

# 3



## module summary

*This module will explore how treaties form the legal and moral basis for the existence of the country of Canada, how Canada has not lived up to Treaty agreements and what that means for Canada as a Treaty Nation and us as Treaty People.*

# Treaty Relations: Spirit, Intent and First Nations Perspectives



## video summary

(55:10 minutes)

Lewis explains the spirit and intent of treaty making for First Nations people and discusses some pivotal moments from the 2-row wampum belt, the Royal Proclamation of 1763, the Numbered Treaties, to the Nunavut Act in 1993. Lewis also explores the legal significance of the Crown and Canada's Treaty making with First Nations that still govern their relationships with First Nations people today. Lewis helps us to understand the meaning behind the sacred agreements that Canada is built on today.



## key concepts

- Treaty as Ceremony
- Kinship Through Treaty
- Spirit and Intent of Treaty
- Wampum Belt
- Numbered Treaties
- Modern Treaties and Land Claims
- Aboriginal Land Title
- Canadian Sovereignty
- Indigenous Sovereignty
- The Indian Act
- Reserve System
- Indian Status Legislation
- Extermination, Slavery, Isolation and Assimilation
- Canada as Treaty Nation
- Canadians as Treaty People
- Rights, Restitution, Repatriation

“The First People existed on this continent before the invaders came. The First People were sovereign. They had a society, a history, everything that makes Nationhood.”

– Theresa C. Wildcat,  
Elder Ermineskin  
Cree Nation

The treaty making process is an old method of doing business among Indigenous people. The people of Turtle Island have been making Treaties long before the arrival of the visitors. The treaties are a spiritual covenant between two nations and the Creator, they are meant to serve as a guide as to how we would co-exist on these lands. Canada is a Treaty Nation and we are all Treaty People. It is important that we understand on which side of the Treaty we sit and what Treaty means for all Canadians. In order to understand Treaty, it is important to understand the agreements. Starting with some foundational documents.

First is the Two Row Wampum Belt as described by the Two Row Wampum Renewal Campaign.

*The Two Row Wampum belt is the symbolic record of the first agreement between Europeans and American Indian Nations on Turtle Island/North America. 2013 marks the 400th anniversary of this first covenant, which forms the basis for the covenant chain of all subsequent treaty relationships made by the Haudenosaunee and other Native Nations with settler governments on this continent. The agreement outlines a mutual, three-part commitment to friendship, peace between peoples, and living in parallel forever: as long as the grass is green, as long as the rivers flow downhill and as long as the sun rises in the east and sets in the west.*



*The Canandaigua, Two Row, and Haudenosaunee Confederacy Wampum Belts. Image from <http://honorthetworow.org/media/media-kit/>*

Onondage Faithkeeper, Oren Lyons explains how the Two-Row Wampum signifies the Indigenous worldview and approach to Treaty-making,

