

Multiculturalism in the 1980s



- 1988: Canadian Multiculturalism Act
 - Provides a legal framework for multiculturalism in Canada
 - Department of Multiculturalism and Citizenship established to promote multiculturalism
 - Now part of the Department of Citizenship and Immigration



Multiculturalism in the 1980s



- Not all Canadians agree with multiculturalism
 - For: strengthens Canada, makes all feel welcome, increases cultural knowledge/ respect and national unity, spreads values of tolerance and equality
 - Against: emphasizes differences not similarities, prevents a common national identity, can lead to isolation and conflict



Multiculturalism in the 1980s



- Other Difficulties
 - School and national holidays based on Christianity (ex. Christmas and Easter)
 - Multicultural Festivals (ex. Chinese New Year and Ramadan)
 - Superficial? (food, dance, music, and costumes)



The First Canadian



C-3PO: The first Canadian...



The Fight for Aboriginal Rights



■ Toward Self-Government

- 1980: Assembly of First Nations formed to negotiate with the federal government
- 1982: Aboriginal rights and right of self-government included in Canadian Constitution
- Self-government would give First Nations control over education, culture, justice system, and natural resources
 - Much work to determine how self-government would be practiced
 - Self-government would require land



The Fight for Aboriginal Rights



■ Land Claims

- Bands and Aboriginal organizations begin the process of reclaiming land taken away by the government
 - Specific Claims – claims on land where treaties were signed, but not followed and/or more land was taken than agreed upon
 - Comprehensive Claims – claims on land taken without any treaty agreement
- 1980s: many different claims slowly making their way through the court system



The Fight for Aboriginal Rights



■ Oka Crisis (1990)



The Fight for Aboriginal Rights



■ Oka Crisis (1990)

- Oka, a town in Quebec, decides to expand a golf course into land claimed by nearby Mohawk nation, considered sacred
- Mohawks put up blockade to prevent construction
- Quebec Provincial Police called in to remove the blockade; they storm the blockade and use tear gas
 - Gunfire breaks out, a police officer is killed



The Fight for Aboriginal Rights



■ Oka Crisis continued

- Conflict escalates, more blockades put up by both sides
- Quebec government calls in Canadian troops
 - Stand-off between two sides (picture)
- After over two months, negotiations succeed
 - Blockade and stand-off ended
 - Federal government buys disputed land, gives it to the Mohawks



The Fight for Aboriginal Rights



- Land Claims in British Columbia
 - Very few treaties signed by government and First Nations in BC historically
 - Aboriginal groups lobby provincial government to open treaty negotiations and formalize land ownership
 - 1990s: BC Treaty Commission set up to negotiate and resolve land claim issues



The Fight for Aboriginal Rights



- Land Claims in British Columbia continued
 - Nisga'a (Northwest BC) were the first group to make a land claim in 1912, but it was dismissed
 - 1993: take their case to Supreme Court of Canada, win the right to make land claims
 - 1996: agreement reached between province, federal government, and Nisga'a
 - Nisga'a receive 2000km of land (8% of claimed land), partial control of natural resources, self-government, and \$190 million for their lost land
 - Nisga'a agree to give up tax-exempt status



The Fight for Aboriginal Rights



- Land Claims in British Columbia continued
 - Delgamuukw ruling (1998)
 - Supreme Court of Canada rules that Aboriginal groups had a legitimate land claim if they could prove continuous historical occupation of the land being claimed
 - Aboriginal oral records ruled as valid as written records (huge step forward)
 - Nisga'a agreement and Delgamuukw ruling set the standard for further land claims



The Fight for Aboriginal Rights



■ Land Claims in BC continued

- BC government and Aboriginal groups agree on ground rules for land claim talks
 - No private property would be included
 - Payments for lost land would be limited to what the province could afford
 - Aboriginal groups are not to ask for all historical land, but enough land and control over resources to be self-sufficient



The Fight for Aboriginal Rights



■ Nunavut (1999)

- Creation of Nunavut territory was the result of the largest treaty ever negotiated in Canada
- It was a treaty with the Inuit; they gained control of 1.6 million square kms in the Arctic
- Land claims continued into 21st century



Social Studies 11

Aboriginal Canadians
Land Claims and The Indian Act
1763-2006



Robert White & Kevin J. Benoy

What were treaties and when did this process begin?

- Treaties were agreements between the Crown and various Indian nations to establish trading relationships and prevent conflict.
- Canadian treaty history begins with the Royal Proclamation of 1763.



An Overview of Canadian Indian Treaties



- Treaties can be divided into three groups.
- Group 1 - The Royal Proclamation of 1763 and other treaties negotiated before Confederation.
 - Group 2 - Post Confederation agreements known as the numbered treaties with the natives of north western Ontario, the prairies and the Mackenzie Valley. The treaties are numbered *one* through *eleven*.
 - Group 3 - These are mostly treaties still being negotiated under the government Land Claims Policy of 1973.



