

Welcome



Interactive Welcome.1 Welcome message from Dr. Craig Stephenson, Vice President Student and Community Engagement



Interactive Welcome.2 Welcome message from Dr. Marilyn Herie, Vice President Academic and Chief Learning Officer at Centennial College



DEDICATION

Our Indigenous etextbook is dedicated to the memory of Reva Jewell – Clan Mother/advocate/social innovator/service provider of the Haudenosaunee.

On December 4, 2010, Reva Jewell showed Centennial College the pathway it needed to travel to engage and educate Indigenous learners. She taught us that everything we do must be rooted in seeking guidance and wisdom from chiefs, elders, traditionalists, and leaders from First Nations, Métis, and Inuit communities to inform our planning and decision-making. Following her guidance we have held numerous gatherings that have led to the development and implementation of college plans in the areas of outreach, service, academics, space, and culture.

Foreward



Growing up, I was told many stories by my Grandparents. These stories were about the world around us: creation stories, trickster stories, and folklore stories. I heard stories about how our people would be haunted by Sabe if we did not act with respect and integrity.

Stories have always been a part of our lives. Stories are how we learn about our ancestors and how we come to understand and appreciate the lives they have lived. Grandpa Harry always told stories as he carved a piece of wood into an ax handle or paddle, giving that piece of the woodwork a sense of life and identity. Our Grandmothers were the same, telling stories as they quilted patterns and made crafts imbued with meaning for the local trading post.

Looking back, I now know and understand the value of storytelling. I worry though that it has lost value in our traditional teachings. Our way of knowing is in our stories; they are how we teach our culture. Stories connect us to each other and our spiritual understanding of our communities.

I worry, I worry those days of sitting, listening to Grandpa talk about the hunting and harvest seasons while smoking on an old pipe have passed. In light of this, there is a story I would like to share with you:

One day a young man was walking a path he had taken many times before, only this time he was walking a bit slower and with hesitation. Just beyond the treeline, he could see the clearing, indicating he was close to his destination. As he moved closer towards the opening in the trees, fear overcame him. He stopped and pondered his next move. His breath echoing through the trees, it was like the wind answered him, brushing up against him pushing him forward. He trudged onward; the smell of smoke choked his lungs. Sounds of muffled voices carried through the air, conversation and laughter.

He peered towards the clearing and listened carefully to the voices coming from the north. Dusk was setting in as he stumbled quietly closer to the clearing. He found a rotten log just beyond the brightness of an open fire and sat down still hidden in the shadows. In that light, seated around the fire, he saw a circle of his Anishinaabe teachers.

He sat there listening to the conversation, sheepishly hoping not to disturb the teachers. He prayed they would not acknowledge him. It had been several moons since he had stood in the circle or participated in the teachings and ceremonies.

After a while, as they stoked the fire, they acknowledged him. They acknowledged him with honour, welcoming him as if he had always been there learning and sharing beside them.

An old man turned to him and gestured him to move closer to the circle. With embarrassment and hesitation, he did.

The old man turned and asked him, "Did you hear about the young lost hunter's boy?"

He replied, "Yes."

"We had been wondering how we could help search for him. But maybe you could help out in this quest?" the old man said with a look of deep concern on his face.

He replied, "What should I do?"

"Well, that lost boy has everyone looking for him right now." The old man drank from his tea and glanced over his copper cup. "Interesting you should show up today, we were wondering about you. We have not seen you for some time. Great to have you join us again." Then he said again, "We need your help."

He began to give instructions.

"At first light, you need to go to the meadow where that tall oak tree stands. At the tree, look up, way up, and you will see a bee taking its final flight of the season before it hibernates. Watch the bee as it flies and dodges the

leaves that fall from the tall oak tree. It is going to fly over the stream that flows next to the tree. It will follow the stream down through the forest to the larger body of water. The bee will fly towards the lake and fly off into the horizon. The answer is right there, just be careful where you step."

At the early light, the young man made his way to the meadow. As he reached the edge of the field, there stood the tall oak tree the old man had mentioned. As he approached, he looked upwards. There he saw a bee flying as if to dodge the leaves, who made its way just as the old man said: down to the water and off into the horizon, then out of sight. The young man stood there looking at the water but could not see any answer about the missing boy. He studied and retraced his steps in his mind. Still no answer. He played and replayed the instructions of the old man, and retraced his steps again. After 27 attempts, frustrated beyond control, he began to curse and discount the old man and his old ways. He stood in the twilight looking at the horizon and mumbled to himself, "Tall oak, I've found the bee, the leaves, the path, the horizon, all the items, so I must be missing something."

As he pondered, he looked down and there he saw a clear image of himself. At that moment the moral and purpose of the quest came to him. Stand tall and believe in yourself.

Our stories have a specific purpose. They are meant to strengthen future generations and to build our nations. The teachings kept our legacy attached to our sovereignty, and today they rekindle the missing piece of our identity. This book represents an opportunity to tell our story to those who do not know the truth. Be kind to the words of my people.

Acknowledgement

Centennial College is proud to be a part of a rich history of education in this province and in Toronto.

We acknowledge that we are on the treaty lands and territory of the Mississaugas of the New Credit First Nation. We honour and pay tribute to their citizens and ancestors for their spirit and energy. We pay tribute to their legacy and the legacy of all First Peoples of Canada, as we seek to strengthen ties with the communities we serve and build the future by providing educational opportunities for all their relations. The Mississauga Nation has a strong story about its heritage and history. We are all people of stories, and these stories are our legacy.

Today the traditional meeting place of Toronto is still home to many Indigenous Peoples from across Turtle Island, and we are grateful to have the opportunity to work in the communities that have grown in the treaty lands of the Mississaugas. We acknowledge that we are all treaty people and accept our responsibility to honour all our relations.

Our Stories: First Peoples in Canada was generously funded by eCampus Ontario with financial assistance from the Office of the Academic Vice-President and Chief Learning Officer of Centennial College. Without this financial support we would never have dared to undertake a project of this significance and magnitude. We are honoured to have been able to produce an Open Educational Resource, which is freely available to all who are interested in hearing truth through storytelling.

This text was developed as a resource to support our Indigenous Studies: First Peoples in Canada stackable credential launched in 2014. This credential is an optional companion to our diploma programs and al-

Gallery Welcome.1 Flag raising ceremony, May 2018.



Chief James Marsden, from Alderville First Nation, giving a short speech at the flag raising ceremony.



lows students to graduate with a diploma in a chosen field of study and a certificate of specialization in Indigenous Studies. The topics covered in this etextbook support the learning outcomes of our program; we acknowledge that they are not exhaustive nor representative of all topics that could have been included. The content of the etextbook will be reviewed on a yearly basis and enriched as we continue to develop resources in the years to come.

Centennial College has been fortunate to have the opportunity to work with members of Indigenous communities and Nations who have shared their knowledge and guidance over the years. We acknowledge the significance of these relationships in providing us with the insight and direction required to undertake this work. It is through developing these relationships that we were able to engage in conversations and honour the stories shared with us by Indigenous citizens and community members.

We have endeavoured to tell Indigenous truths through storytelling. Truths about the times before the settlers, truths about the interactions of Indigenous communities, clans, and Nations, and the settlers, and truths about the ways we must move forward towards reconciliation. Laying bare the facts has not been easy, but it is essential if we are to honour our commitment to move forward and heal. We believe this etextbook to be one of a kind and hope it will be welcomed by all as a respectful contribution to Truth and Reconciliation.

The stories that informed this etextbook were gifted to Centennial College by citizens of Nations and members of Indigenous communities. We recognize that these are not our stories, and we claim no ownership of them. We wish to express our gratitude to those who shared their stories with us.

As with all major undertakings many people contributed their skills, talents, and gifts to bring this dream to life. We acknowledge the many hours our contributors devoted to this etextbook.

Thank you to the following people for their knowledge, time, generosity and patience in working with us.

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Saugeen Métis

Chief Duke Peltier, Wikwemikong

Unceded First Nation

Chief James Marsden, Alderville
First Nation

Chief Lady Bird

Chief Phyllis Williams, Anne Taylor,
and Louise Musgrave, and DJ Fife,

Curve Lake First Nation

Chief Stacey Laforme

Constance Simmonds

Corrine Michel

Derek Kenny

Edmund Matatawabin

Faye Martin

Grand Chief Patrick Madahbee

Grand Council Chief Glen Hare

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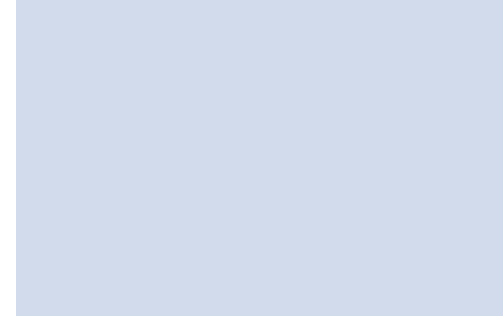
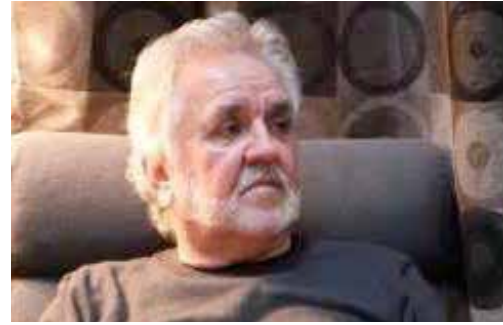
The ENAGB program at the NCCT

The Native Canadian Centre of To-
ronto (NCCT)

Wilamina McGrimmond"

We welcome feedback about this etextbook. We also encourage community members who would like to be included in the book to contact us at: ourstories@centennialcollege.ca

Our Team



About our cover:

Interactive Welcome.3

Indigenous Artists Chief Lady Bird and Aura



Indigenous artists Aura and Chief Lady Bird discuss the cover art they created for this textbook, and the cultural context that informs their work.

How to use this etextbook:

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Chapter 1: *Current Issues*

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Indian Residential School System



The whole part of the residential school was a part of a bigger scheme of colonization. There was intent; the schools were there with the intent to change people, to make them like others and to make them not fit. And today, you know, we have to learn to decolonize.

-Shirley Flowers (quoted in TRC, 2015)

Introduction to the Indian Residential School System

The Indian Residential School (IRS) system was established by the Canadian government to forcibly remove Indigenous children from their communities and families for the purpose of assimilating them to mainstream culture and Eurocentric beliefs and values. The system included industrial schools, day schools, and residential schools. The first residential school, the Mohawk Institute, opened in Canada in 1831,

but most were established after 1880. In 1892 the government sanctioned the churches to run the schools.

Upon arrival at residential schools, many children were separated from their siblings, numbered, and had their hair cut; some were scrubbed to remove what was perceived to be dirty skin. During the Truth and Reconciliation Commission, IRS survivors testified to the physical, emotional, and sexual abuse they experienced while at these schools. These traumas, along with the unhealthy living conditions, left them with feelings of hopelessness, loneliness, desperation, and fear. Many children, seeing no other option, ran away. Often they were found and

forcefully returned to the schools; however, many died or disappeared. Work continues to locate their remains and unmarked graves on former school grounds.

The last residential school officially closed in 1996 and the children were transitioned into regular elementary and secondary schools, but the effects of this physical and cultural genocide live on.

Interactive 1.1 Historica Canada: Residential schools



Residential schools were government-sponsored religious schools established to assimilate Indigenous children into Euro-Canadian culture. Although the first residential facilities were established in New France, the term usually refers to the custodial schools established after 1880.

Setting the Stage

Indian Residential Schools

No single person, paper, or piece of legislation created the Indian Residential School system in Canada. Rather its development was the result of a series of laws and policies advocated by a number of people who believed that the success of the colonial project in Canada depended on the assimilation of Indigenous Peoples. To understand the history of residential schools in Canada, it is necessary to understand the prevailing attitudes and assumptions of European settlers that led to its creation.

By the mid-nineteenth century, Britain had established imperial governments around the world and believed that one of its colonial missions was to “civilize” native populations. This mantle was taken up by the Government of Canada when it was formed in 1867. In fact, John A. Macdonald advocated that a primary and critical objective to securing the establishment of the Dominion of Canada was to eradicate any tribal system and ensure the assimilation

Gallery 1.1 Lord Elgin and Rev. Ryerson



Lord Elgin: James Bruce, 8th Earl of Elgin.



of all First Nations (Milloy, 1999, p. 6). Alexander Morris, responsible for negotiating many agreements between the Canadian government and First Nations, noted:

Let us have Christianity and civilization among the Indian tribes; let us have a wise and paternal Government ... doing its utmost to help and elevate the Indian population ... and Canada will be enabled to feel, that in a truly patriotic spirit our country has done its duty by the red men. (as cited in Milloy, 1999, p. 6)

However, the history of residential schools begins prior to Macdonald and the creation of what is now Canada in 1867.

Early Attempts at Assimilation

The history of residential schools begins in the late 1700s with French settlers in New France. Near what is now Quebec City, and was then a French trading post, Catholic missionaries established Canada's first boarding school for First Nations children (Truth and Reconciliation Commission of Canada [TRC], 2015d, p. 24). There, Jesuits attempted to indoctrinate First Nations children through teachings in religion, reading, writing, and the French language. However, these early efforts at "Frenchification" and assimilation to Western cultural and social norms ultimately failed (Milloy, 1999, p. 14). First Nations parents were reluctant to send their children to these schools and could not be forced to; the settlers needed them as trade and military allies. The argument for boarding schools would not emerge again until the nineteenth century.

In the late 1820s the British government briefly considered disbanding the Indian Department due to concerns about funding; some people in the government felt that Indigenous populations should be left

to self-govern. Lord Dalhousie, Governor General of British North America, prepared a report defending its existence, citing the need to "protect" First Nations until they abandoned their traditional ways and assimilated (Leslie, 2004, p. 28). Sir George Murray, secretary of the colonies, accepted Dalhousie's recommendations and supported the idea that First Nations assimilation was best for the colony and that this would be achieved through religious and agricultural education (Leslie, 2004, p. 29). However, under the 1763 Proclamation, Murray had to persuade band council leaders to consent to any new policy affecting First Nations (Milloy, 1999, p. 12). Initially, negotiations went well, and an early education system was piloted.

The Bagot Commission

The British government created two commissions to review these early efforts to assimilate First Nations populations through education: the Bagot Commission in 1842, under the leadership of Governor Sir Charles Bagot, and an 1856 commission under the leadership of Governor Sir Edmund Walker Head. Both reports concluded that Murray's efforts had not been successful and that communities were either "half-civilized" or nowhere close to being assimilated (Milloy, 1999, p. 12).

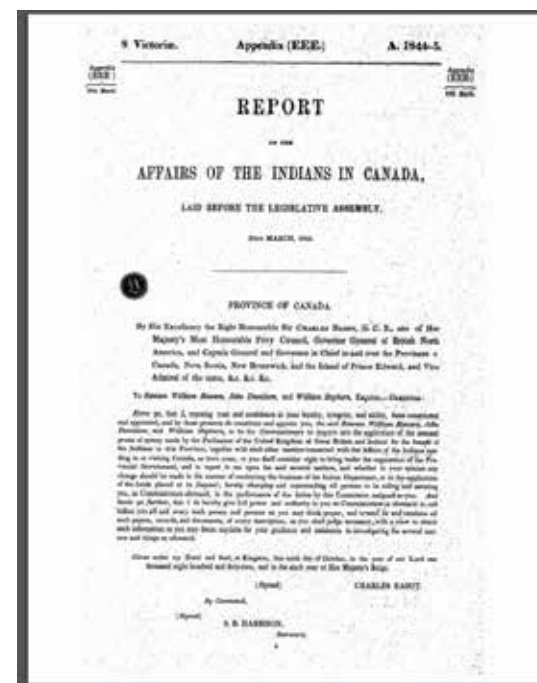


The Bagot Report was a significant catalyst for what became the Indian Residential School system. Its recommendations called for First Nations children to be sent to boarding schools to receive

educational training in agriculture and religion away from their communities. This proposal was supported by two individuals, Lord Elgin and Reverend Egerton Ryerson, the superintendent of education for Upper Canada (Milloy, 1999, p. 13). The report also recommended that persons could only have one legal status, either Indian or British; this would ensure disenfranchisement of First Nations Peoples who wished to maintain connections with their communities (Rheault, 2011, p. 1). Following the Bagot Report, the government fully adopted a policy of First Nation assimilation.

Successful assimilation of First Nation communities was dependent on their adoption of British economic structures, in particular, the notion of subdividing land for personal financial gain. But this was something the Nations would not easily accept; their governments and cultural traditions were based on a world view incompatible with Western philosophies of land ownership (Milloy, 1999, p. 16). Furthermore, some Nations and Métis made their living in the fur trade and were not interested in establishing farmlands (Miller, 2009, p. 124). Nevertheless, Lord Elgin was successful in convincing bands to set aside treaty funds to establish two schools (Milloy, 1999, pp. 16-17). In a joint initiative established by Ryerson, the government covered tuition costs and the Methodist missionaries supplied teachers (Leslie, 2004, pp. 105-106). While initially politi-

Figure 1.1 The Bagot Report



Front page of The Bagot Report, 1844.

cians were hopeful that these schools would shift First Nations' resolve to not section off land, it did not. Those who graduated returned to their communities and cultures and were viewed by the government as "cultural backsliders" (Milloy, 1999, p. 19).

Enfranchisement and Education

Frustrated by First Nations' refusal to accept Western notions of land ownership, the government passed the Act to Encourage the Gradual Civilization of the Indian Tribes in the Province in 1857 (Leslie, 2004, p. 141). Under this Act, First Nations males over 21 of good character, who could read and write in English and had no debt, could be enfranchised (Rheault, 2011, p. 1). They would receive 50 acres of land and become full members of colonial society in exchange for relinquishing any tribal affiliations and forfeiting any claims to tribal lands and rights (Milloy, 1999, p. 18).

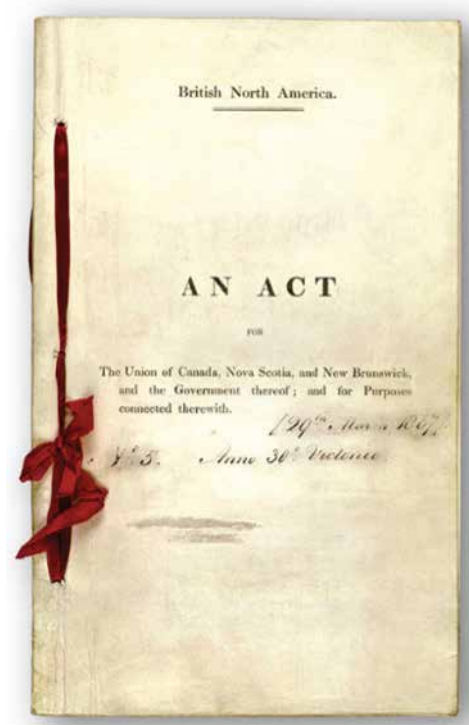
Indian Affairs anticipated that this offer would result in "profound civilization" as increased numbers of graduates abandoned their communities to become enfranchised. Instead, First Nations leaders immediately condemned the Act, recognizing the threat it posed to their communities (Milloy, 1999, p. 19). Nations protested by petitioning the Prince of Wales (who was visiting), removing children and funds from schools, refusing to sell land, and blocking the annual census (Milloy, 1999, p. 19). The chiefs described the Act as an attempt "to break them to pieces" (Leslie, 2004, p. 142).