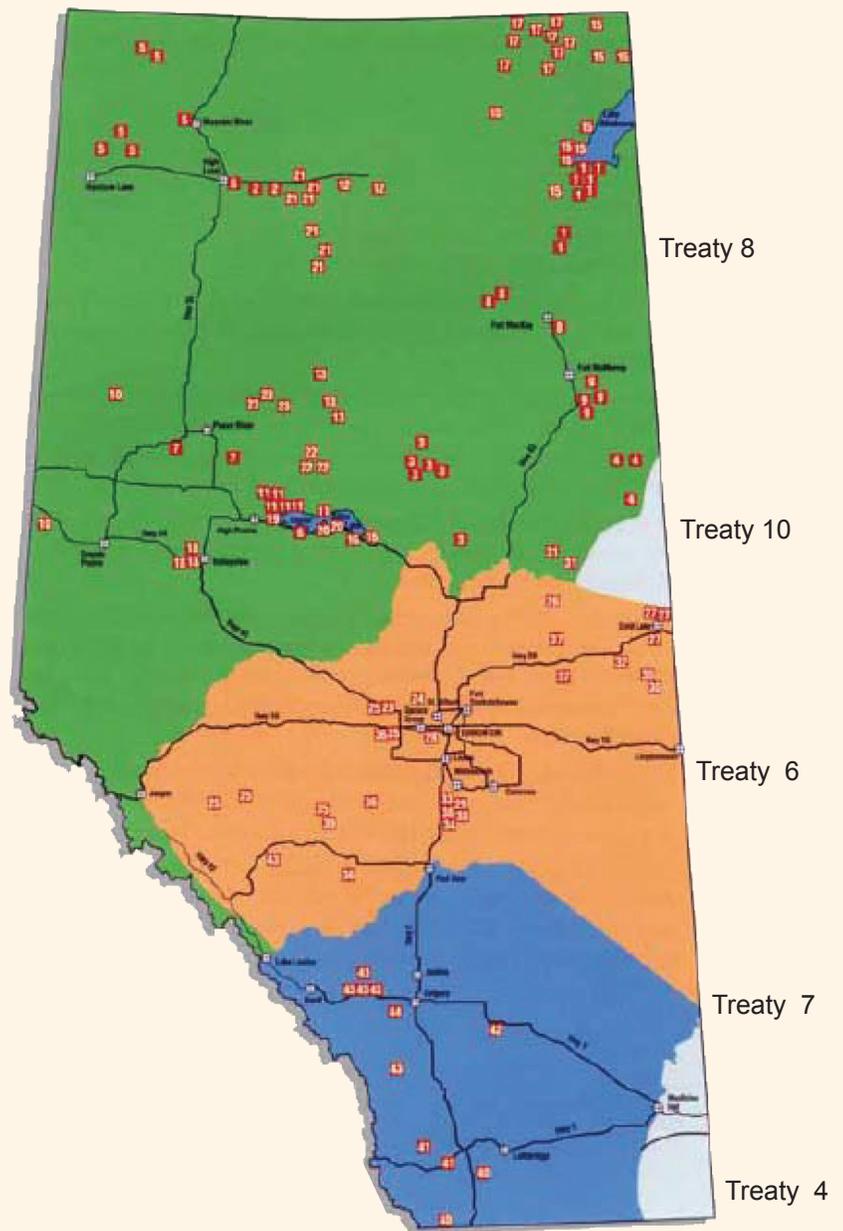
*This is a great humanitarian document because it recognizes equality in spite of the small size of the White colony and insures safety, peace and friendship forever, and sets the process for all of our ensuing Treaties up to this moment.*

Next comes the Royal Proclamation of 1763, which set out the core elements of the relationship between First Nations and the Crown. It established the recognition of First Nation title to the land and resource rights. It also laid the foundation of the treaty-making process as the exclusive right of the Crown. It reads:

*We do hereby strictly forbid, on Pain of Our Displeasure, all Our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without Our especial Leave and Licence for that Purpose first obtained.*

This meant that only the Crown could treat with the First Nations to use or acquire land or resource rights and they would do so on a Nation-to-Nation basis. Even after Confederation in 1867, the principles established by the Proclamation continued to guide the treaties of Western Canada and the establishment of treaty rights and obligations for all parties, including the treaty agreements for Alberta.

## Treaty Areas and First Nations in Alberta



Source: Adapted from *First Nations in Alberta, Indian Affairs and Northern Development Canada – Alberta Region (July 2000) OS-A011-EE-A3*



*Indigenous men gathered at Fort Vermillion during Treaty 8 negotiations in 1899. Image retrieved from [https://upload.wikimedia.org/wikipedia/commons/f/f1/David\\_Laird\\_explaining\\_Treaty\\_8\\_Fort\\_Vermillion\\_1899\\_-\\_NA-949-34.jpg](https://upload.wikimedia.org/wikipedia/commons/f/f1/David_Laird_explaining_Treaty_8_Fort_Vermillion_1899_-_NA-949-34.jpg)*