Early History



“... the possession of such parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to (the Indians) as their Hunting Grounds.”

Royal Proclamation 1763

The Proclamation of 1763

- The short-lived uprising of Pontiac in 1763 convinced the British that a policy regarding Indian hunting land was necessary.
- The Proclamation of 1763 identified a vast tract of land from the Gulf of Mexico to the St. Lawrence River as Indian land.
- This important document established the legal precedent for Indian land title but it also introduced the treaty process to take land away from the Indians.



Western Expansion

- The numbered treaties, or Treaties One through Eleven, were the result of the post Confederation expansion of Canada into the western territories formerly controlled by the Hudson's Bay Company.
- Treaties One to Seven covered the prairies and north western Ontario.



Western Expansion II

- Treaty Nine covered Ontario and numbers Ten and Eleven northern Saskatchewan and the Mackenzie Valley.
- Treaty Eight dealt with northern Alberta and parts of the Northwest Territories.



Why Were Treaties With the Western Natives Necessary?

- Canada wished to expand into the rich farmlands of the west and at the same time prevent American control of these territories.
- Settlement required the construction of a transcontinental railway which would pass through Indian hunting grounds.
- It was clear to the government that some arrangement must be struck with the occupants of the land.



Problems Associated With Treaty Negotiation

- Natives did not understand the concept of land ownership and believed that they gave the government only limited use of agricultural land.




Problems Associated With Treaty Negotiation II

- They also believed that in return for land concessions they would be looked after by the Crown.
- Misunderstanding of the process was rooted in cultural and linguistic differences.





Western Treaties

Treaties One to Eight





“The Plain and Wood Cree Tribes of Indians, and all the other Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada for Her Majesty the Queen and her successors forever, all their rights, titles and privileges whatsoever, to the lands included within the following limits...”


Treaty Six 1876



Hunting Trapping and Fishing



- With the exception of Treaties One and Two all of the other treaties signed between 1871 and 1877 promised natives
- The right to “pursue avocations of hunting and fishing throughout the surrendered area, except on land taken up for settlement, mining, lumbering or other purposes by the government and subject to the regulations of the government.”



Reserve Land



- Land allocated to the Indians varied from 160 acres for each family of five to a slightly more generous grant of one square mile for the same size of family.
- Treaties Five through Eight indicated that Reserves could be sold or appropriated by the government.
- The written text of each treaty was often at odds with the Indian understanding of the spirit and intent of the agreement.



Farming Assistance, Payments and Special Benefits



- It was the intent of the government to transform the Indian from a nomadic hunter into a farmer.
- To this end each treaty made some provision for livestock and farming implements.
- Small sums of money, clothing and other minor benefits were also mentioned in the text of each treaty.



Treaties Nine through Eleven




- The natives of the northern prairies and the Mackenzie Valley were the last to enter into treaties with the government.
- This process had been delayed by the lack of settlement pressure on the land.
- The discovery of valuable resources, particularly, gold slowly moved the government into negotiation between 1899 and 1921.





Provisions of the Northern Treaties

- Differences in life-style among northern natives resulted in the concept of reserves granted in “severality” to individual families.
- The provision of farming assistance was less a concern in lands which were poorly suited for agriculture.
- The most important clauses of these treaties related to the “right to pursue the avocations of hunting, fishing and trapping.” 

Goals of the Treaty Process

Native Goals

- To the native people survival in the face of the rapid advance of civilization was fundamental.
- This was understood to be both physical and spiritual survival.
- Conflict with the government was not wanted.
- Time was needed to make a transition to a new life-style.



Government Goals

- Legal title to the land was very important to the government.
- It was also important to keep the costs of settling with the natives as low as possible.
- The provision of reasonable support for native groups was often a very low priority.



Misunderstandings

- Cultural, social and economic perspectives on the process and the outcome of treaty making was very different.
- Natives had little understanding of legal title or the idea that they would lose all of their land.
- Small gains in treaty provisions over the years were viewed by the natives as cumulative and providing a "bundle of rights" applying equally to all Indians.



The Reserve System

- Natives viewed the reserve as a home where they could preserve culture and tradition while slowly adapting to a changing world.



Canim Lake Reserve 1948

The Reserve System

- The government saw the reserve as a “training ground” to prepare Indians for full integration into Canadian society.
- Integration, by definition, meant assimilation.



Indian Guide and Hunter

The Indian Act

The Indian Act of 1876

“Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian Department”

**Duncan Campbell Scott
Superintendent General of Indian Affairs, 1920**

What Was the Purpose of the Indian Act?



- The intent of the act was to consolidate all existing laws pertaining to Indians.
- There was no Indian participation in the writing of this act.
- The act represented a layer of administrative control superimposed on the existing treaties.