In 1860 the Department of Indian Affairs was transferred from the British government to the soon-to-be Government of Canada. During negotiations regarding Confederation, First Nations self-government

and sovereignty were viewed as significant roadblocks. When the British North American Act (BNA Act) was passed in 1867 granting Canada independence, section 91:24 was included to grant Canada power over Indians and their property (Milloy, 1999, p. 20). Macdonald viewed this clause as confirming the government's paternalist responsibility to "civilize" First Nations.

A series of acts would follow the BNA Act; in 1869 the Act for the Gradual Enfranchisement of Indians, the Better Management of Indian Affairs repeated many of the previous enfranchisement provisions of the Act of 1857 (Milloy, 1999, p. 20). The Indian Acts of 1876 and 1880, along with the Indian Advancement Act of 1884, granted the Government of Canada control of First Nations' lands, governments, and public and private lives (Milloy, 1999, p. 20). While these Acts specifically reference Status Indians, they were undoubtedly designed to ensure the forced assimilation of all Indigenous Peoples of Canada and laid the groundwork for the Indian Residential School system.

Figure 1.2 The British North American Act



Cover Page of the British North American Act, 1867.

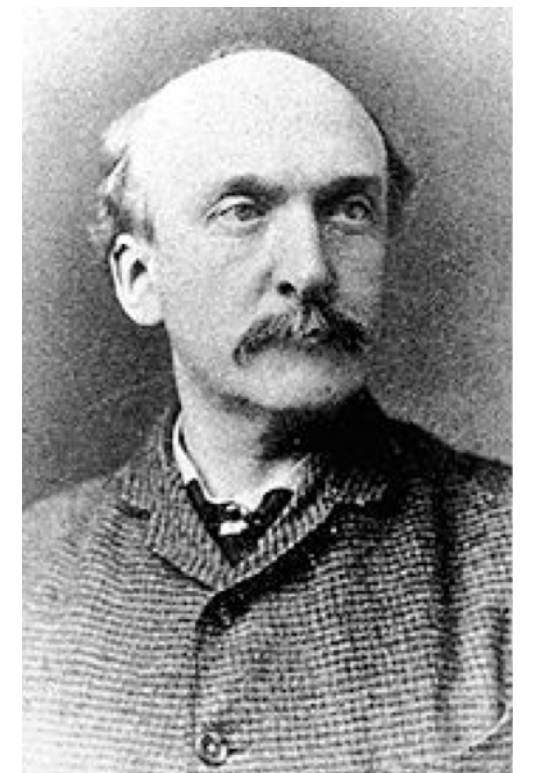
The Davin Report (Report on Industrial Schools for Indians and Half-Breeds)

In 1879 Prime Minister Macdonald commissioned Nicholas Flood Davin, a Toronto-based journalist and lawyer, to investigate and report back on the Indian boarding school system in the United States (Milloy, 1999, p. 7). Macdonald was interested in the viability of Canada implementing a similar model in the North-West Territories (Nishnawabe Aski Nation, 2005c).

Davin visited American schools and met with principals, teachers, and students. He also met with Cherokee leaders who confirmed their experience with day schools to be favourable; however, Davin viewed the schools as a failure. Students were provided an education but were not successfully assimilated as they returned to their communities daily (Milloy, 1999, p. 8). In White Earth (Minnesota), Davin was presented with a new initiative where students were taken from their communities at a younger age to learn manual labour training at industrial boarding schools; the idea being that if taken at a younger age and removed for a longer period of time, student would forget any attachments they had to their community or culture and assimilate with ease (TRC, 2012).

Following his trip to the US, Davin met with notable figures like Bishop Taché, Father Lacombe, and James McKay in Winnipeg to

Figure 1.3 Nicholas Flood Davin



Gallery 1.2 Carlisle Indian Industrial School



Photo of students at the Carlisle Indian Industrial School.



devise a plan to implement such boarding schools in Canada (Milloy, 1999, p. 8). The report proposed a formal partnership between the Government of Canada and churches for two reasons: First, Davin believed it imperative to separate Indigenous children from their culture to ensure enfranchisement; however, he believed it immoral to “destroy their faith without supplying a better one” (TRC, 2012). Second, Davin was concerned about economic pressure if the Government took sole responsi-

bility; he estimated there were 28,000 Treaty Indians and 12,000 Métis (TRC, 2012).

While the Davin Report provided Macdonald the documentation to move forward with the assimilation agenda, four schools of this nature already existed in Ontario: the Mohawk Institute, Wikwemikong, Mount Elgin, and Shingwauk – initially all manual labour schools (Milloy, 1999, p. 8).

In 1879 Davin submitted his *Report on the Industrial Schools for Indians and Half-Breeds* to the Government of Canada. The report was “anchored to the fundamental belief that to educate Aboriginal children effectively they had to be separate from their families – that the parenting process in Aboriginal communities had to be disrupted” (Milloy, 1999, p. 23). Canadian officials held extremely colonial and racist views of First Nations adults, viewing their resistance to assimilation as an inability to assimilate. This further empowered their belief that Indigenous children could only be brought into colonial social norms through forced removal and education.

To Kill the Indian in the Child

The schools established to ensure the forced assimilation of Indigenous Peoples of Canada have had many designs and names: religious schools, manual labour schools, industrial schools, day schools, residential schools. But they shared a common purpose: ensuring the destruction of Indigenous cultures and the apprehension of Indigenous lands. Under both British and Canadian governments, legislation was passed and policies were implemented to separate Indigenous children from their families with the direct goal of “killing the Indian in the child.” With the passing of the Indian Act, and subsequent amendments, Canada

sought to define who qualified as an Indian and develop a strategy to erase those individuals.

In 1920 an amendment to the Indian Act allowed for the enfranchisement of First Nations persons without their consent and required all school-aged children to attend residential schools (TRC, 2012). The intention behind this amendment was to ensure all Treaty Indians attended residential schools, and upon graduation, lost their status and were forced to assimilate. Duncan Campbell Scott, the deputy minister

of Indian Affairs at the time, said, “[The government] would 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” (TRC, 2012).

Residential Schools and Day Schools

Residential Schools

During the pre-Confederation period in Canada, education for Indigenous Peoples was negotiated through early treaties (see Numbered Treaties 1-11). Indigenous Peoples negotiated for education that would leave them rooted in their culture while providing their children with an opportunity to survive economically in a rapidly shifting political and economic landscape (TRC, 2015a). Colonial governments had a different interpretation of the role and value of education for Indigenous Peoples. They viewed education as a vehicle to gain control over Indigenous Peoples, to occupy their lands, to indoctrinate them into Euro-Canadian and Christian ways of living, and to assimilate them into mainstream society. After Confederation, the Canadian government formally instituted the residential school system, cloaked as education but actually a means to achieve these colonial objectives.

Residential schools were run by the federal government and operated in partnership with the Catholic, Anglican, Presbyterian, and Methodist churches, among other religious denominations in Canada.

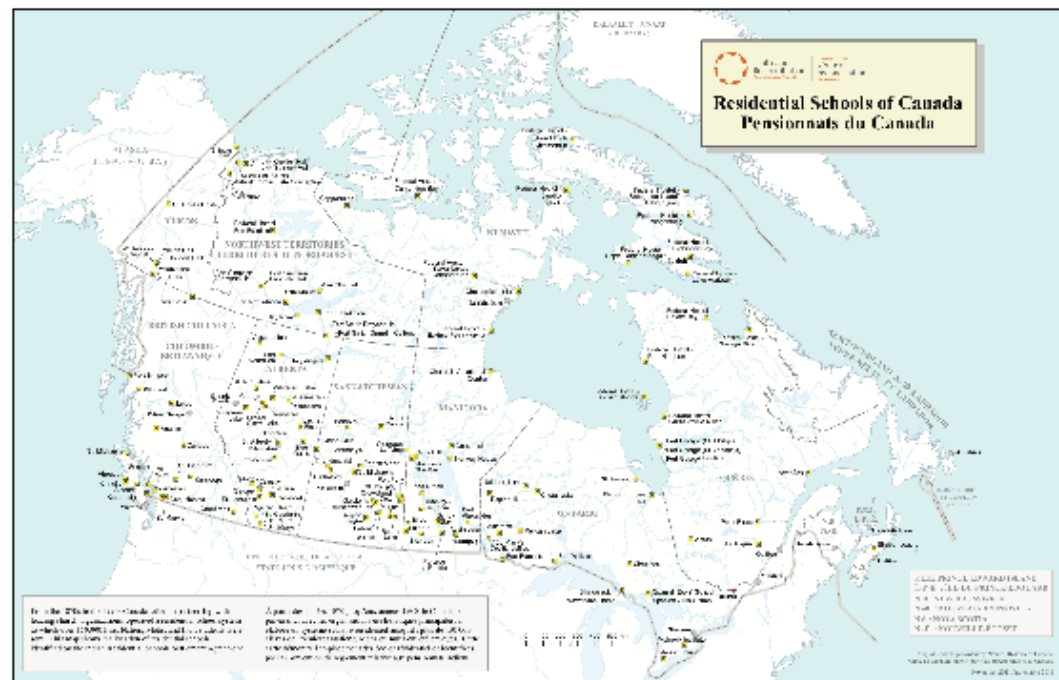
Seven generations of First Nations, Inuit, and Métis were subjected to the residential school system. The federal government was financially responsible for most residential schools throughout their duration, al-

Interactive 1.2 Heritage Minutes: Chanie Wenjack



The story of Chanie “Charlie” Wenjack, whose death sparked the first inquiry into the treatment of Indigenous children in Canadian residential schools. The 84th Heritage Minute in Historica Canada’s collection.

Figure 1.4 Map of Indian Residential Schools



Click to enlarge the map and see the location of residential schools.

though some were funded strictly by churches and others by provinces (TRC, 2015a; Union of Ontario Indians, 2013). Children between the ages of 4 and 16 attended, although stories from communities speak of children as young as six months being taken away and sent to residential schools (TRC, 2015a; Union of Ontario Indians, 2013).

The schools operated in all provinces and territories except New Brunswick and Prince Edward Island (TRC, 2015a; Union of Ontario Indians, 2013). In Labrador and Newfoundland, residential schools were established by the Moravian Church and the International Grenfell Association. These schools were provincially operated and attended by Inuit, Innu, and NunatuKavut (Indigenous and Northern Affairs Canada, 2018). Newfoundland did not enter Confederation until 1949; however, Canada participated in the administration of the schools in Newfoundland and Labrador by providing funding specifically for the education of

Indigenous youth (Indigenous and Northern Affairs Canada, 2018).

The federal government estimates that over 150,000 Indigenous youth were placed in residential schools in Canada (TRC, 2015a; Union of Ontario Indians, 2013; Miller, 2012). However, this number does not account for the youth who attended residential schools that were not included in the Indian Residential Schools Settlement Agreement so the actual number is likely much higher (TRC, 2015a; Union of Ontario Indians, 2013; Miller, 2012). The last Indian Residential School in Canada closed in 1996; however, their effects are still being felt. Residential schools became the colonizer's primary tool of assimilation, directed towards Indigenous youth and designed to eradicate their language, culture, family ties, and spiritual views (TRC, 2015a).

Day Schools

Day schools or seminaries were the first type of residential school in Canada and existed as early as the 1620s. However, these early day schools proved unsuccessful; Indigenous parents were resistant to sending their children and to missionaries' efforts to coerce their families into accepting French and Christian ways of living and learning (TRC, 2012). The idea was not officially revived until after the 1763 British conquest of Canada. Under British rule, one of the first "official" day schools was established for the Mohawks by the Anglican Church at the Bay of Quinte in 1784 (TRC, 2015a). This would set the groundwork for the introduction of day schools for Indigenous youth across Canada in 1874 when the government began to implement a larger public education system (TRC, 2015a).

These schools were smaller than the later industrial residential schools.

Figure 1.5 Indian Day School



Indian Day School (first view), Manitoulin Island Indian Reserve, Ontario, circa summer 1938.

They were generally administered by the Catholic or Protestant churches often with funding and support from provincial or territorial governments (Justice for Day Scholars, n.d.). Indigenous youth only attended a day school if their community was in walking distance, they were accepted under the school's religious denomination, and their family consented (Justice for Day Scholars, n.d.). Children who attended would arrive in the morning and leave in the evenings to return to their families. In some instances, youth could attend from a distance if they were able to stay with a local family, at a hostel, or with a billet (Justice for Day Scholars, n.d.).

It was not uncommon for students to complain about the menial tasks they were required to perform at day schools; some refused to attend for this reason. Some had a distaste for the rigid structure of the for-

ign education system introduced (TRC, 2015a). Indigenous families quickly recognized the failures and threat of these schools. They had negotiated for education in early treaty agreements, but they came to withdraw their support for or interest in Western education, noting that it damaged their culture and failed to deliver economic benefits for Indigenous Peoples (TRC, 2015a).

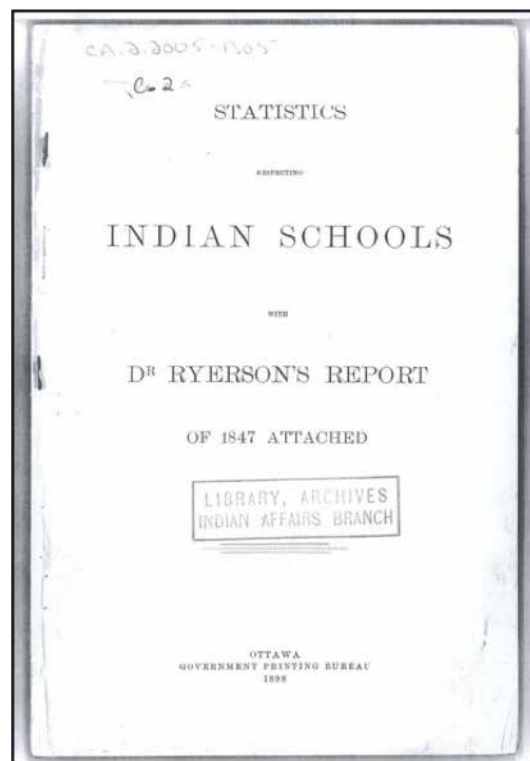
The term “day scholars” has been introduced to identify Indigenous Peoples who attended federally run and recognized residential schools but returned home in the evenings to their families (Justice for Day Scholars, n.d.). Many of these individuals experienced different, but similarly difficult and abusive experiences as those who attended the industrial residential schools identified in the Truth and Reconciliation report. Day scholars were not included in the Indian Residential Schools Settlement Agreement, but currently, there is a class action lawsuit reviewing their inclusion (Justice for Day Scholars, n.d.).

Residential Boarding Schools

In 1845 Dr. Egerton Ryerson, the chief superintendent of education for Upper Canada (Ontario), issued a report to the legislative assembly that suggested the adoption of an alternative boarding school system for the education of Indigenous youth (Nishnawbe Aski Nation, 2005b; TRC, 2015a). Ryerson recommended religious-based, government-funded industrial boarding schools as a means to more efficiently assimilate and convert Indigenous youth (Aboriginal Healing Foundation, 2018). Shortly after the publication of Ryerson's report, two industrial residential boarding schools were established in present-day Ontario: at Alder-ville in 1848 and at Muncey in 1851 (Nishnawbe Aski Nation, 2005b). Canada would go on to develop policies that proposed to protect In-

Indigenous Peoples, but in actuality attempted to assimilate, marginalize, and segregate Indigenous Peoples in an effort to gain control of their lands (TRC, 2015a).

Figure 1.6 Ryerson's report



Front cover of Dr. Egerton Ryerson's report on Indian Schools submitted to the legislative assembly.

the smaller church-run boarding schools (TRC, 2012). Industrial schools were seen as preferable to day schools because they provided a precise and long-term way to separate Indigenous children from their parents, making it easier to indoctrinate and assimilate them into Euro-Canadian society (TRC, 2012).

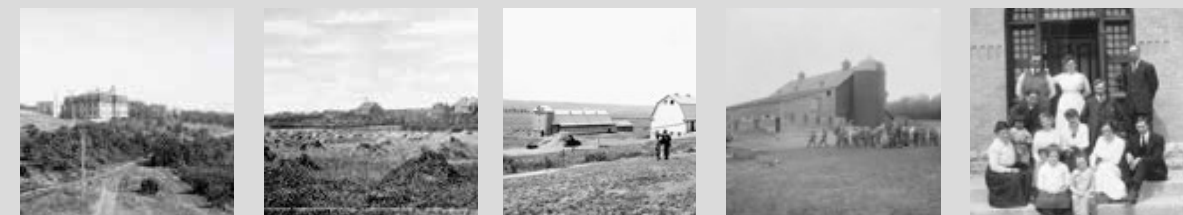
By 1884 the introduction of the industrial residential school system in

Canada was steadily progressing. Amendments to the 1876 Indian Act allowed for the introduction of more day schools and industrial boarding schools across Canada (Justice for Day Scholars, n.d.). Missionaries

Gallery 1.3 Brandon industrial and residential school



Dominion Experimental Farm, with the Brandon Indian Residential School on the left, Brandon, Manitoba, circa 1900-1925.



from the churches volunteered to operate these schools, believing it was their “mission” to convert and civilize Indigenous Peoples (TRC, 2015a; Union of Ontario Indians, 2013). With church support, the federal government increased its funding and regulated schools for Indigenous youth nationally (TRC, 2015a).

In 1920, under the Indian Act, attendance at residential school was made mandatory for all Indigenous youth ages 6 to 16 (TRC, 2015a; Union of Ontario Indians, 2013). The year 1930 is widely considered to be the height of the residential school era in Canada. During this period, there were over 80 schools in operation across the country (Miller, 2012; TRC, 2015a). Compulsory attendance would not be abandoned until 1951 when the government acknowledged that removing children from their parents was detrimental to their identity, health, and self-esteem (TRC, 2015a).

Church-Run Residential Schools

Roman Catholic Church

As early as 1629 the Society of Jesus (the Jesuit order), on behalf of the Catholic Church, took up the work of evangelization and education of both Indigenous and non-Indigenous peoples in New France (Mathieu, 2013; TRC, 2015a). The early teaching methodologies employed conflicted dramatically with Indigenous world view and proved unsuccessful (Miller, 1996; Mathieu, 2013; TRC, 2015a).