The Numbered Treaties 6, 7 and 8 boundaries cover most of the land we know as Alberta. These treaties discuss rights including entitlement to reserve land, hunting, fishing and trapping as well as health and education issues for First Nations people. Treaty Number 6, signed in 1876 by the Plains and Woods Cree, is very similar to the first five, with two important exceptions. First, Indigenous Nations were resisting treaties by this time because European settlers were quickly moving west and taking over their land. But with big game such as buffalo and deer disappearing, many Cree faced starvation and so had little choice but to sign. Second, Treaty Number 6 is the only numbered treaty with a health-care clause. It states that the Indian agent would keep a medicine chest in his house. Some people argue that the intent of this provision was to provide all with high standards of free medical care.

Treaty Number 7 was signed in 1877 by several Indigenous nations, including the Blackfoot and Stoney in what is now southern Alberta. The major difference between this Treaty and the ones before is that the bands were able to get more money and supplies. By the time the Canadian government began negotiating Treaty 8, northern Indigenous nations were deeply suspicious of the process. They had watched those in the Prairies starve as the government tried to turn them into farmers on their southern reserves. The northern nations were particularly unhappy with the fact Treaties were meant to stay in force forever. While the tribes did eventually sign, it was with great reluctance. Treaty Number 8 was unusual in that it allowed for small reserves for individual families among the small groupings of Woodland Cree and Dene.



We know that today many of those Treaty promises have not been upheld and there have been many attempts to extinguish the Treaties, none of which have been successful. The Indian Act is an example of how Canada has tried to undermine their Treaty responsibilities. Not only does it divide Indigenous peoples into Status and non-Status, with more or less rights, it also created a sexist system that treats women very differently than men. It undermines the traditional view of women as equal to men and, significantly, took away Indigenous women's ability to pass on Status rights to their children; Canada alone determines who is eligible to be a Status Indian under the Indian Act. When a child is born an application is filled out and sent away and the Department of Indigenous and Northern Affairs decides what category of Indian the child will be and with rights they will have. The short film STATUS by Vera Wabegijig shows just how complex and misunderstood the Status system is even today.

The Indian Act is also responsible for the reserve system itself and severely limiting the mobility of a people through a "pass" system. This system was in place for 60 years, it meant that Indigenous people on reserves were not allowed to see a doctor, hunt, visit or leave the reserve for any reason unless they were granted permission from the Indian Agent. If they were caught off reserve without their pass they would be fined or put in jail. This dark chapter in Canadian history that is only starting to be told as you can hear in the CBC radio feature linked below

Conditions on reserve have not improved today. In fact, in some cases they have gotten worse. Access to clean drinking water has been a struggle for some First Nations for decades: 400 of 618 First Nations were under at least one water advisory between 2001 and 2014. In 2016 Indigenous children's rights advocate Cindy Blackstock and the First Nations Child and Family Caring Society successfully won a Human Rights Complaint against the Government of Canada regarding their delivery of essential services to First Nations children. This forced Canada and the world to acknowledge that the Government was discriminating against First Nations children by underfunding their education, health care, infrastructure (including water) and social welfare. As happened in the past, it is the children who suffer the most due to the policies that the Canadian government has put in place.

Throughout each webinar Lewis emphasizes the importance of Treaties and asking: What would Canada look like if each of us behaved as true Treaty people? If we were to think about that and really act upon it, would it change the way business is done in Canada? If we were more concerned about what we are leaving for the next 7 generations instead of how much money we can make today, would those decisions be different? These are questions we need to be asking ourselves as we do our work to support women, children and seniors in crisis and while still having to raise our own families, ask yourself how those Treaties are still protecting our lands today, generations later.

“Self-determination was lived and practiced by most Indian tribes since time immemorial.

It was how we governed ourselves, how we chose those leaders who helped to govern in a given area that brought about great and powerful nations. We determined our destiny from truth, honesty and love (generosity).”

– Agnes Littlechild,  
Elder Ermineskin  
Cree Nation

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## Individual Self-Reflection Questions on Treaty Relations

What does Lewis mean when he says, “Canada is a Treaty Nation”?