Specific Provisions of the Indian Act



- A “status” Indian was defined as a native entitled by law to live on the reserve.
- A “status” Indian could not vote or sit on a jury.



Native Family 1948



Specific Provisions of the Indian Act II



- Amendments to the act outlawed cultural and religious ceremonies.
- Indians could not hire a lawyer or undertake a legal proceeding.
- The Indian Agent assumed direct control of the affairs of each reserve.



Problems With the Indian Act



- It discriminated between the Indian who lived on the reserve and one who did not.
- An Indian could become “a person” only by renouncing his status under the terms of the act.
- The “Act” encouraged administrative abuse of the provisions designed to protect Indian lands.
- Most Indians resented the act but feared the loss of protection it afforded.



Education and the Residential School



- If assimilation was the government’s goal then the primary tool was education as exercised by the church and the state.
- Natives had not understood that their simple request for education meant the loss of their language and culture.
- The residential school removed native children from their homes and forced them to absorb the English language and culture.



Provincial Governments and the Treaty Process

“Substantially what the claim of the Indian “title” comes to is that a few hundred Indians shall be allowed to roam unrestricted over a vast region of which they can make no beneficial use, until the Government steps in and buys it from them.”

The Daily Colonist, Victoria, 1910

Provincial Control of Land

- Section 109 of the British North America Act gave the founding provinces and British Columbia control over land and natural resources.
- This was extended in 1930 to include the prairie provinces.
- The right to manage fish and game on provincial land further eroded native rights.



Growing Frustration

- Native voluntary enlistment in both world wars exceeded that of any other group.
- Natives were angered by growing provincial power and federal neglect of existing treaty obligations.
- It was only after 1950 that some of the more onerous provisions of the Indian Act were repealed.
- The American Civil Rights Movement helped focus attention on the racism inherent in Canadian policy toward Indians.


**Modern Policy
and
Aboriginal Rights**

**Modern Policy and
Aboriginal Rights**

**“...On the question of
aboriginal rights - our answer
is no!”**

Prime Minister Pierre Trudeau, 1969

**The White Paper on Indian
Policy 1969**



- The Liberal government of Pierre Trudeau proposed an end to the treaties in order to bring the native people into the mainstream of Canadian society.
- They believed that land claims were too vaguely worded to be meaningful.
- Natives were opposed to the White Paper of 1969 and countered with a Red Paper of their own.

The Supreme Court Decision 1973



- The Calder ruling upheld the *Aboriginal Rights Claim* of the Nisga' a people of northern British Columbia. The court did not accept the government's position that native rights in BC did not exist except where treaties existed.
- The *Royal Proclamation of 1763* was established as the legal basis for "aboriginal rights."
- The government now recognized that "aboriginal rights" existed where no treaties had been signed and promised "full compliance with the spirit and terms" of existing treaties.



James Bay Hydro-Electric Development 1971



- Eight Cree communities were impacted by this massive development proposed by the Quebec government.
- When Quebec failed to negotiate with them the Cree launched a court action asking for recognition of their aboriginal title to the land and won the case.
- The development was halted until a treaty could be signed.



Other Comprehensive Claims




- The Inuit of the eastern Arctic settled a claim for 90,000 s.q. km and \$45 million.
- The claim of the Inuit of the eastern Arctic has become the new territory of Nunavut.
- Native groups in B.C. claim much of the province.




The Constitution Act 1982


The Constitution Act 1982




- Section 35 stated that “existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.”
- Section 25 guaranteed and protected aboriginal treaty rights in relation to the Charter of Rights and Freedoms.




The Constitution Act 1982 II



- Very little progress was made after 1982 in defining aboriginal rights.
- *The Charter of Rights and Freedoms* did, however, allow *Bill C-31* to end discriminatory treatment of native women who married non-natives and, as result, lost Indian status.
- Two attempts to amend the constitution have left many aboriginal issues unresolved.



Status native woman and children



The Meech Lake Accord 1987



- Natives felt left out of this constitutional package of amendments.
- The accord was blocked in the Manitoba legislature by a Native leader.



Native Self-Government



- Native people have increasingly demanded the right to “self-government” over their own affairs.
- This is a difficult concept and Native people cannot agree among themselves on its meaning.
- It will involve rewriting the Indian Act and possibly constitutional amendment.



The Charlottetown Accord 1992



- This accord recognized the inherent right to aboriginal self-government.
- Aboriginal self-government was also to be recognized as a third level of government in Canada.
- The Charlottetown Accord failed to pass a national referendum.
- The Royal Commission on Aboriginal People 1991 continued an effort to solve Native problems.



