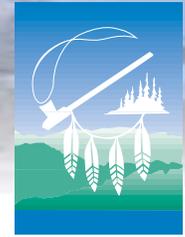


# The Facts on Claims

# claims

Indian Claims  
Commission

*Fairness in  
claims negotiation*



## THE FACTS: WHAT ARE TREATIES?

Treaties are solemn agreements between two or more nations that create mutually binding obligations. In Canada, First Nations and settler governments have concluded 68 major, historical treaties over the last 275 years. Treaties cover most of Ontario, the Prairie Provinces, and parts of Vancouver Island, Northwest Territories, Atlantic Canada, and Quebec.

### EARLY TREATIES: HOW TREATY MAKING BEGAN

First Nations have a long tradition of treaty making, one that pre-dates European arrival in North America. The **Great Law of Peace**, for example, was negotiated among the Seneca, Mohawk, Onondaga, Oneida and Cayuga Nations around 1450 to put an end to warfare and to establish common laws.

#### Some Early Treaties:

- |      |                                                                                                                                                                                                                                                                                    |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1725 | The Abenaki, Mi'kmaq, and Maliseet seal the <b>Dummer Treaty</b> with the British to secure peace in Nova Scotia.                                                                                                                                                                  |
| 1752 | The Mi'kmaq and British seal the <b>Halifax Treaty</b> which ends hostilities and secures English settlement at Halifax.                                                                                                                                                           |
| 1850 | The Ojibwa and Wendat sign the <b>Robinson Treaties</b> with the British to open the north shore of the Great Lakes for forestry, mining, and settlement. Various First Nations sign the <b>Douglas Treaties</b> with the British on Vancouver Island to cede land for settlement. |

In the early 1700s, the French and then the English began to establish settlements along the eastern seaboard and they relied on First Nations to survive. For the most part, First Nations found

European trade goods useful. As the English and French competed for control of the eastern fur trade, both nations sought security and alliances among First Nations. The first formal treaties were struck between the English and east coast First Nations and attempted to seal pacts of peace and friendship.

In 1763, in the aftermath of the war between France and Britain in North America, Chief Pontiac of the Ottawa Nation launched an uprising against British forts around the Great Lakes. To ensure peace, King George III issued the *Royal Proclamation of 1763*, which confirmed aboriginal land rights and decreed that treaty making must precede settlement. The *Royal Proclamation* established within government a fiduciary, or trust-like, responsibility to protect aboriginal land rights that survives today.

In the next decades the new British colonial government and First Nations throughout southern Ontario and Vancouver Island concluded 41 treaties to open land for farming, logging, mining, and settlement. Half of the Ontario treaties were settled shortly after the War of 1812 to make way for United Empire Loyalists.

### NUMBERED TREATIES: WHY TREATY MAKING CONTINUED

At **Confederation** in 1867, the Government of Canada assumed responsibility for "Indians and lands reserved for Indians." The new Canadian government launched two waves of treaty making, the first to open the Prairies for farming and the railway, the second to open the north for mining and logging.

From 1871 to 1877, treaty commissioners met with First Nations throughout northwest Ontario and the southern Prairies. They were instructed to secure clear title to land from the First Nations. Prairie Indians, weakened by the loss of the buffalo and new diseases, believed treaties would ensure their physical, cultural, and spiritual survival and sought guarantees that they could continue to hunt, fish, and govern themselves as always.

### Prairie Treaties

*This is our land! It isn't just a piece of pemmican to be cut off and give in little pieces back to us. It is ours and we will take what we want.* – Poundmaker, negotiating Treaty 6

- 1871 Treaties 1 and 2 are signed in southern Manitoba
- 1873 Treaty 3 is signed in northwestern Ontario and part of Manitoba
- 1874 Treaty 4 is signed across southern Saskatchewan, Alberta and Manitoba
- 1875 Treaty 5 is signed in northern Manitoba and Saskatchewan
- 1876 Treaty 6 is signed in Saskatchewan and Alberta
- 1877 Treaty 7 is signed in Alberta

### Northern Treaties

- 1899 Treaty 8 is signed in northern Alberta, British Columbia, Saskatchewan and the Northwest Territories
- 1905 Treaty 9 is signed in northern Ontario
- 1906 Treaty 10 is signed in northern Saskatchewan and Alberta
- 1921 Treaty 11 is signed in the Northwest Territories

## TREATY PROMISES: WHAT DO TREATIES MEAN?

Most treaties guarantee some traditional fishing and hunting rights. Early peace and friendship treaties do not deal with land rights, but most pre-Confederation and all numbered treaties promise reserve land, education, farming assistance, and annual treaty payments from \$5 to \$32 a year. Treaty 6 guarantees a “medicine chest.” Since 1982, treaty rights have been recognized and affirmed under the Constitution.

Historically, First Nations recorded treaties orally, while the government did so in writing. To First Nations the oral form of the treaty was as binding as its documentary form was to government. Often the two versions do not agree, and this difference is the subject of continuing debate and legal challenge. The courts have ruled that the oral history and a First Nation’s understanding of a treaty must be considered when determining the true nature of a treaty.

First Nations see treaties as symbols of an ongoing relationship. Prairie First Nations understood that they had agreed to share the land with newcomers for farming. But the government of the day understood that, in signing treaties, First Nations had agreed to release ownership of most of their traditional territory and live under Canadian law.

Almost as soon as treaties were signed, there were problems implementing the agreements, which caused treaty First Nations to protest. Government, for example, was sometimes slow to provide reserve land, giving rise to **treaty land entitlement claims**, a type of **specific claim**.

In 1973, the federal government implemented a specific claims policy to respond to claims relating to treaty violations. However, First Nations and Canada still do not agree on whether some historical peace and friendship treaties remain in effect and whether compensation was adequate for huge tracts of land taken through some pre-Confederation treaties. Today, First Nations and government continue to negotiate a contemporary understanding of treaties.

## MORE INFORMATION

Website: [www.indianclaims.ca](http://www.indianclaims.ca)

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