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The three main things that the Royal Proclamation of 1763 does are: Establish Indigenous title to all land; confirms a Nation-to-Nation relationship between Indigenous tribes and the Crown; and, creates the Treaty making process only with the Crown. Why are these three points important?

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Lewis talks about how the underlying aim of this ‘age of irrelevancy’ policies -extermination, slavery, isolation and assimilation - were to, “take control of land out of Indian hands”. How do we see these policies being played out today?

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What were the major differences between how The Crown, the Government of Canada, and Indigenous Nations viewed Treaty making?

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How does a continued misunderstanding of Treaties and Treaty Rights play out in Canada today? How have you seen this in your community, in your work or in yourself?

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Lewis talks about empowering the knowledge in Indigenous communities to contribute to solutions for community and individual healing and strengthening. How can you do this in your work?

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What does it mean to you to be a Treaty Person?

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What role do you see for yourself in reconciliation?

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What was your most important take-away from this video?

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How will the knowledge of Treaties inform your work going forward?

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## Staff Sharing Circle Discussion Questions on Treaty Relations

What does Lewis mean when he says, “Canada is a Treaty Nation”?

The three main things that the Royal Proclamation of 1763 does are:

1. Establish Indigenous title to all land.
2. Confirms a Nation to Nation relationship between Indigenous tribes and the Crown.
3. Creates the treaty making process only with the Crown.

Why are they important?

Lewis describes 4 policy alternatives meant to “civilize the Indian” and push Indigenous peoples into an ‘age of irrelevancy’: Extermination, Slavery, Isolation, and Assimilation. What was the aim of all these policies? What historical policies or practices do you know about that fit these categories? How do see ‘age of irrelevancy’ policies being played out today?

What were the major differences between how the Government of Canada, The Crown and Indigenous Nations viewed Treaty making?

How does a continued misunderstanding of Treaties and Treaty Rights play out in Canada today? How have you seen this in our community or our shelter?

Lewis talks about 4 aspects of Reconciliation: restitution of land, money, relationship and control Which of these aspects can our organization address through the work we do?

Lewis talks about the importance of recognizing Indigenous knowledge as holding solutions to social and individual problems. How can our organization work to empower and utilize solutions from Indigenous women and communities we serve?

What role do you see for our organization and our work in reconciliation?

What are some questions you still have? How can we find the answers?

What was your most important take-away from this video?

How will this knowledge inform your work going forward?

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## Women's Sharing Circle Discussion Questions on Treaty Relations

What does Lewis mean when he says, "Canada is a Treaty Nation"?

The three main things that the Royal Proclamation of 1763 does are:

1. Establish Indigenous title to all land.
2. Confirms a Nation to Nation relationship between Indigenous tribes and the Crown.
3. Creates the treaty making process only with the Crown.

Why are these important?

Lewis describes 4 policy alternatives meant to "civilize the Indian" and push Indigenous peoples into an 'age of irrelevancy': Extermination, Slavery, Isolation, and Assimilation. What was the aim of all these policies? Do you know about any historical policies or practices that fit these categories? How do see 'age of irrelevancy' policies being played out today?

What does it mean to you to be a Treaty person?

How might our country, communities or relationships be different if we honoured Treaty?

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## References

*Two Row History* (2013 Two Row Wampum Renewal Campaign)

<http://honorthetworow.org/learn-more/history/>

Oral history of the Two Row Wampum as told by Elders from the Onondaga Nation.

*Royal Proclamation of 1763: Relationships, Rights and Treaties* (2013 Indigenous and Northern Affairs Canada)

<https://www.aadnc-aandc.gc.ca/eng/1379594359150/1379594420080>

Overview and poster of the 1793 Proclamation in recognition of the 250<sup>th</sup> anniversary of its signing.

*Treaty Texts: Treaty No. 6 between Her Majesty the Queen and the Plain and Wood Cree Indians and other Tribes of Indians* (1877)

<https://www.aadnc-aandc.gc.ca/eng/1100100028710/1100100028783>

Transcription of full text of Treaty 6 and adhesions.

