the natural creations of earth and sky, not on human creations of legal titles, ownership, and profits.

In 1899, Dené Tha' traditional lands were vast, stretching west into what is now British Columbia and the Northwest Territories. Following the great cycle of life of their ancestors, the people migrated seasonally to take advantage of the many resources of their territory. They hunted animals, fished in various lakes, wintered in sheltered areas, and summered near berry patches. According to Elders, their

people did not know that the written treaties had given most of these lands to the newcomers, leaving only a few small areas they could choose as reserves.

After signing the treaty adhesion, the Dené Tha' continued with their lives much as they had before, until oil companies started to encroach upon their traditional lands in the 1960s, followed by lumber companies a decade later. "Until then, the land was pristine, but by the 1970s, our hunters complained about the decline in the moose and other animal populations and the negative effects industry had on their trap lines."

A traditional way of life was quickly disappearing and employment and other income options were severely limited.

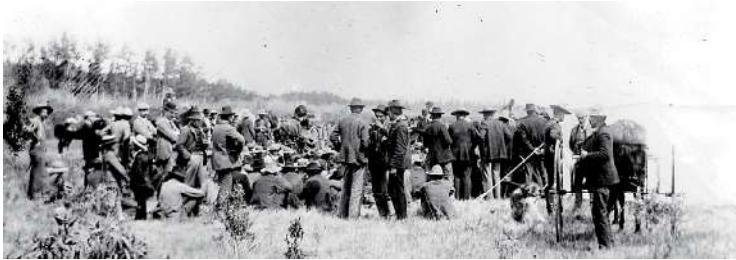
"What we were left with was welfare payments, social problems, and small areas to live in," explains Ahnassay. Optimistically, he hopes his generation has and future generations will gain "education that will put us in a much better negotiating stance to gain back much of what we have lost. This includes implementing the true spirit and intent of the treaties, as understood by our Elders."



James Ahnassay

#### REFLECTION

With your teacher's assistance, use correct community protocol to invite an Elder to your classroom to discuss the spirit and intent of Treaty Six, Seven, or Eight. Use the Elder's visit, plus all that you have learned about treaties in this course so far, to prepare a five-minute speech called The Spirit and Intent of Treaties. Give your speech to the class.



*The Treaty Eight negotiations pictured here took place at Lesser Slave Lake, Alberta, in 1899. Research which First Nations in Alberta are part of this treaty, as well as Treaties Six and Seven.*

### DIFFERENT VIEWS

Not only did the Canadian government and First Nations differ in their reasons for signing treaties, but they also differed in how they saw treaties as agreements. In the European tradition, nations signed treaties recognizing one another's sovereignty, regulating trade, and promising to keep peace.

First Nations made treaties for similar reasons, but their outlook had a spiritual component as well. They sealed treaties with ceremonies such as pipe smoking, not by signing paper documents. European worldviews saw treaties as business contracts, whereas First Nations worldviews saw them as sacred oaths.

### DIFFERENT LANGUAGES

In addition to having different ideas about treaties and different reasons for entering into treaties, government representatives and First Nations leaders also spoke different languages. They needed interpreters in order to communicate with each other.

Interpreters had a difficult job because the issues were so important and complex. They had to convey not only the precise meaning of the words that were being said, but also the larger implications. They had to bridge the culture gap as well as the language gap. Some words, such as *ceded*, may not have had easy translations into First Nations languages.

Did the interpreters do their jobs well? Not everyone thinks so. Some argue that, because the interpreters were government employees, they were under pressure to present the government's terms in the best possible light. First Nations leaders may not have fully understood the implications of being asked, for example, to "cede, release, surrender and yield up to Her Majesty the Queen and successors forever all the lands [being included in the treaties]."

In 1973, sixteen chiefs from the Northwest Territories argued in court that their ancestors would never have signed treaties if they had fully understood the government's intentions. "In my language, there is no word for 'surrender,'" said Chief François Paulette. "I cannot describe 'surrender' to you in my language, so how do you expect my people to [have] put their X on 'surrender'?"