Attempts at educating Indigenous youth would be abandoned until 1836 when the Jesuits established a day school for boys at Wikwemikong First Nation on Manitoulin Island (TRC, 2012). Their lead was fol-

Interactive 1.3 Susie Jones, residential school survivor



Residential school survivor Susie Jones, from Wapole Island, shares her story.

lowed in 1841 by the Roman Catholic Oblates of Mary Immaculate, who established a missionary presence in Montreal specifically to take on the task of evangelizing and educating Indigenous populations in the region (Hanrahan, 2006; Sylvain, 2008). While the Jesuits would only establish two residential schools in Canada (the other, a boys’ industrial school, opened in 1878), the Oblates soon established 14 day and boarding schools aimed at assimilating Indigenous youth (TRC, 2015a). The Oblates would spread across Quebec and into the prairies and northern regions of Central and Eastern Canada, and ultimately towards the West Coast of Canada (TRC, 2015c). As a result of their expansion and commitment to the residential school system, the Oblates of Mary would

Interactive 1.4 Susan Enberg, Director and Co-Producer of the film 'In Jesus' Name'

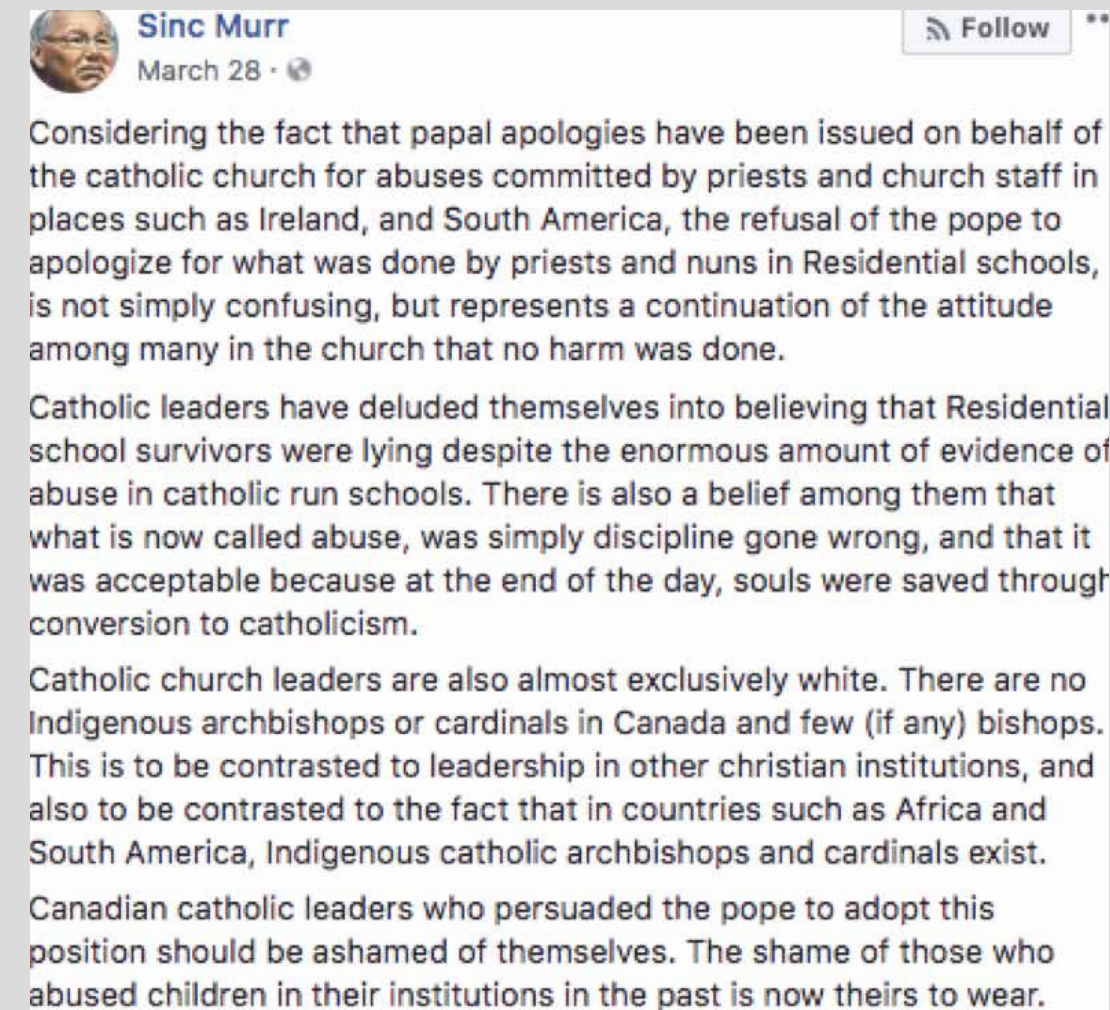


Susan Enberg, Director and Co-Producer of a 2017 documentary film about St. Anne's Residential School, Fort Albany, Ontario. The film is titled 'In Jesus' Name' and is available to Centennial College students through the college library.

come to manage the majority of church-run residential schools in Canada (TRC, 2012). Their work was supported by the Grey Nuns, the Sisters of Providence, the Sisters of St. Ann, and in the twentieth century, the Oblate Sisters of Mary Immaculate (TRC, 2012; TRC, 2015a). These female orders of the Catholic Church provided a large number of school teachers and nurses for the residential schools.

The number of residential schools in operation at any one time in Canada varied. However, approximately 16 of the 70 Catholic dioceses in Canada along with approximately 36 Catholic communities or congregations participated in the residential school system, running nearly

Figure 1.7 Sen. Murray Sinclair Facebook statement



After Pope Francis decided not to issue an apology for the Indian Residential School system, Sen. Murray Sinclair made the above statement on Facebook.

60 percent of the residential schools across the country (Archdiocese of Ottawa, n.d.; Canadian Conference of Catholic Bishops, 2018; TRC, 2012). To date the Pope has not offered an official apology on behalf of the Catholic Church or the Canadian Catholic Churches for the role played in residential schools. This rationale for this lack of apology is that each Catholic diocese and religious community was legally responsible for their own actions as well as the decision to participate in the residential schools thus, the larger body of the Catholic Church should not be held responsible (Canadian Conference of Catholic Bishops, 2018). The Jesuits and the Oblates of Mary Immaculate have issued individual apologies for their role in the residential school system. A number of other dioceses have offered expressions of reconciliation (Archdiocese of Ottawa, n.d.).

On April 29, 2009, Pope Benedict XVI made a statement to a delegation at the Assembly of First Nations; Assembly of First Nations National Chief Perry Belgrade was in attendance. The Pope expressed “sorrow” at the horrific treatment Indigenous Peoples suffered in the residential school system in Canada, but it was made clear that the event was not an official apology (CBC, 2009, para. 1). The current Pope and the Catholic Church still face significant criticism for not offering a formal apology for the involvement of their dioceses and religious communities in the residential school system in Canada.

Anglican Church

From 1820 to 1969 the Anglican Church of Canada oversaw 36 residential schools, which were built and financially supported by the Canadian government to force the assimilation of Indigenous children into Canadian culture through education. Many of these residential schools were located in northern regions.

Gallery 1.4 Images from Indian Residential School system institutions run by the Anglican Church of Canada



St. Michael's Indian Residential School entrance, with two students on the driveway, Alert Bay, British Columbia, circa 1970.



The Anglican Church provided basic education in European and Christian traditions with a strong focus on vocational skills, such as farming and cooking, to young Indigenous children. Graduating from these schools required completing grade 8. After World War II, the government mandated that the Anglican Church also offer secondary education. Over time, many of these primary and secondary residential

schools became dormitories for Indigenous children who attended day schools in local communities (Anglican Church of Canada, 2018a).

In early 1960s the Anglican Church determined that the residential school system had been a failure and returned responsibility for its schools to the government, which closed its last residential school in 1996. The Anglican Church identified what had happened as a cultural genocide and took full responsibility for its role in the residential school system by providing funding for several healing initiatives. On August 6, 1993, Archbishop Michael Peers formally apologized to Indigenous Peoples, and today the church continues to work towards reconciliation (Anglican Church of Canada, 2018b).

United Church

Between 1849 and 1969 the United Church operated a total of 15 residential schools. Out of the 80,000 residential school survivors still alive today, approximately 6.7 percent attended United Church schools (The United Church of Canada, 2018). Some of these schools were day schools; however, many were permanent residential schools where children stayed for a prolonged period of time. These schools were funded by the government and enforced measures to remove existing cultural and spiritual beliefs and values from the “Indian” child so that they could become part of the “White man’s world” (The United Church of Canada, 2008). This national policy of assimilation was never questioned by the United Churches, and they became agents for promoting these schools during the residential school era.

Later, survivors brought legal action against the different bodies responsible for the schools and the physical, emotional, sexual, and psychological trauma they endured while at the United Church residential

Gallery 1.5 Images from Indian Residential School system institutions run by the United Church of Canada



The first Crosby Girls’ Home, residents and staff, circa 1888. The building had originally served as the mission house where in 1875, Emma Crosby started inviting girls to live with her and her family and instructing them in the running of a “well-ordered Christian home.



schools. In response to these lawsuits, the General Council of the United Church provided an apology to the Native congregation in 1986. In 1998 the United Church offered a formal apology to all its former students and their families and communities. Since 2008 the church has been actively involved in reconciliation. Steps taken include “the

church's healing fund, its participation in the claims settlement processes, advocacy for a Truth and Reconciliation Commission, collaboration in the historic Indian Residential School Settlement Agreement, archival research and increased resources for reconciliation and right relations work" (The United Church of Canada, 2008).

Presbyterian Church

In 1994 the Presbyterian Church of Canada presented a formal confession for its role in the residential school system to its membership in Winnipeg. According to the church's records, it ran five day schools, eight Indian Residential Schools, and one industrial school from 1884 to 1969. The majority of these schools were located in the prairie provinces; two were in British Columbia, and one (the Cecilia Jeffrey School) was near Kenora, Ontario. Here is an excerpt from the Presbyterian Church's confession:

It is with deep humility and deep sorrow that we come before God and our Aboriginal brothers and sisters with our confession... We acknowledge that the roots of the harm we have done are found in the attitudes and values of western European colonialism, and the assumption that what was not yet molded in our image was to be discovered and exploited... We confess that, with the encouragement and assistance of the Government of Canada, The Presbyterian Church in Canada agreed to take the children of Aboriginal peoples from their own homes and place them in Residential Schools. In these schools, children were deprived of their traditional ways, which were replaced with Euro-Canadian customs... The Presbyterian Church used disciplinary practices that were foreign to Aboriginal peoples,

St. Anne's Residential School, Fort Albany First Nation Ontario

Written by Susan G. Enberg



Surviving St. Anne's Residential School

Residential schools funded by the Canadian federal government operated in the Cree community of Fort Albany First Nation, Ontario, from 1906 to 1976. Up to 1968 St. Anne's was wholly operated by the Roman Catholic Oblates of Mary Immaculate and the Sisters of Charity Ottawa (Government of Canada, 2014). Priests, Indian agents, and police removed Indigenous children from their families and communities from all over the western James Bay...

CONTINUE

and open to exploitation in physical and psychological punishment beyond any Christian maxim of acre and discipline. In a setting of obedience and acquiescence there was opportunity for sexual abuse, and some were so abused... We ask, also, for forgiveness from Aboriginal peoples. (Vais, Cowper, Gemmell, & Corbett, 1994)

The Métis and the Residential School System

The Métis youth in Canada who attended residential schools experienced similar conditions to First Nations youth: limited education, mediocre food, intense labour, menial tasks, neglect, loss of culture, and abuse (TRC, 2012; TRC, 2015c). However, many Métis children did not attend residential schools or any schools at all. Métis experienced a unique set of challenges related to access to education due to their mixed-race identity (TRC, 2012; TRC, 2015c). Seen as only half-Indigenous, they were typically believed to be “sufficiently civilized” due to their ancestry (TRC, 2012; TRC, 2015c), thus, their assimilation was not considered a priority for the federal government. This meant the government had less interest in educating them except for in particular instances when it believed a Métis family was “too Indian”; then it would consider sending their children to residential school if a bed was available and not needed for a First Nations youth (TRC, 2012; TRC, 2015c).

During the residential school era, Métis found themselves in an increasingly untenable position. As more Euro-Canadian immigrants settled in the West, their communities became increasingly ostracized (TRC, 2012), and they experienced a lack of acceptance among the grow-

ing non-Indigenous population. Meanwhile the government would not take any financial responsibility for their communities. Public schools refused to admit Métis, and Métis communities lacked funding to build their own schools in their communities (TRC, 2012; TRC, 2015c). Métis families struggled to secure education in any form for their children. Some paid a significant sum (i.e., \$155 in 1912) to the federal government to have their children considered for acceptance to a residential boarding school (TRC, 2012). By 1936 in Alberta more than 80 percent of Métis children were without access to education (TRC, 2012).

Early in the history of residential schools, church-operated Indian Residential Schools were much more willing and interested in accepting Métis youth in hopes of converting them to Christianity. Anglican and Catholic missionaries were the main religious groups to establish residential schools primarily for Métis located at Île-à-la-Crosse, Saskatchewan; Lebret, Saskatchewan; St Paul des Métis, Alberta; and Dawson City, Yukon (Chartrand, Daniels, & Logan, 2006; TRC, 2012).

It was also generally expected that the religious denomination of Métis youth and their families match the denomination of the educational institution (TRC, 2012). In some cases, church-run schools demonstrated a willingness to accept Métis regardless of their denomination in place of First Nations whom they were having trouble converting. However, in 1913, the federal government declared that spaces in church-run schools should be given to First Nations with Indian status, demanding the schools refuse to admit Métis without status under the Indian Act (TRC, 2012).

The federal government would continue to tighten and then loosen its

admission policy around residential schools for the next 20 years. However, in 1934, the federal government decided unanimously that no Métis should be allowed to enter a federally funded residential school. Church-run schools were expected to follow the new policy, with the exception of a few “extreme” cases (Métis youth/family deemed in desperate need of conversion and civilizing) (TRC, 2012).

The Truth and Reconciliation Commission as well as the Aboriginal Healing Foundation have identified the need for more thorough research on the Métis experience at residential schools. Various Métis organizations are currently collecting and reviewing oral histories from survivors, missionary records, and archival reports (Chartrand, Daniels, & Logan, 2006; TRC, 2012; TRC, 2015c). Further consultation ini-

Interactive 1.5 Legacy of Hope Foundation website



Click on the image above to visit the Legacy of Hope Foundation website and learn more about the Métis residential school experience.

tiatives with Métis will help generate a more thorough understanding of the impacts, challenges, and unique circumstances they experienced both within and outside of Canada’s residential school system.

Resistance During the Residential School Period (1880s to 1990s)

There is a rich archive of stories from residential school survivors in Canada that show the bravery, determination, and creativity of Indigenous children and adults as they found ways to slow down, sabotage, escape, or prevent the horrible abuses they experienced because of residential schools. As a whole, Indigenous Peoples were never complicit in the policies and practices put in place to subjugate them, and yet many Canadians who have learned about residential schools are left with the impression that people didn’t resist. This reflects how much we have yet to learn about the full history of residential schools, not a lack of resistance in Indigenous communities.

The Truth and Reconciliation Commission’s final report details many stories of resistance. There were everyday forms of resistance, like continuing to keep Indigenous languages, stories, and other traditions alive by practicing them in secret, and stealing or hoarding food or other resources. The TRC’s final report also details more overt forms of resistance, like how some parents refused to sign their children up to go to residential schools, how they protected students who ran away, or how they stopped sending children back to the schools after summer holidays or other school breaks. Also, the TRC chronicles how several residential schools were closed because enrollment declined so far as to make it untenable to keep them open. These schools included several in the prairie provinces such as the Battleford school in Saskatchewan, closed in 1917; a school

Gallery 1.6 Resistance to residential schools



The Roman Catholic school at Sturgeon Landing, Saskatchewan, was destroyed by fire in September 1952. There was no loss of life. St. Boniface Historical Society Archives, Roman Catholic Archbishop of Keewatin-The Pas Fonds, N3637.



in St. Boniface, Manitoba, closed in 1907; and a school in Red Deer, Alberta, closed in 1919 (TRC, 2015d, p. 115). In another example, the TRC report reads: “Two weeks after the start of the 1940 school year, fifty-four students had yet to return to the Fraser Lake, British Columbia,

school. The police were called in, and by October 2, twenty-five of the students had been returned. This form of parental action was common throughout the 1940s” (TRC, 2015d, p. 116).

Two clear forms of resistance that occurred often were children running away and schools being burnt down. There are over 50 fires documented in residential schools. Some of these schools were then reopened as day schools. Parents and other community members also made formal complaints. For example, the TRC documents letters of complaints from parents to Ottawa as early as 1889, and also chronicles how the community of Six Nations hired inspectors to investigate the curriculum being taught at the Mohawk Institute in the early 1900s. There are many other exam-

Interactive 1.6 CBC The National: Hidden children



Some Indigenous parents saved their children from residential schools by sending them into hiding. Now grown, one woman has been reunited with the family that took her in.

ples of resistance, and these may have inspired the 1920 amendment to the Indian Act, which made attendance at day schools or Indian Residential Schools mandatory until 1951.

Daily Life at Residential Schools

Many accounts of daily life at residential schools have been published. They report that the schools had very regimented daily schedules that included a lot of religious instruction. Teachers were often poorly qualified and almost always under-resourced, and instruction was designed with the primary goal of assimilating Indigenous children into European-Canadian Christian culture. In one account, the daily schedule of the Mount Elgin School (1951) is listed as follows:

5:00 a.m.	Bell rings, students rise, wash, and dress
5:30 a.m.	Breakfast, then prayers
6-9 a.m.	Boys work on farm and girls in house
9 a.m.-12 p.m.	School
12-1 p.m.	Lunch and recreation
1-3:30 p.m.	School
3:30-6 p.m.	Work on farm
6 p.m.	Dinner and prayers
Evening	In winter, boys in evening school, girls learn needlework
9 p.m.	Bedtime

(MacLean, 2005, p. 115)

Professor Celia Haig-Brown wrote one of the first books that exposed the miseries of life at residential school. Her book is about the Kamloops Indian Residential School, and to write it, she conducted interviews in 1985-1986 with Secwepemc survivors of this IRS (Haig-Brown, 2013). Daily life at this school and others like it consisted of early mornings, strict routines, and swift physical punishment for any deviation from the mandatory activities of the day. As one former student describes, morning routines needed to be completed without any talking with other children, and each day started with at least an hour-long church service before the classroom part of the day began (Haig-Brown, 2013). When class started, the first hour was also devoted to religious instruction.

Beyond the classroom, the skills that students were required to learn were gender normative: Girls were expected to learn skills related to keeping a household (a European household), such as sewing, cooking, and cleaning. Boys were taught the skills related to subsistence farming and keeping animals, always under the guise of assimilation into the dominant European and Christian culture. But, as Haig-Brown notes, “the assimilation was to take place under conditions which would cause no threat to the surrounding business and farming community” (p. 73). Thus, boys were trained to become part of the labour pool, but not to run their own farming business. Part of the motivation for this type of curriculum was to make the schools self-sustaining, or at the very least, to reduce costs so that the schools could take in more students (MacLean, 2005).

Health Issues in Residential Schools

Many First Nations, Inuit, and Métis children in residential schools died due to poor living conditions, inadequate food, lack of medical care, tuberculosis, small pox, influenza, pneumonia, and lung disease. The

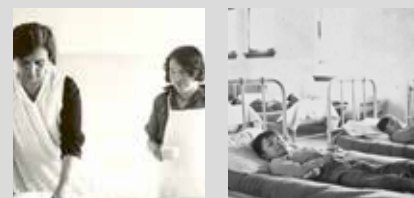
Health Issues in Residential Schools

Many First Nations, Inuit, and Métis children in residential schools died due to poor living conditions, inadequate food, lack of medical care, tuberculosis, small pox, influenza, pneumonia, and lung disease. The Canadian government was aware of these deaths but never established any health and safety standards to address these issues. In fact, many of the children were denied professional medical care and were left to die. The Truth and Reconciliation report stated, “Government, church, and school officials were well aware of these failures and their impact on student health” (Kennedy, 2015).

Gallery 1.7 Health issues in residential schools



Student assists nurse in caring for sick boy, Edmonton Indian Residential School, circa 1930.



For a number of decades, starting in 1910, tuberculosis (TB) was one of the leading causes of death in residential schools. For every 100,000 children, 4000 died of TB (Young, 2015). The spread of this disease was exacerbated by poor living conditions along with malnutrition and lack of medical attention: “The schools were a particular breeding ground for tuberculosis ... dormitories were incubation wards” (The Canadian Press, 2013). Children were often neglected and left to take care of themselves. As a result, many died.

