

Treaties: Honouring the past and negotiating the future

It is important for all Canadians to understand that without Treaties, Canada would have no legitimacy as a nation. Treaties between Indigenous nations and the Crown established the legal and constitutional foundation of this country.

Elder Fred Kelly emphasized that Treaty making and Aboriginal peoples' ways of resolving conflict must be central to reconciliation. He said,

There are those who believe that a generic reconciliation process is a Western-based concept to be imposed on the Aboriginal peoples without regard to their own traditional practices of restoring personal and collective peace and harmony. We must therefore insist that the Aboriginal peoples have meaningful participation in the design, administration, and evaluation of the reconciliation process so that it is based on their local culture and language. If reconciliation is to be real and meaningful in Canada, it must embrace the inherent right of self-determination through self-government envisioned in the treaties....

Where government refuses to implement Aboriginal rights and the original spirit and intent of the treaties, the citizens of Canada must take direct action to forcefully persuade its leadership. Treaties and memoranda of agreement are simply the stage-setting mechanisms for reconciliation. There must be action ... all Canadians have treaty rights.... It is upon these rights and obligations that our relationship is founded.³²

If Canada's past is a cautionary tale about what not to do, it also holds a more constructive history lesson for the future. The Treaties are a model for how Canadians, as diverse peoples, can live respectfully and peacefully together on these lands we now share.

The Royal Proclamation of 1763 and Treaty of Niagara, 1764

The history of Treaty making in Canada is contentious. Aboriginal peoples and the Crown have interpreted the spirit and intent of the Treaties quite differently. Generally, government officials have viewed the Treaties as legal mechanisms by which Aboriginal peoples ceded and surrendered their lands to the Crown. In contrast, First Nations, Inuit, and Métis peoples understand Treaties as a sacred obligation that commits both parties to maintain respectful relationships and share lands and resources equitably.

Indigenous peoples have kept the history and ongoing relevance of the Treaties alive in their own oral histories and legal traditions. Without their perspectives on the history of Treaty making, Canadians know only one side of this country's history. This story cannot simply be told as the story of how Crown officials unilaterally imposed Treaties on Aboriginal peoples; they were also active participants in Treaty negotiations.³³ The history and interpretation of Treaties and the Aboriginal–Crown relationship as told by Indigenous