### NEGOTIATIONS BEGIN

When it sold its interest in Rupert's Land to the government of Canada, the Hudson's Bay Company recognized that the land transfer would bring huge changes to the lives of Aboriginal peoples. For that reason, the company made sure that the deal contained at least some protection for Aboriginal interests. The deed of surrender contained a requirement that the Canadian government be responsible for "[a]ny claims of Indians to compensation for lands required for purposes of settlement."

The settlers, though, would not wait for land questions to be resolved. They began to move into Canada's new territory in increasing numbers.

Métis leaders at Red River resisted Canadian occupation of their land until Canada was forced to negotiate Manitoba's entry into Confederation as a province. Chapter Three discusses these events.

First Nations leaders, who were already upset at being left out of the Rupert's Land sale, pressed the government for treaties. They knew of recent treaties, including the Robinson Treaties, that had been signed in the east. They hoped to get similar protection from the government, to avoid being completely displaced by the new arrivals. **Displacement** occurs when people are forced to move from their homelands.

In 1870, a large group of Anishinabé, Swampy Cree, and other First Nations converged on Lower Fort Garry to negotiate a treaty with A. G. Archibald, Manitoba's first lieutenant-governor. After days of intense negotiation, they signed the Stone Fort Treaty (Lower Fort Garry was built of stone). It later became known as Treaty One.

By the terms of Treaty One, First Nations gave up their title to 16 700 square miles (43 253 square kilometres) of land. In return, the government promised certain **treaty rights**, including reserves. A **reserve** is land set aside by the government for the exclusive use of a First Nation. Reserve sizes would be calculated for each nation on the basis of "one hundred and sixty acres [64.8 hectares] for each family of five, or in that proportion for larger or smaller families." To fulfill this obligation, the treaty promised "Her Majesty's Commissioner shall,

as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the district."

During the negotiations, Archibald assured First Nations leaders that the treaty would not restrict their people to reserves. He promised they would still have rights to hunt, fish, and trap throughout their traditional territories. This promise was not included in the written treaty, however.

Treaty One also promised the right to a gift of \$3 for each person and an annual payment of \$15 per family of five (or \$3 per person in larger or smaller families). It promised a school and made the sale of liquor on reserves illegal.

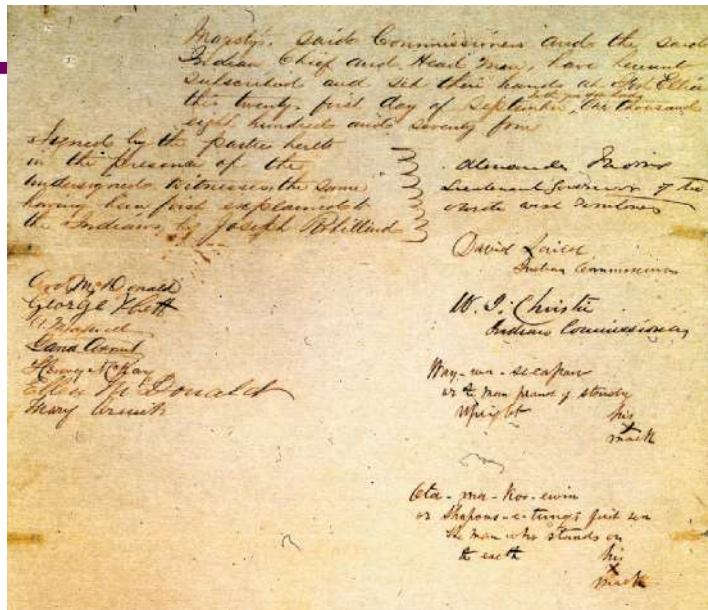
Eighteen days later, Archibald negotiated Treaty Two, the Manitoba Post Treaty. Its terms were virtually the same as the terms of Treaty One.