Malnutrition and severe hunger in residential schools also contributed to higher death rates and long-term health issues. The Canadian government did not provide adequate funding to residential schools to purchase food; consequently, food deprivation was an ongoing issue. One of the survivors recalled in an interview with the *Toronto Star* “eating six orders of bacon and eggs in a restaurant one time after he got out of the residential school, much to the restaurant owner’s disbelief. ‘I would take so much food. I always thought in the back of my mind that there wasn’t going to be enough’” (Hudes, 2017). Today many survivors continue to suffer from long-term health effects due to the food deprivation and malnourishment they experienced in residential schools.

Between 1942 and 1952 children in residential schools were subjected to unethical medical research, mostly (but not exclusively) on the effects of malnutrition on children. These experiments were not only cruel, but parents were neither informed nor could they consent to their children’s participation, and many children suffered negative effects to their health and well-being for the rest of their lives (MacDonald, Stanwick, & Lynk, 2014). (As these experiments were taking place, Canadian forces were overseas fighting to defeat the horrors of a Nazi regime that also

conducted unethical research but on concentration camp populations, an example of the incongruities common in Canadian history when it comes to treatment of Indigenous Peoples.)

The Truth and Reconciliation Commission of Canada called on the Canadian Medical Association (CMA) to support and facilitate the call-to-action recommendations related to health. The CMA has committed to adopt and work towards the recommendations, acknowledging “the importance of recognizing and not forgetting the terrible impact that the residential school system has had and, as a consequence of ongoing intergenerational trauma, continues to have on the health of many First Nations, Inuit, and Métis people of Canada. Some will ask if this is the role of the CMA, and indeed it is” (HealthCareCAN, 2018, p. 3).

Deaths at Residential Schools

We hear from survivors and family members how important it is that they know what happened to their loved ones and to know where their remains are located. (Leung, 2015b)

About 150,000 Indigenous children were in the residential school system from 1870 to 1996 (The Canadian Press, 2013). The final report of the Truth and Reconciliation Commission concluded that more than 3200 First Nations, Inuit, and Métis children died in these church-run schools, far surpassing the death rate in any Canadian public school system (Ibbitson, 2017). Many of the children who went to these schools simply never returned home, and their parents still to this day have not been informed of their deaths. The primary causes of death for these children were disease (see the section on Health Issues), malnutrition, poor living conditions, fire, and physical abuse.

Gallery 1.8 Deaths at residential schools

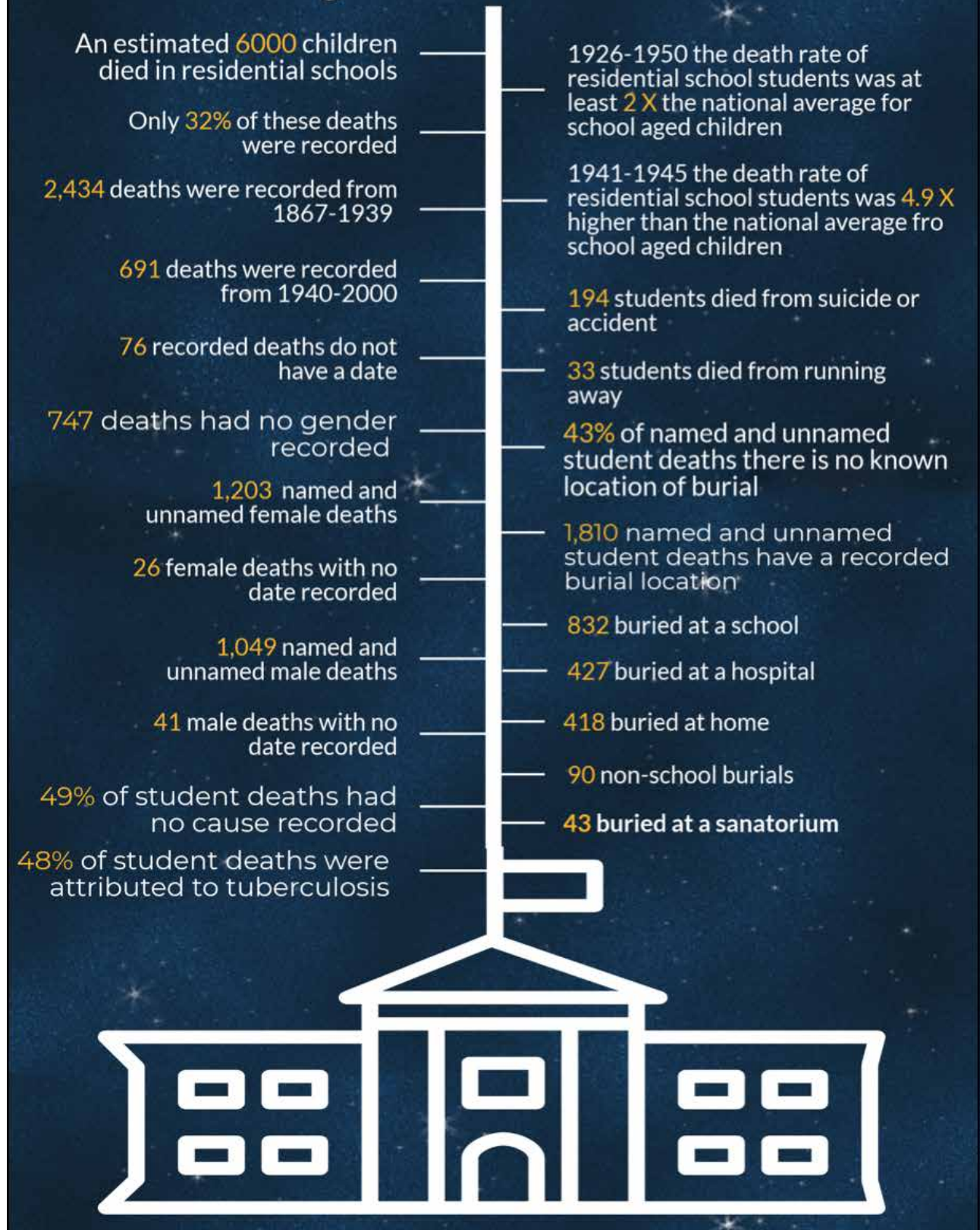


Residential school students at the Roman Catholic cemetery in Fort George, Quebec. Deschâtelets Archives.



Dr. Peter Bryce was an advocate for First Nations child health. In 1907 he issued a report known as “The Bryce Report,” which was based on his visit to 35 Indian Residential Schools in Western Canada. He reported unsanitary conditions, poor ventilation, overcrowdedness, and the spread of tuberculosis and other diseases. Dr. Bryce highlighted the high death rates of children at the schools and blamed the churches and Canadian government for these deaths. He noted that “we have created a situation so dangerous to heal that I was often surprised that the results were not even worse than they have been shown statistically to be”

Residential School Deaths by the Numbers



(First Nations Child & Family Caring Society of Canada, 2016, p. 1).

The TRC report also identified fire as one of the contributors to the death rates in residential schools. These schools were described as “death traps” because school officials locked the dormitory doors at night so that the children were unable to escape. “Many schools refused to spend money on fire escapes. Instead, they built poles outside of windows for children to slide down. But the windows were locked, and children were unable to reach the poles” (Leung, 2015b). As a result, many died when fires broke out in the schools.

Physical abuse was also quite common in residential schools. Many survivors have shared stories of being strapped and beaten. Some of these children endured corporal punishment and died as a result (Young, 2015). One of the survivors described being “slapped on the side of the head ... one teacher struck him in the face and broke his nose” (Brodbeck, 2015).

Children who died were buried in school or mission cemeteries, usually far away from their families. The school administrators often did not bother to inform their parents or to record the cause of death. In fact, they stopped recording the buried children after the 1920s as the children were dying exponentially. Some graves were marked and others were unmarked. And when the schools closed, these cemeteries were abandoned: “In other words, neither the schools nor the government really gave a damn. Because these kids weren’t treated like human beings. They were treated like animals” (Brodbeck, 2015). The TRC report stated that 32 percent of these deaths were never recorded, and the majority of the deaths took place before the 1940s. It also emphasized that families will never know how their loved ones died or where they are buried (CTV News, 2015a).



Lost Generations

AIM—Adopt Indian-Metis—giving children white parents

By JIM POLING
SASKATOON — (CP) — Louise is a dark-eyed, bright 3½-year-old who, although her mind can't comprehend it yet,

is engaged in a desperate battle which will shape her future.

The fight is for security, something she hasn't found in three different homes and

something which her fourth — and probably permanent — parents hope to give her.

Louise's fight is different from that of most adopted children because her new

family is white and she is Metis — part Indian and part white.

She represents a challenge not only to her new parents, but to a branch of the Saskatchewan department of welfare called AIM — Adopt Indian-Metis centre.

AIM was established three years ago as a pilot project in the Regina area when a serious backlog of Indian and Metis children under provincial care developed.

During 1960-67, the fiscal year before the project started, only 50 Indian and Metis children were adopted in Saskatchewan.

From April 1, 1969, to Dec.

31, 1969, a total of 140 were placed in permanent homes. Sixty of these were placed by AIM's Regina office and its Saskatoon branch and the rest by the welfare department which handles Indian and Metis adoptions outside the two districts.

One of the questions Louise's prospective parents had to answer before going to AIM was: Aren't there enough problems in adoption without taking a child of another race?

"To most people who come here, race makes no difference," said Alison Vickers, AIM supervisor for the Saskatoon office. "But they are

aware that it does to some people."

Louise's new parents, who have two boys, aged 9 and 10, and a girl 6, were drawn to AIM by its publicity campaign and a long-standing interest in the Indian people.

'PROUD AS PUNCH'

"I'm adopted myself and have wanted children both ways," says Louise's new mother, who wished to remain anonymous to protect her new child. "We felt that if we wanted another child, why produce one when there are so many already available?"

She and her husband wanted another girl and after months

of thought went to AIM because they felt they could help the problem of Indian and Metis children by adopting one.

"At first I thought that when I took her shopping with me I would be apprehensive. But I'm as proud as punch taking her and I expect everyone to like her.

"We haven't met any discrimination yet . . . but perhaps it's discrimination of a form when people say 'Aren't you the good Samaritan'."

Louise was abandoned at two years of age and lived in two foster homes. When taken into the care of the province she spoke only Cree.

Mrs. Vickers said most people who go to AIM already have families, either natural or adopted or a mixture.

the family and the child adjust. At the end of that is the child may be returned though not many are — or legal rights to the child transferred to the parents.

Before AIM was established the number of Indian and Metis children awaiting adoption had been increasing about 100 a year.

In October, 1969, there were 205 Indian and Metis children under provincial care and last month 186.

Mrs. Vickers says that AIM is at least keeping ahead of the increase and that the program has boosted the number of adoptions of types in Saskatchewan.

The toughest task now is find parents for older children and children in family groups.

NOT LIKE BIRTH



A Feature of Ogilvy's Goods and Chattels Sale

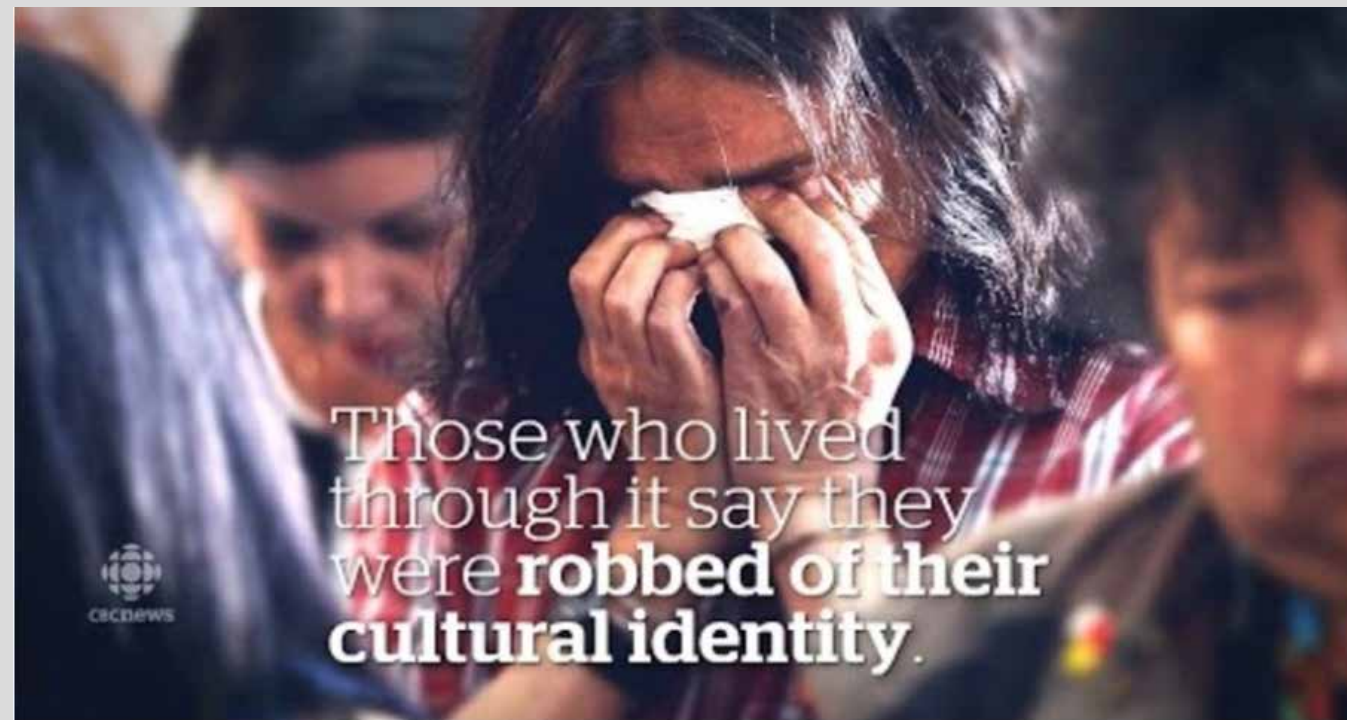
Introduction

The phrases "Sixties Scoop" and "Millennial Scoop" are used to describe two periods of time during which Indigenous children were brought into the child welfare system en masse and in disproportionate numbers to other ethnicities in Canada.

From the late 1950s to the early 1980s, a large number of First Nations, Métis, and Inuit children were removed from their families and

communities and adopted into non-Indigenous homes. This has come to be known as the Sixties Scoop, and the children who were taken are often referred to as the Stolen or Lost Generations. The Millennial Scoop was coined to describe the alarming rate at which Indigenous children continue to be brought into the child welfare system and spans the early 1980s to today.

Interactive 1.7 The Sixties Scoop explained



CBC The National summary of the Sixties Scoop (2016).

Sixties Scoop: Setting the Stage

After World War II the federal government began to assume control of the residential schools from churches, which had previously been contracted to run them (Mackenzie, Varcoe, Browne, & Day, 2016, p. 2). The Indian Residential Schools rarely (if ever) provided curriculum to Indigenous youth on par with that provided in other education systems in the country; the goal of residential schools was not to provide academic skills, but rather to ensure assimilation into the dominant Euro-Western Christian culture (Mackenzie et al., 2016, p. 4). It was often assumed that Indigenous students were incapable of understanding academically rigorous programming, and curriculum tended to focus

on religious teachings and manual labour skills. As residential schools transitioned from Christian-run institutions to federal agencies, many of them became de facto child protection centres (Mackenzie et al., 2016, p. 4).

As this transition was taking place, social services were growing across Canada. The Canadian Welfare Council and the Canadian Association of Social Workers submitted a proposal to amend the Indian Act to extend power to the provinces to deliver health care, welfare, and education services to on-reserve communities (Mackenzie et al., 2016, p. 6). In 1951 this amendment – Section 88 of the Indian Act – was accepted with little consideration for how it would impact Indigenous families living on reserves (Sinha & Kozlowski, 2013, p. 3; Mackenzie et al., 2016, p. 6). The transfer of responsibility from federal to provincial governments was formalized with the transfer of federal funding for child protection services to the provinces in the Canada Assistance Plan in 1966 (Sinclair, 2016, p. 9).

In the years that followed the amendment, each province and territory established its own structure for providing child welfare services to on-reserve communities. The lack of a formal national policy or structure meant that each province was tasked with designing its own policies and processes without federal or community input. It was a recipe for disaster. In British Columbia, the children's aid societies established an informal agreement to provide child protection and foster care services to Indigenous communities in the province; however, there was no provincial agreement to provide preventative services, such as daycare, often crucial to ensuring families remained united (Mackenzie et al., 2016, p. 6). As a result, within a span of 10 years, Indigenous children went from

being basically unrepresented in foster care to making up one-third of the foster-care population in British Columbia; other provinces experienced a similar shift (Vowel, 2016, p. 181).

Scooping the Children

By the early 1960s there was a significant uptick in the number of child welfare cases involving Indigenous children that resulted in adoption. Many of the children involved were adopted without the knowledge of their families or bands (Sinclair, 2007, p. 66). During this time most adoptions were transracial, meaning a child of one ethnic group is adopted by a family of another ethnic group. For Indigenous children this meant that the majority were adopted into middle-class white Christian families. In this way the child welfare system continued the work of the residential school system, and many have come to see these adoptions as a further example of ethnic cleansing in Canada (Sinclair, 2007, p. 69).

The number of Indigenous children apprehended and adopted during this time was far higher than the national average for other ethnic groups (Sinclair, 2007, p. 66). Many of these children were transracially adopted within Canada; others were sold to the United States and overseas (Mackenzie et al., 2016, p. 7). It is estimated that 11,132 children with Indian status were placed in the child protection system; the number including non-status and Métis children was roughly 20,000 (Vowel, 2016, p. 182). Reports estimate that nearly one-third of all Indigenous children in Canada were separated from their families by adoption during this time period (Sinclair, 2007, p. 66). Of those adopted, 70 to 90 percent were placed with non-Indigenous families (Vowel, 2016, p. 182).

Interactive 1.8 Rob Lackie on the Sixties Scoop



Rob Lackie shares his personal story about the Sixties Scoop and the impacts on his family.

Resistance and Changes in the Child Welfare System

The 1960s and 1970s saw the rise of resistance movements like the National Indian Brotherhood (NIB) that raised concerns and advocated to change the systems that affected Indigenous communities. NIB, while advocating for control of First Nations education, also took aim at the child welfare system and argued for the need for change and for Nations to have an increased voice in the system (Sinclair, 2007, p. 68).

That was slowly happening in Canada. In the early 1980s child welfare agencies operated by First Nations communities began to emerge and quickly flourished. In 1981 there were four; by 1986 there were 30 (Sinha & Kozlowski, 2013, p. 4). However, a federal moratorium on

recognizing new agencies, along with strict funding controls, soon impeded the creation of new agencies (Sinha & Kozlowski, 2013, p. 4). The United States, which had also implemented segregated school systems, reservations, and transracial adoption policies, passed the Indian Child Welfare Act in 1978. This legislation prevented transracial adoptions of Native American children without the consent of their band (Sinclair, 2007, p. 68).

Gallery 1.9 Adopt Indian and Métis (AIM) newspaper ads



This ad appeared in the Regina Leader-Post newspaper on Oct. 31, 1972. (Regina Leader-Post)



Interactive 1.9 Councillor Laura Colwell on the Sixties Scoop



Councillor Laura Colwell talks about her personal story and being part of the Sixties Scoop.