*Treaty Texts: Treaty and Supplementary Treaty No. 7 between Her Majesty the Queen and the Blackfeet and Other Indian Tribes* (1877)

<https://www.aadnc-aandc.gc.ca/eng/1100100028793/1100100028803>

Transcription of full text of Treaty 7.

*Treaty Texts: Treaty No. 8* (1899)

<https://www.aadnc-aandc.gc.ca/eng/1100100028813/1100100028853>

Transcription of full text of Treaty 8 and adhesions.

*The pass system: Another dark secret in Canadian history* (2015 CBC Radio Unreserved)

<https://www.cbc.ca/radio/unreserved/exploring-the-past-present-and-future-of-life-in-indigenous-canada-1.3336594/the-pass-system-another-dark-secret-in-canadian-history-1.3338520>

Article detailing the pass system in Canada.

*First Nations Water problems a Crisis of Canada's Own Making* (2019 Pam Palmater, Canadian Policy Options)

<https://policyoptions.irpp.org/magazines/february-2019/first-nations-water-problems-crisis-canadas-making/>

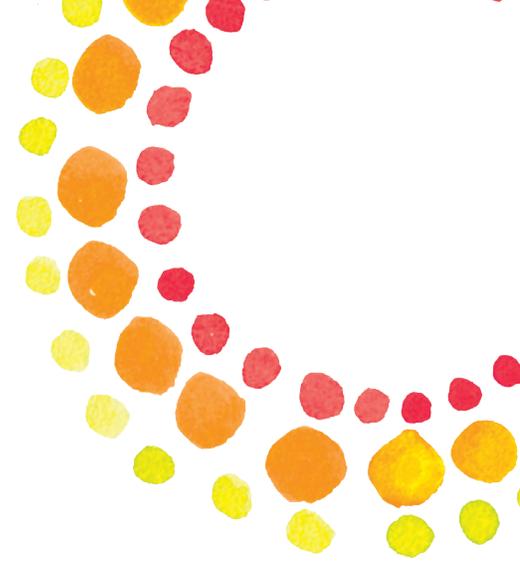
An article detailing ongoing water crisis on Canadian First Nations.

*Cindy Blackstock: Canadian Human Rights Tribunal on First Nations Child Welfare* (2015 First Nations Child and Family Caring Society)

Run time: 6:27

[https://www.youtube.com/watch?time\\_continue=66&v=FEoNAgoQz10](https://www.youtube.com/watch?time_continue=66&v=FEoNAgoQz10)

Cindy Blackstock explains the basis for the Human Rights complaint against the Canadian Government and the recommendations for addressing the disparity.



## Further Learning Materials:

*Treaty Talk: Sharing the River of Life* (2018 Pat Makokis & Brad Leitch)  
Run time: 50:35

<https://www.treatytalk.com/>

This video is designed as a teaching tool and is accompanied by many resources. It is situated in the town and St. Paul and neighboring reserve of Saddle Lake. The video looks at how we can work together as allies and build strong communities.

*Treaties, reconciliation and Indigenous History in Canada* (2017 CBC)  
Run time: 54:04

<https://www.youtube.com/watch?v=c9KJM3pjuKg>

A panel discussion hosted by Duncan McCue, panel guests include Eldon Yellowhorn, Archeologist and Chair from First Nation Studies at Simon Fraser University in Thunder Bay, Cynthia Wesley Esquimaux, Indigenous Chair of Truth and Reconciliation at Lakehead University, Ry Moran Director, National Centre for Truth and Reconciliation (NCTR) Together they discuss the path to reconciliation with Canada.

*STATUS: a film by 1890091701* (2015. Adler, Howard. Half Pint Productions) Run time: 7:44

<https://www.youtube.com/watch?v=y4IMXLYMQ3U>

A short film by an Indigenous woman about the complexity of Treaty rights, the Indian Act and status.