Beginning with Treaty Three, the agreements promised to maintain First Nations' hunting and fishing rights within traditional territories. These rights were "subject to regulation," however, and did not include areas that may "be required or taken up for settlement, mining, lumbering or other purposes."

First Nations leaders proved to be tough negotiators. Realistically, they had little choice but to sign the treaties — settlement was going to happen no matter what they did —

**These Chipewyan lost no time in flowery oratory, but came at once to business, and kept us, myself in particular, on tenterhooks for two hours. I never felt so relieved as when the rain of questions ended, and satisfied by our answers, they acquiesced in the cession.**

— Commissioner J. H. Ross, *Through the Mackenzie Basin*



Treaty Four, shown here, was signed in 1874. Some First Nations who negotiated later treaties had the benefit of learning about problems in earlier numbered treaties. Treaty Six nations, for example, received promise of a medicine chest that earlier treaties did not include.

but they fought for and won important concessions. Government negotiators quickly learned not to underestimate them.

First Nations also learned from each other. Those that signed later treaties had the benefit of learning about problems that resulted from the earlier treaties. This led leaders to insist upon concessions such as larger annuity payments in later treaties.

Government negotiators also learned to be careful what they said. With their tradition of preserving and passing along information orally, First Nations leaders could remember precisely what was said and what was promised during negotiations, even years later.

### TREATIES SIX, SEVEN, AND EIGHT

The territory that later became Alberta was largely covered by Treaties Six, Seven, and Eight.

Treaty Six, which stretched through southern Saskatchewan and Alberta, was signed with the Plains Cree in 1876. The Cree had suffered a devastating smallpox epidemic in

the early 1870s and continued to suffer due to the decline of the buffalo.

Because of this, negotiators fought for and won two major concessions in Treaty Six. First, the government promised to assist the Cree if they were struck "by any pestilence, or by a general famine." The government also promised that "a medicine chest shall be kept at the house of each Indian Agent for the use and benefit of the Indians at the direction of such agent." This "medicine chest" clause later led to the provision of universal health coverage for all First Nations with treaty rights.

Treaty Seven, signed in 1877, covered most of southern Alberta. It provided the last parcel of land the government needed to complete the national railway. Terms were similar to those for Treaty Six.

Treaty Eight, which covered the northern half of Alberta plus parts of Saskatchewan, the Northwest Territories, and British Columbia, was not negotiated until 1899. The Klondike gold rush was then in full swing and the government needed to clear a path northward.

Treaty Eight was somewhat unusual because the government did not immediately set aside specific areas for reserves. "There is no immediate necessity for the general laying out of reserves or the allotting of land," the treaty commissioners wrote in their report. "It will be quite time enough to do this as advancing settlement makes necessary the surveying of the land." To this day, many Treaty Eight First Nations believe that they have yet to receive the reserve land they were promised.

## TERMS AND REALITY

In a perfect world, the signing of the treaties would have solved everyone's problems. The government would have cleared the way for immigration and settlement and First Nations would have been left with ample land, support, and resources to prosper.

The treaties were certainly successful from the government's point of view. As the negotiators moved westward, thousands of immigrants followed, eager to settle the "new" land. In the eyes of European law, First Nations' title to the land had been extinguished and western Canada was open for business.

Compared with the violent clashes south of the border, Canadian treaty negotiations were characterized by compromise and good faith. Government negotiators operated under severe constraints. They were expected to eliminate First Nations' claims to the land. Yet many tried to protect First Nations' interests — at least, their interests as the government negotiators understood them.

As a mark of good faith, treaties promised First Nations leaders that they could "know and be assured of what allowance they [were] to count upon and receive year by year from Her Majesty's bounty and benevolence." The treaties seemed to promise traditional ties of friendship.

### Problems with Implementation

From a First Nations point of view, however, the reality of the numbered treaties did not live up to promise.

Leaders soon discovered that the promises made during negotiations were not always reflected in the documents they signed. They argued frequently that the government violated either the terms or the spirit of the agreements. Some First Nations convinced the government to revise the treaties. In some cases, the government increased the annual payments and provided some of the promised farm animals and implements.