Royal Commission on Aboriginal Peoples

- The commission was established in 1991 and handed down its report in 1996.
- It addressed the native right to self-government and land claims issues.
- It also commented on living conditions, employment and economic opportunities for native people in Canada.
- In 1998 *Gathering Strength - Canada's Aboriginal Action Plan* was launched by the federal government.

Delgamuukw



- In another important Supreme Court decision, the court ruled that pre-existing occupation and the presence of native legal institutions both reinforced native title – over and above the Royal Proclamation.
- The court ruled that negotiation was the only way to resolve the difference between crown and aboriginal title.

Comprehensive Land Claims

Tsawwassen First Nation Claims



- The band claims 720 hectares of former industrial backup lands near Roberts Bank.
- The Municipality of Delta is strongly opposed to this claim and other claims by the Tsawwassen First Nation.
- The band argues economic necessity in the face of 60% unemployment.



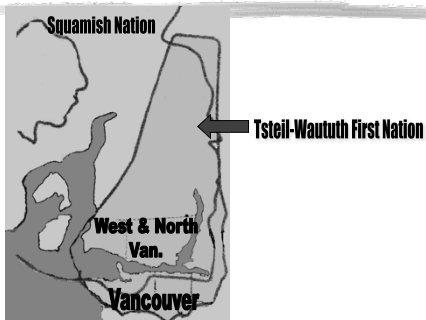
Squamish First Nation Land Claim



- The traditional territories of this band include North and West Vancouver, Kitsilano, Stanley Park, Whistler and The Howe Sound area.
- They have no designs on municipal or private lands.
- They have identified a small tract of waterfront west of Lions Gate Bridge.



Squamish Nation



Other Squamish Nation Concerns



- New economic activity such as
 - The gas bar at Mosquito Creek Marina and
 - Land for the Real Canadian Superstore in return for employment opportunities.
- More land for three reserves.
- A cash settlement.



The Nisga' a Treaty



- The Nisga' a began negotiating with the federal government in the 1890s and concluded negotiation on July 15, 1998.
- The treaty was approved by
 - The Nisga' a people
 - The Treaty Advisory Negotiating Committee for B.C.
 - Business, labor, municipal and environmental representatives and
 - The B.C. Legislature and the House of Commons.

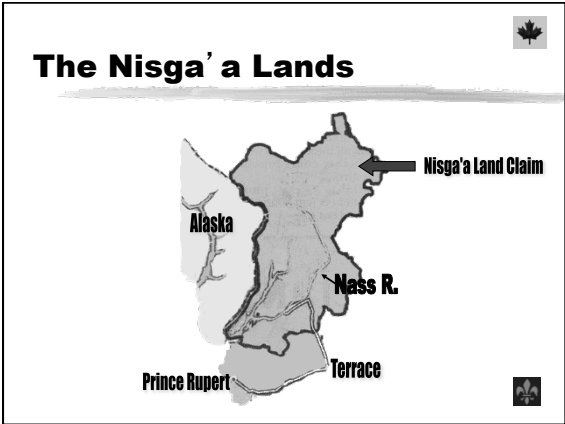


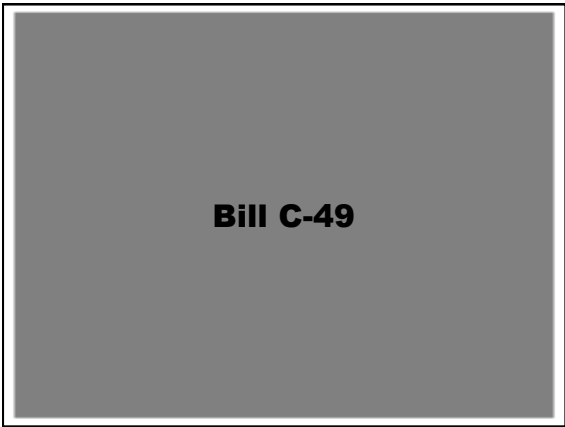
The Terms of the Nisga' a Treaty




- The Nisga' a now control 1,930 s.q. km. of land in the lower Nass Valley,
- All resources on Nisga' a land
- 18% of the Nass River Salmon catch,
- ...And \$190 million.








Canada 

Bill C-49

- When this bill passed, it gave 14 native Indian bands in Canada, including 5 in British Columbia, greater power over their land as well as the power to expropriate.
- The bill aroused considerable public concern as there is worry that bands will expropriate leases on their land currently held by residents or businesses. The Musqueam did so.
- Non-natives worry about their security of tenure.



Where from here?



- Only one treaty has been signed in BC since the Nisga'a deal – this one with the Tsawassen Band in December, 2006.
- There is huge concern with the ongoing expense of treaty negotiations.
- Some see them as a make-work project for chiefs and lawyers, with the costs taken from future settlements.
- However, the only current alternative is to wait for court rulings, which neither side really wants to risk.