Canada's response to the activist work of the NIB and the new US policies included commissioning Patrick Johnston's 1983 report *Aboriginal Children and the Child Welfare System*, where the term "Sixties Scoop" first appeared in academic literature (Sinclair, 2007, p. 69). Justice Edwin Kimelman led a judicial review of Aboriginal adoption in the province of Manitoba; his report *The Quiet Place*, more commonly known as the Kimelman Report among child protection agencies, placed a moratorium on Indigenous transracial adoptions in Canada (Sinclair, 2007, p. 68). This decision, while responding to serious concerns about the child welfare system, did not reduce the number of Indigenous children taken into care. It simply reduced the number of children eli-

gible for adoption, resulting in the majority of Indigenous children being placed in long-term fostering programs (Sinclair, 2007, p. 68).

Interactive 1.10 Missing & Murdered: Finding Cleo



Where is Cleo? Taken by child welfare workers in the 1970s and adopted in the US, the young Cree girl's family says she was stolen, raped, and murdered while trying to hitchhike back home to Saskatchewan. Host Connie Walker joins their search.

Millennial Scoop: Best Interest of the Child

After the Kimelman Report was published in Manitoba, other provinces followed suit and began to seek the consent of families and bands when processing First Nations adoptions (Sinclair, 2016, p. 10). Provincial, not federal, acts govern the child and family services agencies in Canada; in 1985 both Manitoba and Ontario amended their Child and Family Services Acts to formally include a clause about the “best interest of the child.” This refers to the idea that all child welfare work should be guided by doing what is best for the child involved. This amendment included the requirement of agencies and courts to take into consideration the cultural, linguistic, racial, and religious backgrounds of children when providing services and placing them in foster or adoptive homes (Sinclair, 2016, p. 11).

Children in Care

Despite some of these changes to the child welfare system, Indigenous children continued to be brought into care in numbers disproportionate to non-Indigenous children. By 2002 an estimated 22,500 Indigenous children were in the foster-care system – more than the number of children adopted during the Sixties Scoop and more than the number in residential schools at their height of enrollment (Vowel, 2016, p. 182). For a variety of reasons, Indigenous children are six to eight times more likely to end up involved with the child welfare system.

Neglect is the most common reason for the apprehension of Indigenous children. This risk factor is linked to poverty, inadequate housing, domestic violence, and substance misuse (Sinha & Kozlowski, 2013, p. 3; Vowel, 2016, p. 185). Intergenerational trauma, resulting from prior government policies such as residential schools and the Indian Act, is certainly a factor in how many Indigenous children suffer neglect and child welfare intervention.

The current child welfare system continues to face the struggles that contributed to the Sixties Scoop. Agencies working to provide services to First Nations communities are underfunded, receiving roughly 78 cents for services on-reserve for each dollar spent on services off-reserve (Vowel, 2016, p. 184). Often this financial barrier prevents agencies from providing services that may prevent apprehension or ensure reunification of families.

In 2007 the First Nations Child and Family Caring Society (FNCFC) with the Assembly of First Nations (AFN) filed a human rights complaint against the Government of Canada in the Canadian Human

Rights Tribunal (CHRT) for their continued discrimination against First Nations demonstrated through the persistent underfunding of their child welfare services. Initially the CHRT dismissed the case; however, under judicial review, the Federal Court of Canada ordered it to hear the matter. After 72 days of hearings between 2013 and 2014, the CHRT substantiated all claims made by FNCFCs and ordered Canada to immediately stop the discriminatory behaviour (FNCFCs, 2016). In February 2018, after nearly two years of inaction on the part of the government, the CHRT again ordered the Government of Canada to comply with its 2016 decision, something Indigenous Service Minister Jane Philpot has committed to – with retroactive payments to the date of the decision.

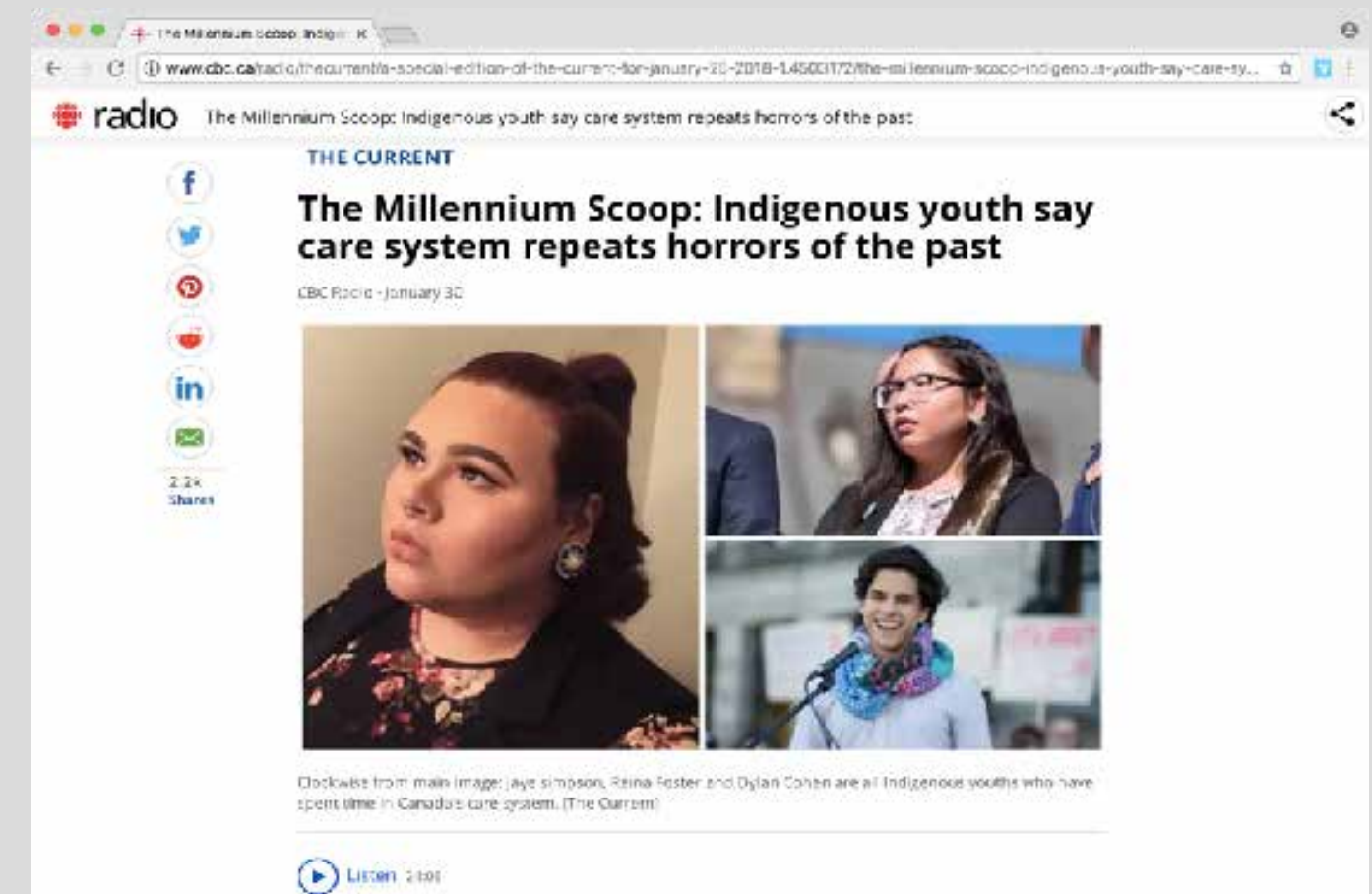
Adoption

In 1994 the United States implemented the Multi-Ethnic Placement Act (MEPA) and in 1996 the Removal of Barriers to Interethnic Adoption (IEP). This policy and amendment operate on the notion that transracial adoption is better than long-term foster care. Canada does not have legislation that parallels MEPA-IEP; however, in a 2005 Saskatchewan court decision, Justice Jacelyn Ryan-Froslic ruled that denying an adoption based on race was unconstitutional (Sinclair, 2007, p. 69).

Increasingly, adoption cases involving Indigenous children who are placed into non-Indigenous family homes have relied on a single case: *Racine v. Woods* (1983). In this case Justice Berth Wilson ruled the bond between a child and their foster/prospective adoptive parent supersedes their cultural needs when considering the best interest of a child (Sinclair, 2016, p. 11). While this argument is unproven, the Canadian courts continue to show deference to foster/prospective adop-

tive parents over the cultural needs of Indigenous children. Many point to this pattern of non-Indigenous families adopting Indigenous children to be further demonstration of ethnic cleansing through the child welfare system.

Interactive 1.11 CBC Radio One: The Current



The Millennium Scoop: Indigenous youth say care system repeats horrors of the past.

Click to visit the CBC Radio One website and listen to three youth share their stories.

Apology and Class Action Lawsuit

Apology

In June 2015 Greg Selinger, premier of Manitoba, was the first government official to apologize for the Sixties Scoop, saying, “It was a practice that has left intergenerational scars and cultural loss. With these words of apology and regret, I hope all Canadians will join me in recognizing this historic injustice. I hope they will join me in acknowledging the pain and suffering of the thousands of children who were taken from their homes” (as cited in Hoyer, 2015, para. 3). The apology was groundbreaking, and for some, it seemed to signal a shift in how Canadians would understand the experience of so many Indigenous adoptees. For others, it was not enough as it did not address or seek to change a system that continues to disproportionately remove Indigenous children from their communities.

Class Action Lawsuit

The survivors of the Sixties Scoop have sought justice and recognition over the past few decades, most notably with the recently settled class action lawsuit that aimed to provide some measure of restitution to those who were removed from their families between 1951 and 1991, and as a result, lost their cultural identities and ties to their communities of origin. It is anticipated that individual claimants will receive at least \$25,000 as part of the settlement, and an additional \$50 million that has been earmarked to create a healing fund.

Interactive 1.12 Ontario Sixties Scoop: Q&A about the Sixties Scoop settlement



Kenn Richard, executive director, Native Child and Family Services of Toronto, sat down with Raven Sinclair, a Sixties Scoop adoptee, and Jeffrey Wilson, lead counsel on the Ontario Sixties Scoop class action lawsuit, for an open and honest conversation regarding the Sixties Scoop settlement.



Resistance Movements

Resistance carries promise. A single voice within a movement may echo across hundreds of generations, and opposition in its most compelling forms can lead to lasting change. For Indigenous Peoples in Canada, resistance to colonization, assimilation, and the destruction of Turtle Island is a part of the fabric of their cultural identity. Many Canadians, when learning about the destructive colonial history of Canada, ask, “Why did Indigenous Peoples not fight back?” This chapter attempts to explore this question by sharing a few of the many ways Indigenous Peoples did, and continue to, fight back. They fight back every day against people, industries, and policies that perpetuate systemic discrimination and threaten their land, their way of life, their relations, and their belief systems.

The following timeline, while extensive in scope, is in no way complete; there are more examples of resistance than could be contained in a single book. What you will find below are examples of movements, people, legislation, grassroots initiatives, and technology that have been a part of work to protect Turtle Island for hundreds of years. Some of the events and organizations may be unfamiliar; however, these examples have led to or fuelled lasting and profound change in the relationship between Indigenous Peoples, non-Indigenous people, and the Canadian government on Turtle Island. You are asked to take particular notice of the discussion around the Ipperwash Crisis, the Oka Crisis, the

Keystone XL pipeline, and Idle No More. As you explore these events, consider what you believe to be the contributing factors that led to the crisis point. What changes happened in the years that followed? You are also asked to consider the role that technology has played in some of the more recent resistance movements. Specifically, how has technology altered the scope and impact of resistance movements today? Do you believe technology, especially social media, to be an agent of positive change in this framework? How might social media, or media in general, create challenges for Indigenous Peoples?

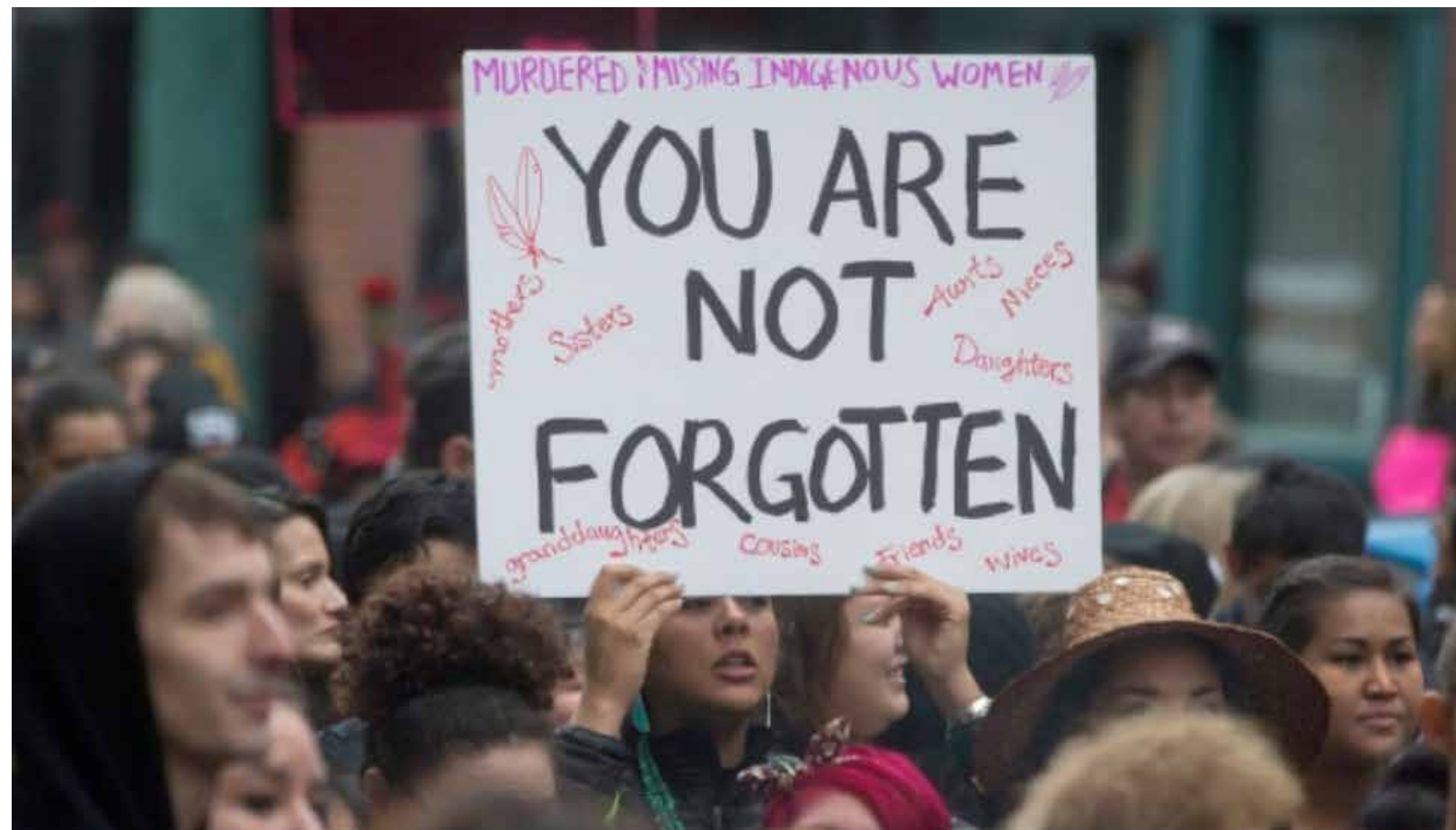


Missing and Murdered Indigenous Women and Girls

At the time of writing this section of the e-textbook, the National Inquiry into Missing and Murdered Indigenous Women and Girls (NIIMMIWG) is ongoing, and only the Interim Report has been published. The Inquiry has been plagued by many setbacks and challenges, both existential and logistical, which have significantly affected the speed and accuracy with which the commissioners have been able to examine the many truths and experiences at the heart of the Inquiry's mandate. In light of these challenges, in March of 2018, the commissioners asked the federal government to extend the Inquiry for another two years with an

additional \$50 million in funding. This extension is intended to provide time for the Inquiry to hold more institutional and expert hearings as well as hear from vulnerable populations such as sex workers and the

homeless. Commissioners believe this additional time will allow the Inquiry to more effectively meet the needs of the people it's intended to serve. For our readers, this means that this is a living text that will grow and change as new information comes to light, until the many truths and outcomes of the Inquiry are woven into a clear dialogue which we can then share with you.



Roots of Violence Against Indigenous Women, Girls, LGBTQ, and Two-Spirit People

Indigenous women and Two-Spirit people on Turtle Island are sacred as they embody the roles of caregivers, creators, and knowledge keepers within their communities, both historically and in contemporary times. During and after colonization, these roles were directly undermined and dismissed by colonial and patriarchal authorities. The imposition of the Indian Act, the residential school system, and the Sixties Scoop contributed to the loss of identity and ways of knowing within Indigenous communities across Canada. These events generated profound and lasting intergenerational trauma, extensive experiences of violence, and the loss of self-worth experienced among Indigenous youth today. Dismissive attitudes towards this reality by colonial governments and settler populations have been magnified in the case of Indigenous women, girls, and Two-Spirit people. The implications of this are far-reaching; in February 2016 activists for the Walk 4 Justice initiative listed the names of over 4000 women and girls who were missing or murdered; 60 to 70 percent of them were Indigenous (Tasker, 2016). The number of missing and murdered Indigenous women and girls continues to climb.

Defining Violence Against Indigenous Women and Girls, and the LGBTQ2S Community

Violence against Indigenous women, girls, and the LGBTQ2S (lesbian, gay, bisexual, transgendered, queer, Two-Spirit) community has reached epidemic proportions in Canada today. Indigenous women report rates

Interactive 1.13 Full story: The missing and the murdered



16x9 explores the troubling trend of violence against Indigenous women and hears from the families of the missing and murdered women and girls.

of violence 3.5 times higher than non-Indigenous women and girls, and incidence of death from violence occurs at rates five times higher (NIIMMIWG, 2018b). The World Health Organization (WHO) defines violence as “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation” (WHO, 2018, para. 1). This definition includes self-directed violence, interpersonal violence, and collective violence. The National Inquiry into Murdered and Missing Indigenous Women and Girls (2018b) expanded this definition to include cultural, colonial, and institution-

alized violence, and reported that between 1997 and 2000 the rate of homicide for Indigenous women was seven times higher than the homicide rate of non-Indigenous women. Indigenous women and girls have been experiencing violence at rates unheard of for other demographics

Interactive 1.14 CBC podcasts: Missing and murdered: Who killed Alberta Williams?



In 1989, 24-year-old Alberta Williams was found dead along the Highway of Tears near Prince Rupert, BC. Police never caught her killer. Twenty-seven years later, her unsolved murder continues to haunt her family — and the retired cop who says he knows who did it.

Click the above image for the first podcast episode and slideshow produced by CBC News.

in Canada, and Indigenous communities have been demanding an inquiry into the loss of their women and girls for more than 20 years.

Estimates of Missing and Murdered Indigenous Women and Girls

No one knows for sure the exact number of women, girls, and LGBTQ2S people who have gone missing or been murdered in Canada (NIIMMIWG, 2018a). The RCMP national overview estimated the number to be 1200 in 2014, which is vastly different from the Walk 4 Justice initiative's number of 4232 (RCMP, 2017; Tasker, 2016). The significant gap between these and other estimates is of concern. Commissioners of the Inquiry, as well as activists and Indigenous community members, point to the different methodologies used by police services in Canada to define/identify a murdered or missing Indigenous individual as the source of this discrepancy (NIIMMIWG, 2018b). This lack of consistency leads to challenges with statistics, identification, data, and reporting of incidences of violence. Many believe the number who have been murdered or disappeared is far higher than suspected (Kirkup, 2017; NIIMMIWG, 2018b). In Canada today, Indigenous women account for 4 percent of the female population and 24 percent of female homicides (Statistics Canada, 2015). This is hardly new: Indigenous women and girls have been going missing and being murdered since first contact with Europeans, although the epidemic only started to receive attention from non-Indigenous Canadians in the last 60 years, starting with some well-known cases in the 1950s (Red Power Media, 2016).