Circumstances sometimes made it difficult for the government to fulfill the terms of the treaties properly. For example, treaty talks often left out groups living in the areas included in the treaties. These groups had to be added later to existing treaties. Such adhesions continued up to the 1950s.

It was also difficult for the government to get the accurate count needed to allocate the reserves and to make treaty payments properly. If a portion of the community happened to be away at the time of counting, those people might be left off the census lists.

In other cases, the government lacked a motivation to meet treaty terms. For example, if the land was not in high demand by settlers, neither government officials nor First Nations leaders felt pressure to agree upon reserves. In areas such as northern Alberta and the Northwest Territories, pressure to assign reserve lands did not arise until the early twentieth century, when companies began exploring and exploiting natural resources in the region.

## TALKING CIRCLE

### TREATY PROMISES

Talking circles are a type of organized discussion for a topic that has no right or wrong answer. The purpose of a talking circle is to share ideas, feelings, and points of view, but not to reach a decision or consensus. You may wish to have a discussion as a class, or you may prefer to divide the class into smaller groups so that people have more opportunity to talk.



*Talking circles follow a protocol — a set of rules — to ensure that all participants are respected.*

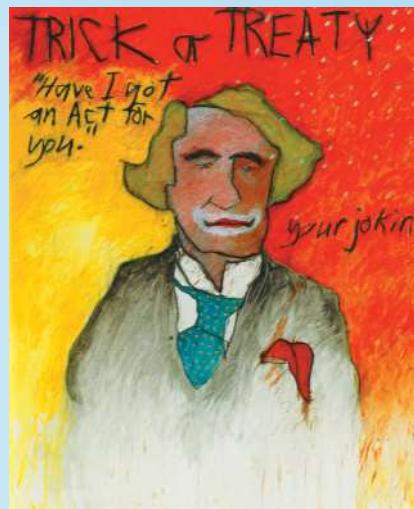
This textbook will offer several opportunities for you to participate with your classmates in talking circle discussions. Each talking circle in this book will include one or more quotations that you may read aloud or to yourself before you begin. Each discussion includes an activity to help you put together what you learn through the discussion and your other work in the chapter.

Before you begin your first talking circle, work as a class to develop a talking circle protocol, a set of rules to govern the discussion. Talking circle protocols vary from community to community, but common practices include the principles that follow:

- Everyone has an opportunity to speak, but people can also choose not to speak.
- Only one person speaks at a time. All other participants should listen attentively until the person has stopped speaking.
- Comments should address the topic rather than comments another person has made.

### REFLECTION

Artist Gerald McMaster was born on the Red Pheasant reserve near North Battleford, Saskatchewan. His work often explores history from a First Nations perspective. *Trick or Treaty* was painted in 1990. Sir John A. Macdonald, who is pictured in the painting, was Canada's first prime minister. What do you think McMaster's perspective on the treaty process is? In your journal, write your own ideas and responses to his painting, your talking circle discussion, or any other material from this chapter.



*Trick or Treaty* by Gerald McMaster

The following passage is from *The Unjust Society*, an influential book written by Harold Cardinal in 1969, shortly after the federal government announced its White Paper on Indian Policy. In short, the White Paper suggested abolishing separate legal status for First Nations. Cardinal, from the Sucker Creek Reserve in Alberta, responded to the government proposal with stinging satire, eloquence, and the passion that inflamed his generation to renewed political action. The excerpt that follows contains his view on the treaties his people signed with the federal government.

To the Indians of Canada, the treaties represent an Indian Magna Carta. The treaties are important to us, because we entered into these negotiations with faith, with hope for a better life with honour. We have survived for over a century on little but that hope. Did the white man enter into them with something less in mind? Or have the heirs of the men who signed in honour somehow disavowed the obligation passed down to them? The Indians entered into the treaty negotiations as honourable men who came to deal as equals with the queen's representatives....

