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Aboriginal Documentary Heritage

Treaties, Surrenders and Agreements

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Comprehensive and Specific Claims: The Modern Treaties

By Doug Whyte

The shift from historic treaties to modern comprehensive and specific claims agreements is rooted in the policy decisions of the late 1960s and early 1970s. Modernization efforts transformed the negotiations mechanism between the federal government and First Nations. The result of this new approach is the hundreds of agreements that have reshaped the position of Aboriginal peoples in this country and, ultimately, redrawn the map of Canada itself.

The Claims Office responsible for negotiating these agreements has undergone changes over the last 30 years, but one constant remains. The final documents it generates remain prestige items among the holdings of Library and Archives Canada (LAC). Signed originals retain the legal status of the earlier treaties, although they do lack the parchment and seal that enhances the aura of historical significance. Instead, the modern versions tend to be unbound, plain, legal documents on standard-size office stationery, sadly lacking the calligrapher's embellishments.

Comprehensive claims are based on Aboriginal peoples' traditional use and occupancy of the land. Specific claims are based on assertions that the government failed to deliver specific obligations under treaties, other agreements, or the *Indian Act*. These agreements, like the historic treaties, contain the text of the specific or comprehensive claim settlements, the signature of the Minister of Indian Affairs and Northern Development and the signatures of the representatives of the group involved. The subjects range from comprehensive claims for huge land areas such as James Bay, Nunavut or the Yukon, to specific claims involving smaller matters such as a railway right of way through a reserve.

The modern agreements have been assigned file numbers based on the classification system employed by the Claims Sector. These "B" numbers (e.g. B-8245-100-14 James Bay Final agreement) link the original agreements to the associated negotiation and implementation records, which remain with the Department of Indian Affairs Canada (INAC) until such time as they are transferred to LAC. For archival reasons, the modern agreements are housed within INAC's corporate records of LAC, under series C.1.a, Original Claims Agreements. The ArchiviaNet research tool provides access to the finding aid. These records are available for consultation under the supervision of an archivist. The text of many agreements is readily available on INAC's website and elsewhere on the Web. Printed versions have been published and are accessible through various libraries.

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