In June of 2015 the Truth and Reconciliation Commission (TRC) released its 94 calls to action. Call to action 41 requested a public inquiry into the cause of the disproportionate number of missing and

murdered women and girls. This call to action also acknowledged the need for remedies that would not only address the increasing number of missing and murdered but help bring an end to the victimization of Indigenous women and girls in Canada (TRC, 2015).

National Inquiry into Murdered and Missing Indigenous Women and Girls

On December 8, 2015, after many years of advocacy and pressure by Indigenous women, families, communities, grassroots organizations, and concerned public, the Canadian government announced an independent national inquiry into the increasing number of murdered and missing Indigenous women, girls, and Two-Spirit people in Canada. The Inquiry, now in its second phase, is a long-awaited response to targeted activism by Indigenous Peoples who are tired of losing their loved ones, their sacred women and girls, and have demanded that their cries for support be heard.

The vision of the National Inquiry is to “build a foundation that allows Indigenous women and girls to reclaim their power and place” and to shed light on the epidemic of murdered and missing Indigenous women, girls, and LGBTQ2S individuals (NIIMMIWG, 2018b, p. 4). The mission is threefold: “to find the truth,” to “honour the truth,” and to “give life to the truth” (NIIMMIWG, 2018b, p. 5-7).

On August 3, 2016, five commissioners were appointed to lead the Inquiry: Chief Commissioner Marion Buller; Commissioner Michelle Audette; Commissioner Brian Eyolfson; Commissioner Qajaq Robinson; and Commissioner Marilyn Poitras (NIIMMIWG, 2018c).

Interactive 1.15 The REDress Project



“Jamie Black addresses the issue of missing and murdered Indigenous women through installations of red dresses that act as visual reminders of the alarming number of women and girls who have gone missing or been murdered.”

Click the image above to visit the website and learn more about the project.

The Inquiry, though well-intentioned in its goals and mandate, quickly became plagued with setbacks related to its guiding framework and philosophy. In July of 2017 Marilyn Poitras resigned, citing concerns with the “current structure” of the National Inquiry (CBC News, 2017). Designed around a western legal framework, the Inquiry uses a commission model, which depends on hearings to find the truth rather than a community-based process (CBC News, 2017; NIIMMIWG, 2018b). Poitras believed that while this would ensure stories would be

heard, it would not help the Inquiry get to the root of the problems driving the disproportionate number of MMIWG (CBC News, 2017).

Kinds of Violence Against Indigenous Women, Girls, and LGBTQ2S Communities

The National Inquiry's Interim Report was unique in that it reviewed some critical pieces of literature and research that had previously attempted to understand the rates and experiences of missing and murdered Indigenous women and girls in Canada. These reports included:

- The 1991 *Aboriginal Justice Inquiry of Manitoba*
- The 1996 *Royal Commission on Aboriginal Peoples*
- The 2015 *Truth and Reconciliation Commission of Canada Final Report*

Collectively these reports served as a foundation for understanding the impacts of colonial violence on Indigenous communities in Canada. The National Inquiry aims to expand on this knowledge base and in the process contribute to a deeper understanding of violence against Indigenous women and girls and its roots in colonization (NIIMMIWG, 2018b).

The report also expressed that a review of previous reports as well as consultation with Indigenous communities affirmed that the end to this violence must be led by Indigenous Peoples, their communities, and their Nations (NIIMMIWG, 2018b). The National Inquiry recognized that this will require a profound and substantial change in the relationship between Canada and Indigenous Peoples. It further recognized that this violence is a direct result of colonization and that in order for violence against Indigenous women, girls, and LGBTQ2S to end, the colonial suppression fueling it also must end (NIIMMIWG, 2018b). To accomplish this goal, the National Inquiry confirmed it will

apply an Indigenous lens to its work and consider the violence and the impacts of that violence from the perspectives of Inuit, Métis, and First Nations women, including girls, trans women, urban women, and rural women across Canada (NIIMMIWG, 2018b).

Scope, Power, Challenges, and Limitations of the National Inquiry

The National Inquiry, established under the Federal Inquiries Act, has conducted its investigation independently of the federal government (NIIMMIWG, 2018b). This gives the Inquiry the power to request documents, testimony, and items the commissioners feel are relevant to the Inquiry's mandate. Each province and territory has its own public inquiry jurisdiction. This means that 13 independent inquiries are going on at the provincial and territorial levels at the same time as the National Inquiry in Canada (NIIMMIWG, 2018b). The presence of 14 legal inquiries allows for investigations on complicated issues that cross jurisdictional lines. This structure also enables

Figure 1.8 Native Women's Association of Canada – Faceless Dolls Project



A photo of some of the over 2000 dolls completed by Centennial College faculty, staff, and students.

Click to open the NWAC PDF describing the project.

Interactive 1.16 Muskrat Magazine: Interview with Christi Belcourt



Rebeka Tabobondung interviews Christi Belcourt for MUSKRAT Magazine about the Walking with Our Sisters exhibition/memorial hosted by G'zaagin Art Gallery at the Parry Sound Museum. The exhibition ran from January 10 to 26, 2014.

the inquiries to be facilitated by one administrative body, which holds hearings and writes reports for all.

This model is not without its challenges. Before launching the Inquiry, the federal government invited people to provide their input into the process; it received responses from over 2000 people and more than 4000 online surveys, among other forms of data collection (NIIMMIWG, 2018b). This data, compiled in a report by the federal government, iden-

tified four key areas for focus: “Child and Family Services, law enforcement, criminal justice system and systemic issues and legacies” (NIIMMIWG, 2018b). However, the Inquiry, hoping to work independently of the federal government wherever possible, has not had an opportunity to conduct an independent analysis on this data due to challenges with accessing the computer software needed to complete the task efficiently. In the absence of this data, the commissioners have instead reviewed the pre-Inquiry community meeting data and used this material to help guide their overall research strategy (NIIMMIWG, 2018b).

During pre-Inquiry community meetings, Indigenous Peoples identified the impact of systemic racism, stereotypes, stigma, and racially motivated violence on their communities. They identified addictions issues, child welfare, poverty, family violence, gang involvement, human trafficking, organized crime, and lack of trauma supports for victims of MMIWG as areas in need of immediate attention (NIIMMIWG, 2018b). In addition, they cited “lack of trust in the justice system”; the role of police in perpetrating violence against Indigenous women and girls; fear of “retribution and bullying when reporting” crimes in their communities; and “the way the media depicts Indigenous women and victims of violence” as negative and stereotypical as other contributing factors to the violence experienced by Indigenous women and girls (NIIMMIWG, 2018b, p. 30). This data suggests the issues are far more extensive and complex than the federal government presented in its summary of four key areas of focus.

Beyond this, many practical challenges plague the administration of the Inquiry’s day-to-day operations (Macdonald & Campbell, 2017).

While the pre-Inquiry process is still being scrutinized, investigators,

commissioners, the public, victims, survivors, and their families believe that the violence against Indigenous women and girls can only be understood when framed within the larger context of colonialism in Canada.

Ending Violence; and Hopes for the Final Report

The Interim Report of the National Inquiry into MMIWG outlined recommendations taken from the three reports previously discussed, the pre-Inquiry community meeting process, and the federal data compilation. These were presented as preliminary recommendations meant to outline broader systemic factors that must be addressed to end violence against Indigenous women and girls.

To improve matters, the Inquiry commissioners were adamant that political jurisdictions in Canada (provincial, federal, and territorial governments) must learn to work together more cohesively, and in collaboration and coordination with Indigenous governments. This inter-jurisdictional cooperation is essential to a productive outcome for the Inquiry and to fully implement the preliminary recommendations identified as action steps to combat violence against Indigenous women and girls. Over the next two years, the Inquiry will attempt to implement this jurisdictional cooperation while participating in community hearings (with Indigenous communities), institutional hearings (with Indigenous organizations), and expert hearings on the systemic causes of violence against Indigenous women (NIIMMIWG, 2018b). The hope is that this research and truth gathering will lead to the publication of a final report that will outline the systemic causes of the MMIWG, as well as lead to the establishment of policy and practices aimed at reducing violence and increasing safety. The final report will also make recommendations for actions to address

Interactive 1.17 APTN Investigates: After the stories are told



As the first phase of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) winds down, its future is still uncertain.

systemic causes of violence, while providing ways to honour and commemorate missing and murdered Indigenous women and girls in Canada (NIIMMIWG, 2018b, p. 79).



Criminal Justice System

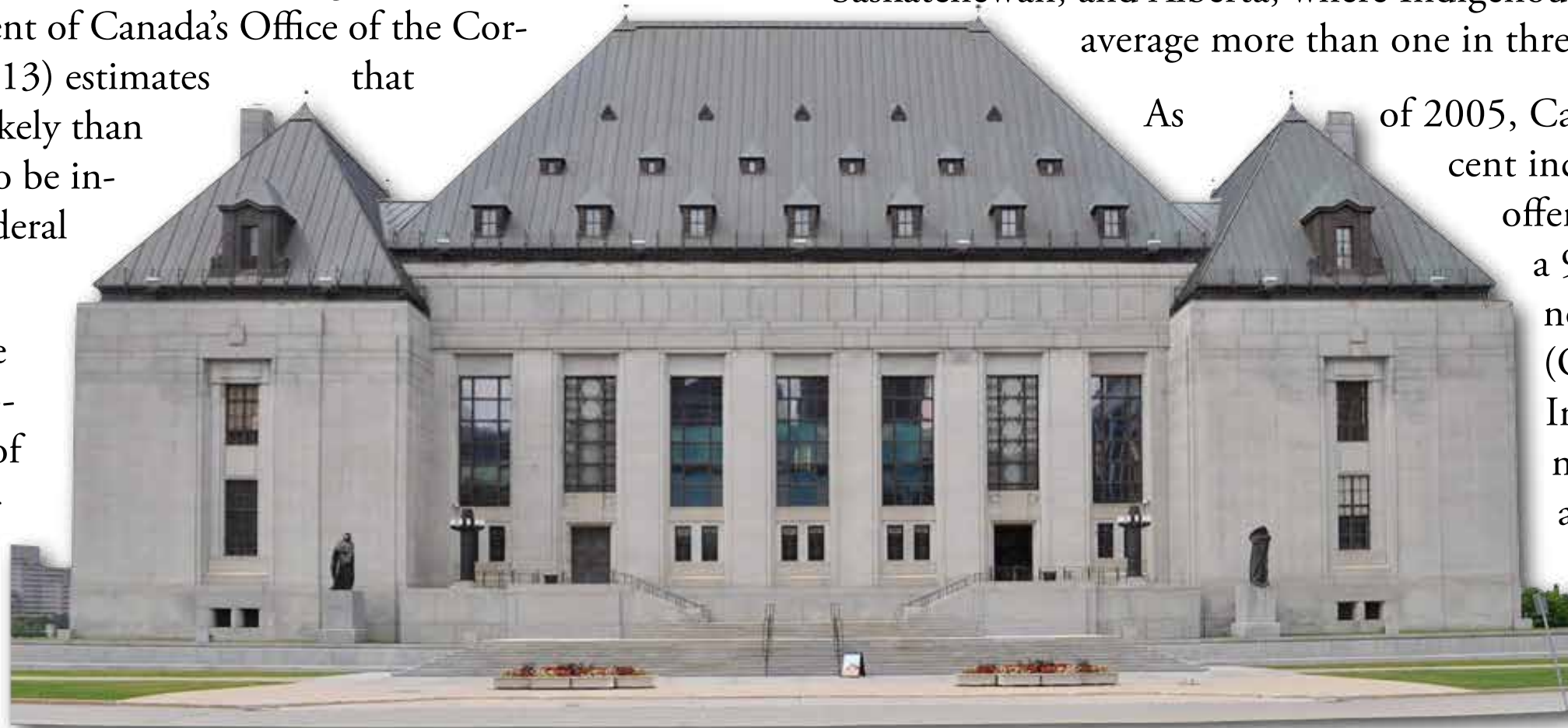
Indigenous Over-Representation in the Criminal Justice System

Indigenous Peoples make up approximately four percent of Canada's population (Office of the Correctional Investigator, 2013; Reitano, 2016, para. 12). The Government of Canada's Office of the Correctional Investigator (2013) estimates that they are 10 times more likely than non-Indigenous people to be incarcerated in Canada's federal prison system.

As of February 2013, the government estimates approximately 23 percent of federally incarcerated inmates are Indigenous; in real numbers, this corresponds to 3400 Indigenous inmates (Office

of the Correctional Investigator, 2013; Reitano, 2016, para. 12). This statistic means that one in four offenders in a federal prison is First Nations, Inuit, or Métis. The ratio of Indigenous to non-Indigenous offenders climbs even higher across the prairie provinces of Manitoba, Saskatchewan, and Alberta, where Indigenous incarceration rates can average more than one in three.

As of 2005, Canada has seen a 43-percent increase in Indigenous offenders, compared to a 9-percent increase in non-Indigenous offenders (Office of the Correctional Investigator, 2013). These numbers are particularly alarming when one considers the percentage of the population Indigenous Peoples comprise in Canada.



Historical and Political Processes

The denial of social justice for Indigenous Peoples in Canada is rooted in colonization and the introduction of the Indian Act in 1876. With the imposition of the Act came many laws intended to control Indigenous Peoples, re move them from their lands, and limit their access to resources and their traditional way of life. For an example of one such law, see sidebar 1. Police were tasked with enforcing these laws and thereby participating in a system designed to treat Indigenous Peoples differently than non-Indigenous people (Hanson, 2009; Cummins & Steckley, 2003).

Indigenous Peoples found themselves policed in all areas of their lives. Laws were imposed on gathering in groups of 10 or more, participating in ceremonies, attending pool halls, wearing traditional clothing, and moving on and off reserve, among many other facets of daily life (Cummins & Steckley, 2003; Hanson, 2009). Many of these provisions were in place for nearly 75 years; multiple generations were born into a world where their daily life was policed and their traditional ways banned (Royal Commission on Aboriginal Peoples, 1996; Cummins & Steckley, 2003).

There have been many amendments to the Indian Act since 1951, but the relationship between Indigenous Peoples and the Canadian justice system remains heavily strained.

Interactive 1.10 Images taken of arrested Indigenous Peoples



Group photograph of Metis and Native prisoners from the North West Rebellion.



Sidebar 1:

One law under section 94 of the Indian Act read as follows:

An Indian who (a) has intoxicants in his possession; (b) is intoxicated; or (c) makes or manufactures intoxicants off a reserve, is guilty of an offence and is liable on summary conviction to a fine of not less than 10 dollars and not more than fifty dollars or to imprisonment for a term not exceeding three months to both fine and imprisonment. (As cited in Cummins and Steckley, 2003, p. 6)

This law was lifted in 1969, but by this time the relationship between Indigenous Peoples and police or RCMP was already greatly wounded.

Socio-Economic Factors

Howard Sapers, the former Correctional Investigator of Canada, believes the disparities in the treatment of Indigenous and non-Indigenous offenders begin with intake. Here they are exposed to a rating system called the custody rating scale (CRS) that, once calculated, classifies them as requiring a minimum, medium, or maximum security setting (Macdonald, 2016; Ontario Women's Justice Network, 2014). The scale was originally designed for and tested on predominantly white male offenders; today, it is used as the rating system for all offenders entering the prison system (Ontario Women's Justice Network, 2014). In September of 2016, Justice Michael Phelan ordered Correctional Service Canada (CSC) to refrain from using this rating system on Indigenous offenders; however, CSC immediately appealed and won by arguing that the system is reliable for cultural minorities and that it accounts for cultural bias (Macdonald, 2016). For more discussion on challenges with the CRS, see sidebar 2.

Financial circumstance contributes to the high incarceration rates of Indigenous Peoples in Canada. In 1991, the Manitoba Aboriginal Justice Inquiry found that many Indigenous Peoples reported being unable to make bail even if it was a few hundred dollars or less (Aboriginal Justice Implementation Commission, 1999; Cummins & Steckley, 2003; York, 1990). Even when Indigenous Peoples can afford bail, they may be denied it for socio-economic reasons, as the decision to hold an individual for pre-trial detention is typically based on whether or not they have regular employment and a fixed address, participate in educational programs, and connect with their community (Royal Commission on Aboriginal Peoples, 1996)

Indigenous Population in Canada



■ Indigenous (4.95%) ■ Non-Indigenous (95.05%)

Indigenous Women in the Criminal Justice System



■ Provincial (16%) ■ Federal (7%) ■ Non-Indigenous (77%)

Indigenous Men in the Criminal Justice System



■ Provincial (26%) ■ Federal (27%) ■ Non-Indigenous (47%)

Sidebar 2:

Custody Rating Scale

The federal justice system has been ignoring the damaging impacts of the custody rating scale (CRS) on Indigenous offenders. The CRS fails to consider the history, gender, and culture of the minority groups who are placed in corrections. Sapers argues it regularly leads to over-classification, which results in offenders being placed in higher security settings than necessary, exposing them to undue and unjust hardship (Macdonald, 2016; Ontario Women's Justice Network, 2014). In an interview with Maclean's magazine, in 2016, Sapers stated:

Part of the problem is that the marginalization experienced by some Indigenous peoples gets turned into "risk": intergenerational trauma, alcoholism, a history of abuse, a lack of education, employment, a bank account or even hobbies make it more likely an inmate will be housed in maximum, and classed "high risk." (Macdonald, 2016, ch. 4, para. 5)

Sidebar 3:

Manitoba “Fine Option”

Aware of disparity facing Indigenous Peoples in the justice system, Manitoba instituted a “fine option” program where Indigenous Peoples could work the penalty off through various forms of community service, which nearly 37,000 people accessed (Steckley, 2003). Despite this service option, in 1987 one jail in...

CONTINUE

Sidebar 4:

Indigenous Women and Incarceration

When considering the high rate of incarceration of Indigenous Peoples across Canada, one must acknowledge that women are even more over-represented than men (Macdonald, 2016; Reitano, 2016, para. 12). Since 2011, Indigenous women have been the most over-represented...

CONTINUE

Sidebar 5:

Institutional vs. Personal Racism

It is important to distinguish between institutional racism and racism at the personal level. Individual racism is bred through personal prejudice, power, and acts of discrimination...

CONTINUE

For discussion on efforts to help Indigenous Peoples in Manitoba meet bail demands, see sidebar 3. For statistics and discussion on Indigenous women and incarceration, see sidebar 4.

Cultural Conflict Through Institutional Racism

The remaining factors to consider when exploring over-representation of Indigenous Peoples in Canada’s justice system relate to the impact of cultural conflict experienced through institutional racism. See sidebar 5 for definitions. Institutional racism embeds itself over time. Often, police, lawyers, judges, and juries find themselves agents of institutional racism. This is not necessarily because they choose to act in a racist way,

Interactive 1.18 My Aboriginal Education by Judge John Reilly, TEDx-Calgary



At age 30, John Reilly was the youngest provincial court judge ever appointed in Alberta. He presided over courts in Canmore, Banff, and Cochrane, and it was in Cochrane that he had his eyes opened to the inequities faced by Indigenous Peoples in our justice system.