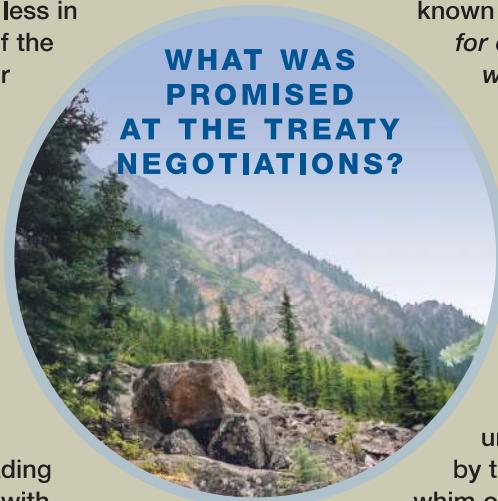
Our people talked with government representatives, not as beggars pleading for handouts, but as men with something to offer in return for rights they expected. To our people, this was the beginning of a contractual relationship whereby the representatives of the queen would have lasting responsibilities to the Indian people in return for the valuable lands that were ceded to them.

The treaties were the way in which the white people legitimized in the eyes of the world their presence in our country. It was an attempt to settle the terms of occupancy on a just basis, legally and morally to extinguish the legitimate claims of our people to title to the land in our country. There never has been any doubt in the minds of our people that the land in Canada belonged to them. Nor can there have been any doubt in the mind of the government

or in the minds of the white people about who owned the land, for it was upon the basis of white recognition of Indian rights that the treaties were negotiated. Otherwise, there could have been nothing to negotiate, no need for treaties. In the language of the Cree Indians, the Indian reserves are known as *the land that we kept for ourselves or the land that we did not give to the government*. In our language, *skun-gun....*

As far as we are concerned our treaty rights represent a sacred, honourable agreement between ourselves and the Canadian government that cannot be unilaterally abrogated by the government at the whim of one of its leaders unless

that government is prepared to give us back title to our country.... The treaties are doubly significant and important because they represent or imply principles that are intrinsically part of the concept of justice and respect for other men's property. They have a symbolic importance to Indians that cannot be ignored.



### LOOKING BACK

As you learned in this section, the Canadian government expanded its territory through a series of treaties with First Nations that were negotiated between 1873 and 1921. How did these treaties reflect a more European than First Nations worldview? Why did First Nations leaders sign the agreements?

## Chapter One Review

### Check Your Understanding

1. This chapter includes many terms that will be important to your understanding of the rest of this book. Write a definition for and sentence using each of the terms listed below. If a term has more than one meaning, indicate this by writing more than one sentence.
  - Aboriginal rights
  - Aboriginal title
  - collective rights
  - indigenous peoples
  - individual rights
  - inherent rights
  - nation
  - numbered treaties
  - peoples
  - self-determination
  - self-government
  - sovereignty
2. What are inherent rights?
3. What is an oral tradition? How does it support an indigenous people's claim to certain rights?
4. Compare the African American civil rights movement to the Aboriginal rights movement.
5. Name an early treaty and describe how it enacts traditional First Nations worldviews.
6. Summarize Canada's colonial history as it affected Aboriginal peoples.
7. How did European worldviews differ from First Nations worldviews at the time of first contact? Why didn't these differences immediately cause conflict?
8. Explain how Pontiac's Rebellion is related to the Royal Proclamation of 1763.
9. Explain why First Nations claim the right to deal primarily with the federal government rather than other levels of government, such as the provincial or municipal governments.
10. What is the significance of the Universal Declaration of Human Rights?

11. What were the federal government's reasons for negotiating the numbered treaties? Why did First Nations agree to sign them?
12. What problems were associated with the negotiation, signing, and implementation of the numbered treaties?

### Reading and Writing

13. Write an essay supporting Aboriginal inherent rights to self-determination. You might use evidence from oral traditions as well as events from international human rights movements.