Figure 1.9 Justice for Colten poster



Artwork by Métis artist Dylan Miner.

In R. v. Stanley, George Stanley was found not guilty for the murder of Colten Boushie, a First Nations man he admitted to shooting in 2016. The jury who appeared to be all white has sparked nationwide gatherings in protest about how juries are selected in Canada.

and socio-economic circumstances that uniquely affect Indigenous Peoples, the application of uniform policy is not always appropriate (Royal Commission on Aboriginal Peoples, 1996). For example, Indigenous

but because the laws or policies of their institutions, which they are expected to uphold, are racist (Dickson-Gilmore & La Prairie, 2007; Cummins & Steckley, 2003).

The judicial system in Canada today is vastly different in scope and outcome than the justice system traditionally used by Indigenous communities (Cummins & Steckley, 2003; Royal Commission on Aboriginal Peoples, 1996).

Specifically, the application of uniform policy in the criminal justice system can, and does, have a discriminatory impact on Indigenous Peoples (Dickson-Gilmore & La Prairie, 2007). Police and judges are expected to apply standard rules to everyone. However, when one takes into consideration the historical, political,

Peoples experience inequity through the geographical location of courts and prisons. The Department of Justice favours larger cities and communities for courts and bail hearings. Indigenous Peoples from small, remote, or fly-in communities are not able to easily access these facilities. They run a higher risk of missing their appointments due to transportation challenges, which can in turn negatively affect how they are treated in court (Cummins & Steckley, 2003; Royal Commission on Aboriginal Peoples, 1996).

Restorative Justice: The Future

The imposition of a Euro-Canadian justice system on Indigenous Peoples in Canada exaggerates the frustrations already felt by individuals whose historical, political, socio-economic, and cultural experience has been one of genocide, subjugation, and intolerance. The current justice system in Canada lacks equity and functions in its present state as a tool of systemic discrimination towards minority populations. One solution is to use an alternative framework for approaching justice and crime. The concept of restorative justice only became popular in Canada in the early 1990s, but its philosophy and practice are grounded in the core principles of justice and healing found in traditional Indigenous communities. For more information on this practice, explore the section on restorative justice and learn how Gladue reports may encourage newfound trust, respect, and rehabilitation within the Canadian justice system.

Indigenous Gangs in Canada

Public Safety Canada defines Indigenous gangs separately from non-Indigenous gangs. The differing definitions stem from the belief that Indigenous gangs have a unique typology based on their homogenous

Interactive 1.19 Eliana Paredes talks about youth diversion programs at Peacebuilders



Eliana Paredes, circle resource and youth diversion coordinator, talks about how Indigenous circles are the basis for youth diversion programs at Peacebuilders in Toronto, ON.

nature and the unique social-economic circumstances shared by their members. Specialists studying gang activity believe most Indigenous groups fall into the street gang category (Public Safety Canada [PSC], 2016a). Most members are in their late teens and early twenties, making them younger than traditional gang members. The nature of these gangs varies widely: some have more fluid membership and others form

memberships closer to traditional organized criminal organizations. Members are typically less educated and marginalized, and experience greater economic challenges than members of most criminal organizations (PSC, 2016a, Aboriginal gangs in Canada: An overview, para. 2). In addition, affiliation is often intergenerational, relying on violent entry rituals to protect membership (Totten, 2009).

Aboriginal Youth Gangs

Aboriginal youth gangs also have a unique gang subcategory identification. Members are often in the 13-25 age range and define themselves by the adoption of a name, a gang colour, and tattoos. They are typically profit-driven and thus prone to more serious criminal activity and violence as a means of displaying their membership to rival gangs (Gordon, 2000). Typically they lack a strong organizational structure, and these groups regularly operate in smaller cells, sometimes with as few as three members. Status for members of these youth gangs is based on the ability to generate money and to participate in violent acts. Membership is typically fluid and un-organized (Gordon, 2000; Totten, 2009).

Categories aside, gang involvement for Indigenous Peoples is directly correlated to the following factors: marginalization, colonization, racism, dispossession (loss of land, loss of culture, loss of spirituality), the breakdown of kinship and family systems, and the breakdown of Indigenous forms of government (Dooley, Welsh, Floyd, Macdonald, & Fenning, 2005; Latimer & Foss, 2004; Totten, 2009). Acknowledgment of these factors helps us to better understand increasing levels of participation among Indigenous Peoples in gangs, especially youth under the age of 25.

Indigenous Gang Characteristics

The presence of Indigenous gangs across the country is not common knowledge for most Canadians. However, Criminal Intelligence Services Canada (CISC) and Public Safety Canada indicate the presence and impact of gangs both within and outside Canadian prisons have been steadily growing since the mid-1980s (CSC, 2008-09; PSC, 2016a).

Indigenous gangs are the largest affiliated group in Canadian prisons serving federal sentences (CISC, 2014; Friesen & O'Neill, 2008). Correctional Services Canada estimates that one in six Indigenous male inmates and one in ten Indigenous female inmates have gang ties (CSC, 2008-09; PSC, 2016a).

Today Indigenous gang activity across Canada is characterized by street-level trafficking of drugs, involvement in prostitution, robberies, gun violence, weapons possession, break and entries, sex slave trade, illegal gaming, debt collection from criminal activity, assault, murder, tobacco fraud, vehicle theft, and home invasions (Dolha, 2003; Gordon, 2000).

Vulnerability and Gang Affiliation

Indigenous offenders in Canada tend to be younger than other inmates, often below the age of 25, and for this reason, are more likely to join a gang or be recruited. They are also more susceptible to acts of violence and crime once in the prison system (Stone, 2012; Nafekh, 2002).

Indigenous women and girls are also highly susceptible to gang affiliation and recruitment, partially due to suppressive and sexist ideologies in both Indigenous and non-Indigenous communities.

Interactive 1.20 VICE News: Warriors off the res: Aboriginal gangs in Winnipeg



Winnipeg is the capital of Manitoba, Canada — and for 16 of the past 33 years, it has also been the country's murder capital. The prairie city is home to just under 800,000 people, about 10 percent of whom are Indigenous, meaning Winnipeg boasts the largest urban Indigenous population in Canada. Largely impoverished and facing continual discrimination, the community has given rise to violent street gangs. VICE News went to Winnipeg to spend time with gang members and find out why they're linked to the majority of the city's murders.

Social challenges such as severe poverty, overcrowded housing, and poor living conditions enhance the likelihood that an Indigenous person will participate in a gang. In most circumstances, gang affiliation is seen as an opportunity to increase financial stability. Most gang affiliates believe that participation in a gang ensures an income well beyond what they could make in a minimum-wage position, if those positions are available to them at all (Dooley et al., 2005; Latimer & Foss, 2004; PSC, 2016a; Totten, 2009).

Restorative Approach to Indigenous Gangs

In 2016 in Edmonton, one of the densest gang regions in Canada, 40 organizations collaborated with Edmonton Police Services and Alberta Native Counselling Services to create a report titled *The Community Solution to Gang Violence: A Collaborative Community Process and Evaluation Framework*. The report acknowledged that gang members were actively learning about gang membership and operation within federal prisons. This admission led to the acknowledgment that to resolve gang activity, the City of Edmonton and its support services had to change their attitudes, relationships, social norms, policies, organizational structures, and laws related to Indigenous Peoples and incarceration (PSC, 2016b). A series of suggestions were outlined to combat specific issues the task force identified as contributing to gang involvement. The report is an ideal starting point for developing a restorative approach to addressing the complexity and healing of Indigenous gangs in Canada (PSC, 2016b). Taking this approach into account, it becomes helpful to turn to the chapter on restorative justice and its role in healing Indigenous offenders.

Interactive 1.21 CBC: The Current – “The Outside Circle”: Rethinking rehabilitation for aboriginal offenders



Anna Maria Tremonti speak with Patti LaBoucane-Benson about her role in the Warrior Program and her graphic novel The Outside Circle, which follows the character of Pete Carver on his healing journey after being a member of a gang.



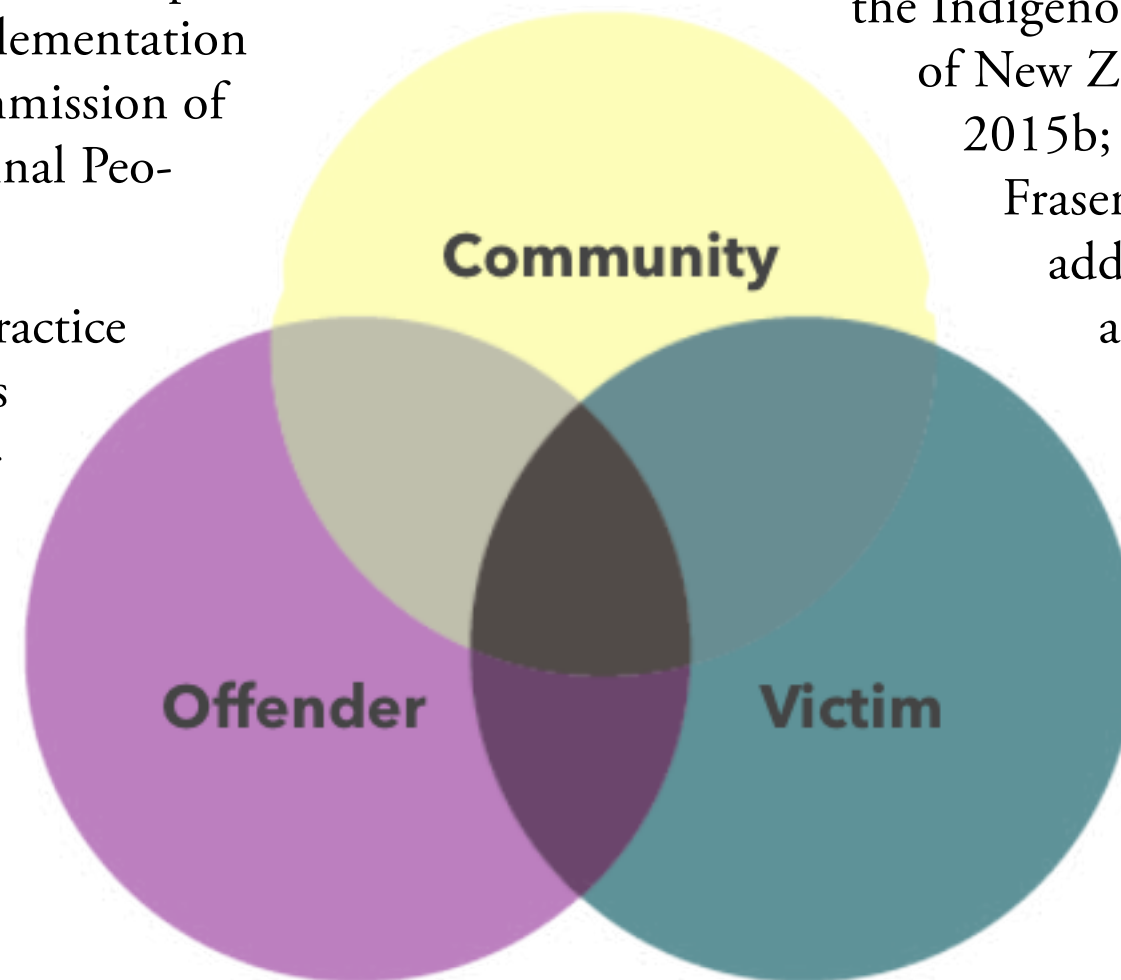
Restorative Justice

First Peoples experience incarceration at an alarming rate due to systemic discrimination in Canada's judicial system. In a series of public inquiries and Royal Commissions during the 1990s, restorative justice was tabled as an alternative system to address the ways in which the criminal justice system was failing Indigenous Peoples (Alberta Government, 1991; Aboriginal Justice Implementation Commission [AJIC], 1999; Law Reform Commission of Canada, 1991; Royal Commission on Aboriginal Peoples, 1996).

Accepting and establishing restorative justice practice is not something the Canadian government has moved towards lightly or swiftly. Fully embracing restorative ideologies requires sweeping and complex change. Indigenous communities believe this shift begins with addressing the historical and contemporary damage inflicted on their communities through a culturally inappropriate legal system. Once the historical and contemporary damage is acknowledged, restorative justice can be encouraged as an alternative methodology for un-

derstanding acts of crime and restitution among Indigenous community members (Gall, 2006; Royal Commission on Aboriginal Peoples, 1996). See sidebar 1 for an example of how restorative justice is employed.

Restorative justice finds its roots among the First Peoples of Canada, the Indigenous Peoples of the United States, and the Maori of New Zealand (Correctional Service Canada [CSC], 2015b; Dickson-Gilmore & La Prairie, 2007; Simon Fraser University, n.d.). It is a traditional practice of addressing crime in a way that situates it as an act against an individual and community, not an act against a state and its laws (Dickson-Gilmore & La Prairie, 2007; Gall, 2006; Zehr, 1990). Restorative justice practice acknowledges that crime does damage, but posits that judicial systems should be a vehicle for healing, not for punishment. This method of justice attempts to understand the circumstances that led to crime occurring in the first place in order to accurately identify and address the cause and impacts. The goal then becomes identifying a healing methodolo-



Sidebar 1:

Healing Circle

For example, if a healing circle is used as the method for justice, it must include the offender, elders, community members, and the victim if he or she has agreed to participate. The circle is typically mediated by a willing judge. In the circle all parties...

CONTINUE

gy for both victim and offender that helps reduce recidivism and acknowledges the impact of the crime on the individuals and communities affected (Centre for Justice & Reconciliation, 2017; CSC, 2012).

Utilizing restorative justice practice is voluntary, but if employed, the ultimate goal is for both parties to come to a consensus on reparations for the impact of the crime and to then move forward in a way that allows for healing (CSC, 2012). Under this

framework, both the offender and the victim are encouraged, where appropriate, to enter into dialogue with one another to explore the extent and impact of the crime and seek ways to repair the damage done. Thus, the practice is intended to be holistic in its approach. For Indigenous communities, restorative justice is a return to their original system of justice before colonization, which ensured social stability while protecting and reinforcing values, integrity, and healing for the entire group (Zehr, 1990). In Canada today, restorative practice is typically applied through three voluntary methods: victim-offender mediation, restorative conferencing, and circle processes, also known as circle sentencing (CSC, 2012, para. 5).

Interactive 1.11 Wagmatcook courtroom, Nova Scotia



Members of the court team and First Nations leaders gather in the new courtroom in Wagmatcook on the first day of operations (April 4, 2018).



Gladue Reports

During the 1990s a series of public inquiries and Royal Commissions placed pressure on the government to take notice that the justice system in Canada was failing Indigenous communities. This pressure set the stage for a couple important court cases that ensured that, today, judges and prosecutors are expected to consider individual history, and social

Sidebar 2:

Jamie Tanis Gladue

“In 1995, Jamie Tanis Gladue, a 19-year-old Indigenous Cree woman, killed her common-law husband, Reuben Beaver, in British Columbia” (Parrott, 2017, para. 2). Gladue was not living on a reserve at the time of the...

CONTINUE

and economic circumstance when encountering an Indigenous person in the justice system .

In 1999 the Supreme Court of Canada set an important precedent in the case of *R. v. Gladue* (see sidebar 2), with a decision that required judges in lower levels of court to consider an Indigenous offender’s background and circumstances when making sentencing decisions, according to section 718.2 (e) of the Criminal Code (April & Orsi, 2013; Native Women’s Association of Canada

[NWAC], n.d.; Parrott, 2017).

The Supreme Court confirmed and expanded on this ruling in 2012 in the case of *R. v. Ipeelee*. The Court heard from two Indigenous offenders who had breached supervision orders. The Court opted to take into account the deficiency of the justice system to consider the background and unique circumstances of the convicted. See sidebar 3.

The *R. v. Gladue* and *R. v. Ipeelee* cases paved the way for the establishment of a clearer understanding of Gladue rights, Gladue courts, and Gladue reports. Today Gladue reports are a standard component of judicial consideration for cases involving Indigenous Peoples in Alberta, Manitoba, Ontario, British Columbia, and Nova Scotia. However, the application of Gladue principles is still at the discretion of the judge. If

judges do not feel the Gladue report has any bearing on a particular case, they do not need to accept the report or the request to access Gladue court (Aboriginal Legal Services, 2016; NWAC, n.d.; Parrott, 2017).

Restorative Justice and CSC Healing Lodges

It would be naive to suggest that sentencing Indigenous Peoples differently without addressing the primary causes of criminality would eliminate their over-representation in the criminal justice system entirely (*R. v. Ipeelee*, 2012, Section 61). Corrections Services Canada has acknowledged this challenge. In 1994 it opened its first healing lodge to service minimum–medium risk offenders (CSC, 2016). CSC (2015a; 2016) describes these facilities as institutions that use Indigenous spirituality, values, beliefs, and traditions in inmate programming that is guided by traditional teachers and Indigenous communities, in a methodology

Sidebar 3:

Sentencing

The sentencing judge has a statutory duty, imposed by s. 718.2(e) of the Criminal Code, to consider the unique circumstances of Aboriginal offenders. Failure to apply Gladue in any case involving an Aboriginal offender runs afoul of this statutory obligation...

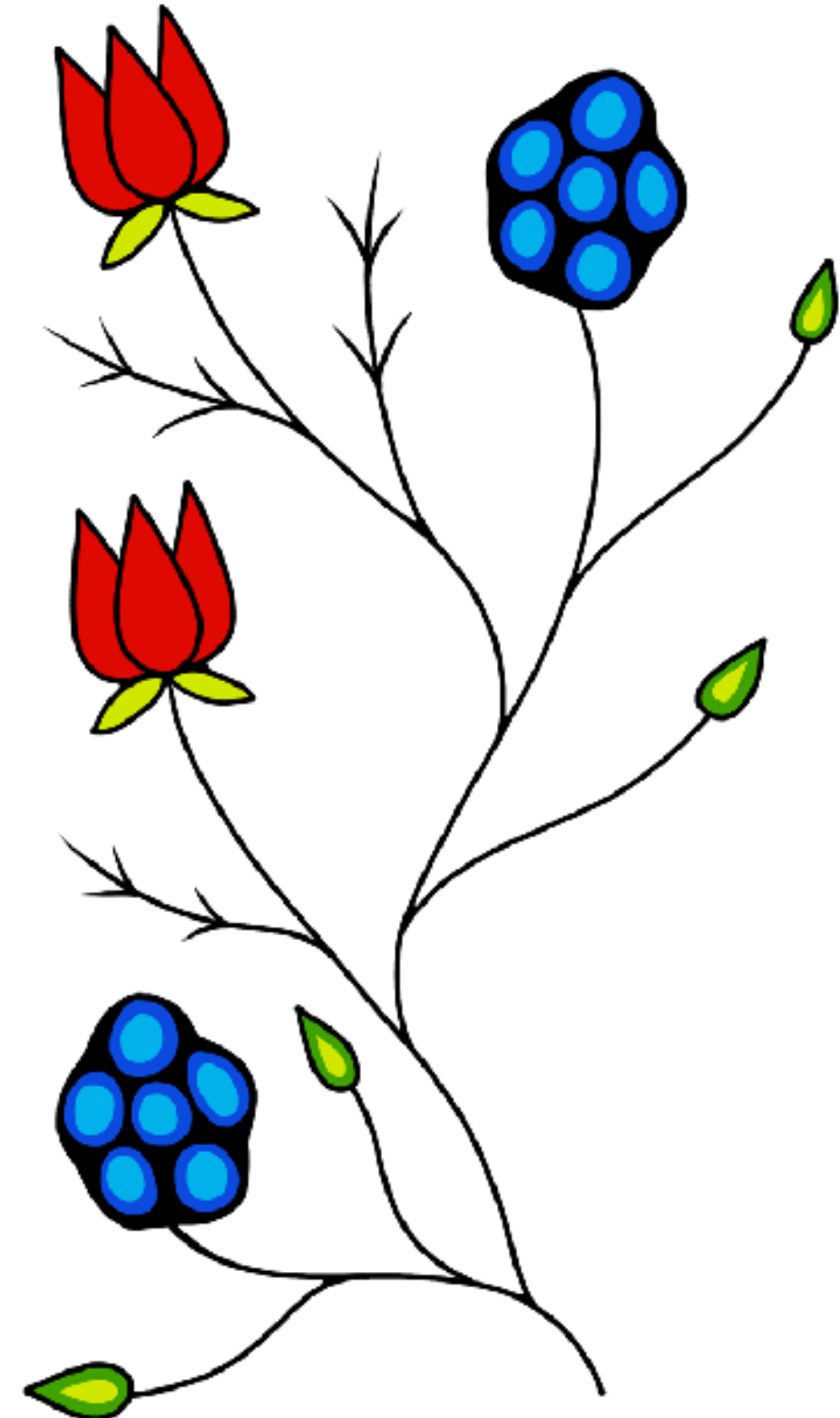
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that is designed to facilitate healing. These facilities operate in one of two ways: some are fully funded and run by the CSC, and others incorporate support from both the CSC and an Indigenous partner community. The goal of both of these types of facilities is to work towards the healing and rehabilitation of inmates using traditional Indigenous practices and healing methodologies that support and work in collaboration with the goals of restorative justice practice. As of 2011 CSC is funding nine facilities operating across Alberta, Manitoba, British Columbia, Saskatchewan, and Quebec .