Be sure that your essay has a clear thesis and at least three paragraphs supporting your thesis. Each of these supporting paragraphs must have your ideas clearly stated and evidence to back your ideas up.

### Viewing and Representing

14. Visual communication techniques, such as cartoons, illustrations, paintings, or photographs, often convey their points much faster than words can. Create your own visual representation of a topic from this chapter, such as human rights, self-determination, or inherent rights. Be sure your project conveys your opinion on the topic.

### Going Further

15. Review newspapers and magazines to find examples from current events that show issues of individual rights or collective rights. Bring examples to class to discuss. You might make this an on-going class project throughout this course. Create a bulletin board or binder of clippings that will help you refine your ideas about rights issues in Canada and around the world.

16. Why do Aboriginal peoples in Canada have issues of common concern with indigenous peoples from other places in the world? Explain how working with international groups might benefit Aboriginal peoples in Canada.
17. Examine the photographs of the Canandaigua Treaty and the George Washington Covenant Belt on this page. Both represent the same agreement. Each object is symbolic of the different worldviews of the culture that created it. For example, one is a piece of paper and the other a belt and strings made of *wampum*. One has written letters that convey meaning and the other a set of symbols that convey meaning.

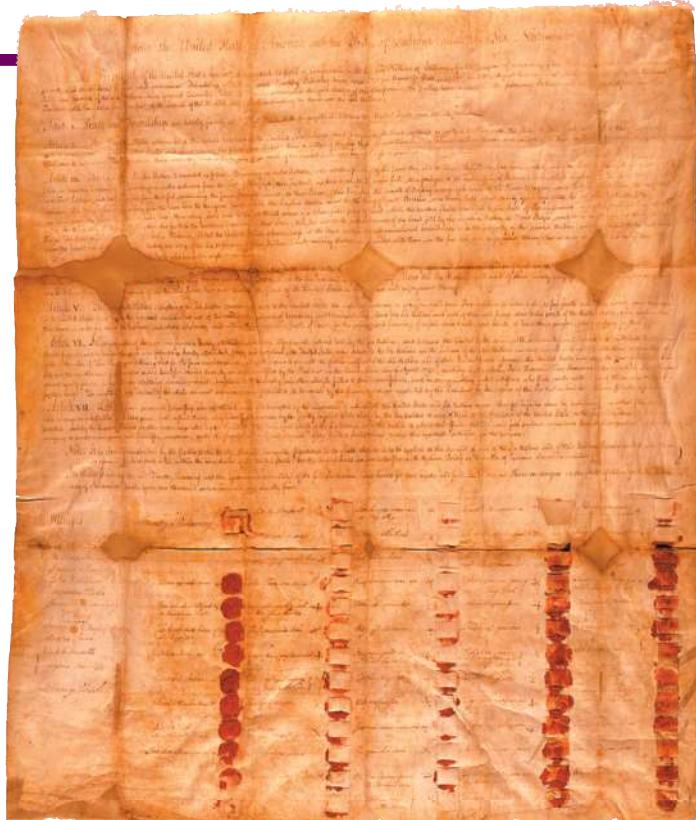
Compare the two objects as symbols. Relate as many features of each object as possible to the originating culture's worldview.

Using elements from this comparison in your opening paragraph, write an essay about Aboriginal sovereignty. You can write about conflict, clashing worldviews, self-government, or any other topic, as long as you can relate it to the comparison of the written treaty and wampum belt. This comparison could be the attention-grabbing opening to your thesis.

Ideally, your conclusion will sum up your ideas, relate back to your thesis, and refer in some way to the comparison of the Canandaigua Treaty objects that began your essay.

#### LOOKING BACK

Re-read the Dene Declaration from pages 2–3. Review the chapter to find two more declarations and compare the three. What rights are described? Use some of the terms introduced in this chapter to explain your answer.



Compare the photographs of the Canandaigua Treaty (top) with the George Washington Covenant Belt (bottom). Both are from an agreement reached between the Haudenosaunee and the United States in 1794. This agreement was discussed on page 16.