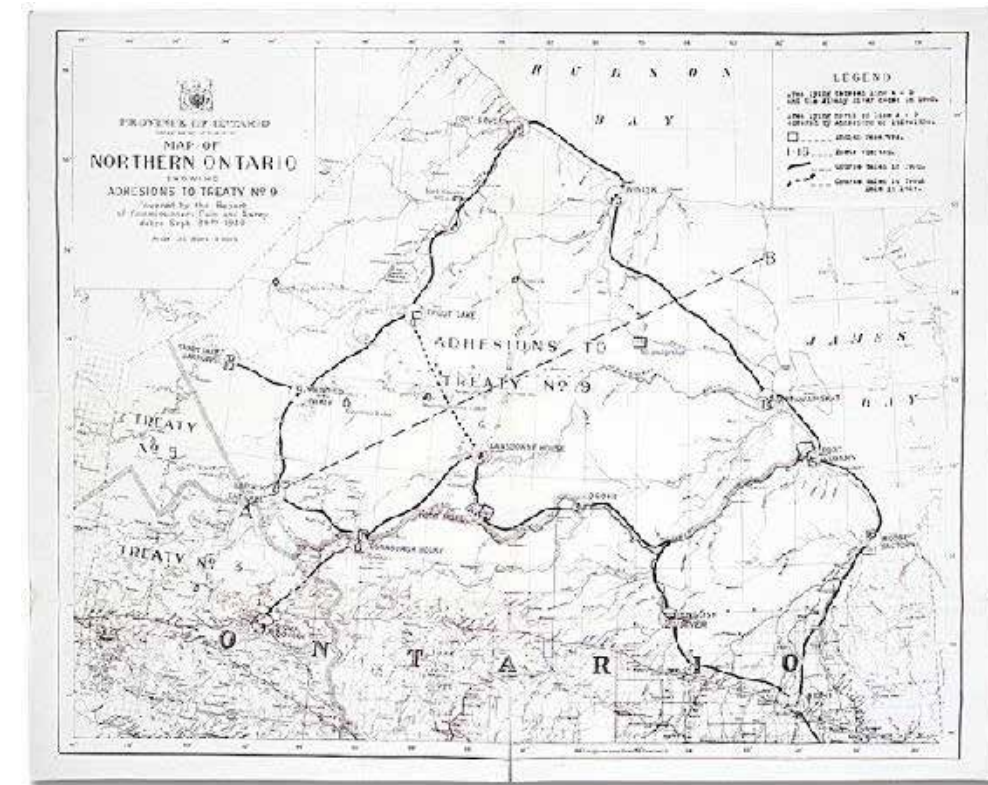
Interactive 1.22 Restorative justice healing lodges map



Click the above image to open an interactive map to learn more about the CSC healing lodges across Canada.



Environment and Natural Resources



Click on each of these images. These quotes illustrate two truths. The first eloquently outlines the reality of the deep connection between Indigenous Peoples and their traditional lands. The second reveals the stark despair felt when Indigenous Peoples feel that connection slipping away into the control of forces that do not honour their sacred connection to traditional lands.

There are two other truths that are part of this discussion. One truth is that the natural resources on traditional lands could mean very positive changes to First Nations communities. Many Indigenous leaders

agree that their communities' struggles with employment, health care, safe drinking water, housing, and mental health could benefit from an improvement in their economic circumstances. Many leaders are anxious, if not desperate, to make this happen. Nonetheless, these same leaders are painfully aware that the sacred bond between their peoples and their traditional lands has been broken many times over by governments, mining and forestry companies, and other for-profit organizations that have sought to exploit the natural resources on those traditional lands.

These two truths, then, are opportunity and risk: the opportunity for economic benefits weighed against the risk of damage and destruction to lands, food and water sources, and the very ecosystems that Indigenous Peoples feel part of.

Key Players in Disputes over Traditional Lands and Natural Resources

Indigenous Peoples

The Indigenous Peoples who are the traditional land users are central to any negotiation about land use.

Federal, Provincial, and Territorial Governments

Federal, provincial, and territorial governments may all have a role to play in negotiations and consultation.

While some argue that the Canadian federal government has been reasonably progressive in recognizing Indigenous land and resource rights, such recognition has often come only after lengthy court battles and relentless pressure by Indigenous communities (Anderson, Schneider, & Kayseas, 2008). Unfortunately, when governments must be forced by the courts to honour Indigenous land rights, one cannot expect these same governments to intervene fairly when private sector organizations wish to profit from resources on traditional lands.

Private Sector Industries

When natural resources such as lumber, minerals, or fossil fuels become a focus for industry, companies that stand to gain economically from the development of such resources are key participants in negotiations.

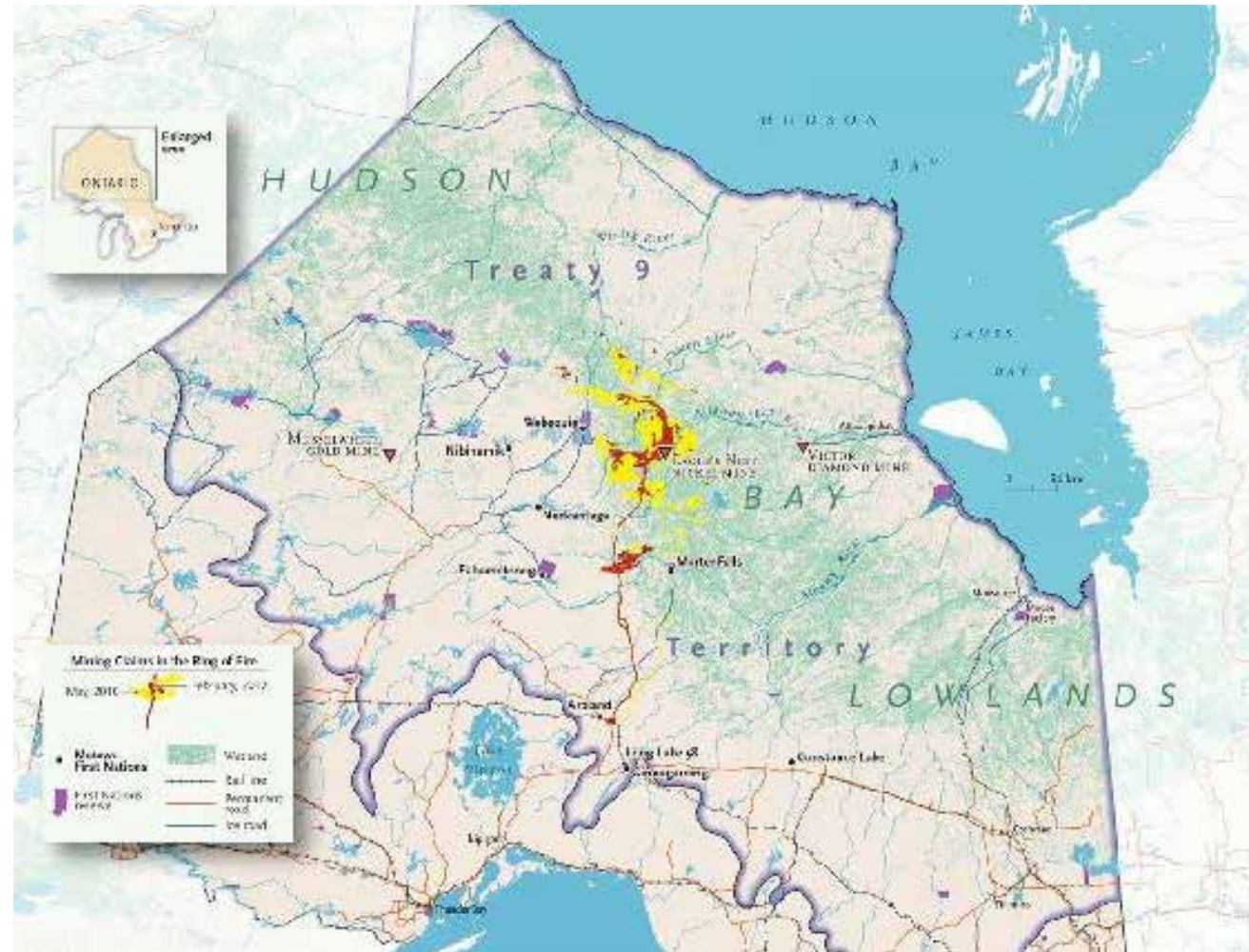
In November 2014, First Peoples Worldwide released its report on the tension between “extractive industries” and Indigenous land rights. The Indigenous Rights Risk Report studied 52 oil, gas, and mining companies undertaking 330 projects worldwide. The study found that 92 percent of the companies (48 out of 52) “do not address community relations or human rights at the board level in any formal capacity” (Adamson, 2014).

Interactive 1.23 Short documentary about the Ring of Fire:



This documentary features a nurse practitioner who works with community members who face challenges in becoming effective negotiators and decisions makers in the Ring of Fire.

Interactive 1.10 Ring of Fire, Treaty 9, Ontario



A map showing current mining claims on Treaty 9 territory in Ontario's Ring of Fire. The provincial government announced that it will construct all-weather roads to finally open up the region to resource extraction.

The Ring of Fire

Students are encouraged to explore examples of how Indigenous Peoples have advocated – with a wide range of outcomes – for full consultation, economic benefit-sharing, and protection of traditional lands through the summaries in the sidebars.

One story, the Ring of Fire, is examined here in more detail. The outcome is not yet known as events are ongoing at the time of writing.

The Ring of Fire is the common reference for a section of Northern Ontario, roughly 240 kilometres west of Attawapiskat, covering almost 10,000 square kilometres and containing some 5300 mining claims as of mid-2016. Over 24,000 Indigenous Peoples call these their traditional lands. These communities “depend on wild fish and animals for food and have inherent [treaty] rights to the land. This wilderness of trees, wetlands, lakes and rivers is part of the planet’s largest intact forest. It supports hundreds of plant, mammal and fish species, most in decline elsewhere, and is the continent’s main nesting area for nearly 200 migratory birds” (Wildlands League, n.d.).

Matawa First Nations Management

The First Nations of these traditional lands are largely, but not exclusively, represented by Matawa First Nations Management (MFNM), also known as the Matawa Tribal Council. MFNM was established in 1988 as a tribal council with nine member Ojibway and Cree Nations. While each of these nine First Nations retain the right to negotiate with industry and governments independently, they also understand the power of solidarity in negotiations with the Ontario government (Freeman, 2013b). The nine member Nations are: Aroland First Nation, Constance Lake First Nation, Eabametoong First Nation, Ginoogaming First Nation, Long Lake #58 First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation.

Complex Negotiations

The Matawa Tribal Council has been involved in high-stakes negotiations regarding the development of this region since approximately 2010. These “First Nations are under pressure from mining companies

Sidebar 1:

The Grassy Narrows Tragedy



From 1962 to 1970 the Dryden pulp and paper mill dumped 10 tons of mercury into the Wabigoon-English River system, poisoning the ecosystem and the residents of Grassy Narrows. The river and lake systems were contaminated for at least 250 km downstream (Bruser, 2016).

[Mercury] does not break down in the environment and can build up in living things, [...] “inflicting increasing levels of harm on higher order species,” according to...

CONTINUE

and the province to consent to complex agreements to move the project forward” (Freeman, 2013b).

Three of these First Nations – Webequie, Marten Falls, and Neskantaga (also known as Lansdowne House) – have overlapping claims to land they each consider their traditional territory. Knowledge keepers tell tales of how the area has been an ancient meeting ground for members of neighbouring bands. For the first time in generational memory, there is a need to define borders around “traditional territory that was once seen as shared land” (Freeman, 2013b).

Indigenous representatives are well aware of the disastrous history of for-profit organizations attempting to strike it rich by exploiting natural resources on traditional lands. The damage to lands, food sources, community health, and communities in general has been extreme. (See sidebars.)

Sidebar 2:

Lac La Ronge Indian Band and Kitsaki Management

Located in Northern Saskatchewan, the Lac La Ronge Indian Band (LLRIB) is the largest First Nation in Saskatchewan and one of the 10 largest in Canada. In 1981 the LLRIB formed the Kitsaki Development Corporation, which later evolved into the Kitsaki Management Limited Partnership (KMLP), to manage for-profit economic development on traditional lands. The KMLP’s approach to improving the socio-economic circumstances of the...

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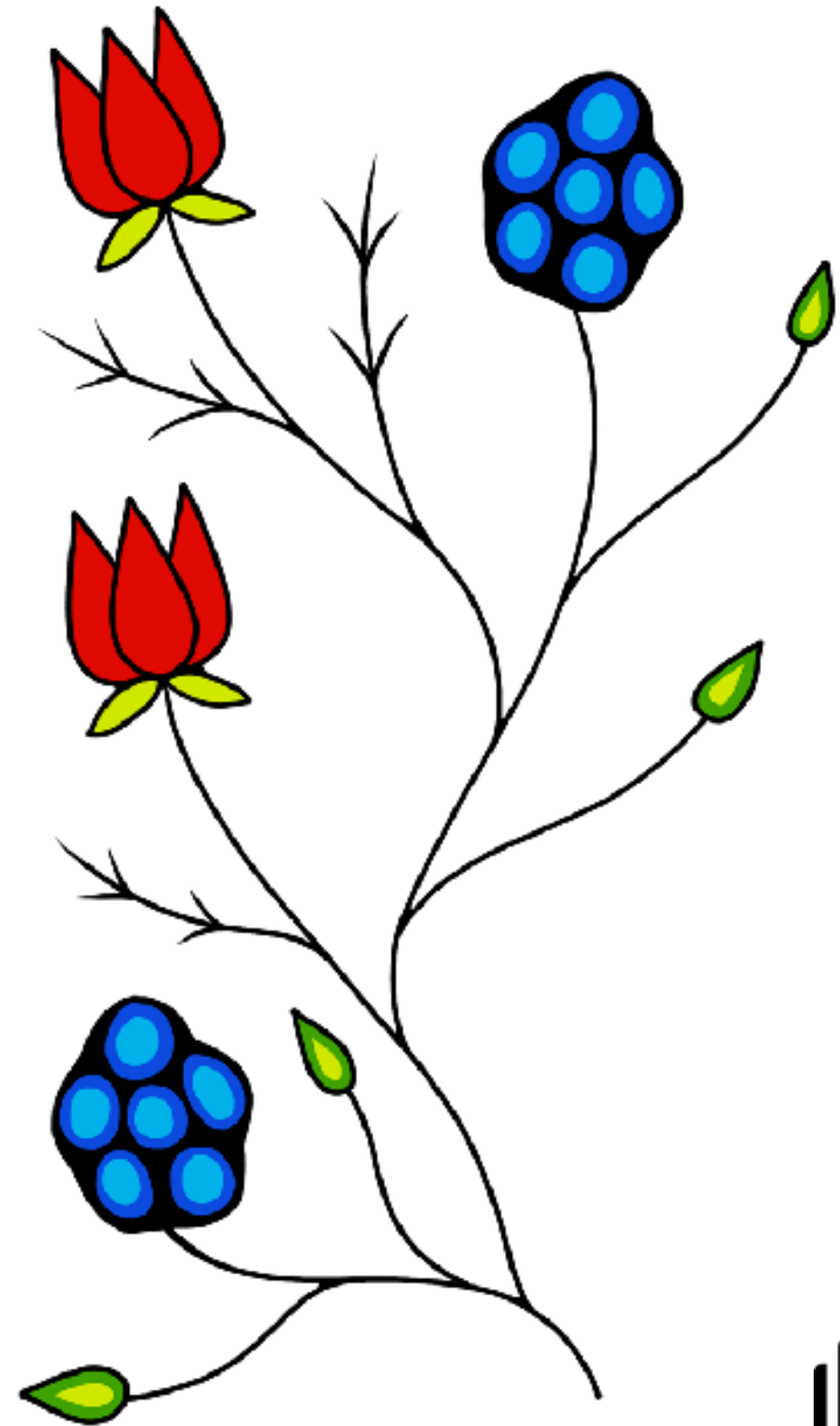
Sidebar 3:

The Tar Sands of Northern Alberta



In the late 1950s and early 1960s the Alberta government assured impoverished First Nations' band councils that the development of their treaty reserve lands, which included the tar sands, would create economic development and jobs for their communities. This assurance led to the first experiments with tar sands operations in the 1960s and 1970s on lands inhabited mostly by Dene, Cree, and Métis. Exxon...

CONTINUE



Human Rights

United Nations Declaration on the Rights for Indigenous Peoples (UNDRIP)

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an international declaration adopted by the United Nations to enshrine the rights that “constitute the minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world” (UNDRIP, n.d.). UNDRIP seeks to protect “collective rights that may not be addressed in other human rights charters that emphasize individual rights, and it also safeguards the individual rights of Indigenous people” (UNDRIP, n.d.).

This declaration took over 20 years of negotiation to achieve. UN member states, UN agencies, and Indigenous Peoples from across the globe participated in creating the document. It is the only human rights declaration in the world created with the participation of the rights holders themselves, and it specifically recognizes that Indigenous Peoples’ rights are both individual and collective.

On September 13, 2007, the day of the UN General Assembly vote to adopt the declara-



Figure 1.1 United Nations



United Nations gallery view of UNDRIP being passed.

tion, the majority of member states (144) voted in favour. Four member states voted against: Australia, Canada, New Zealand, and the United States. Canada changed its position on UNDRIP in 2016.

UNDRIP Strengths

A minimum international standard: This declaration articulates the floor (the minimum), not the ceiling (the maximum), of rights that governments everywhere are expected to grant and support for Indigenous Peoples.

An expectation of free, prior, and informed consent (FPIC): The declaration states that Indigenous Peoples must have free, prior, and

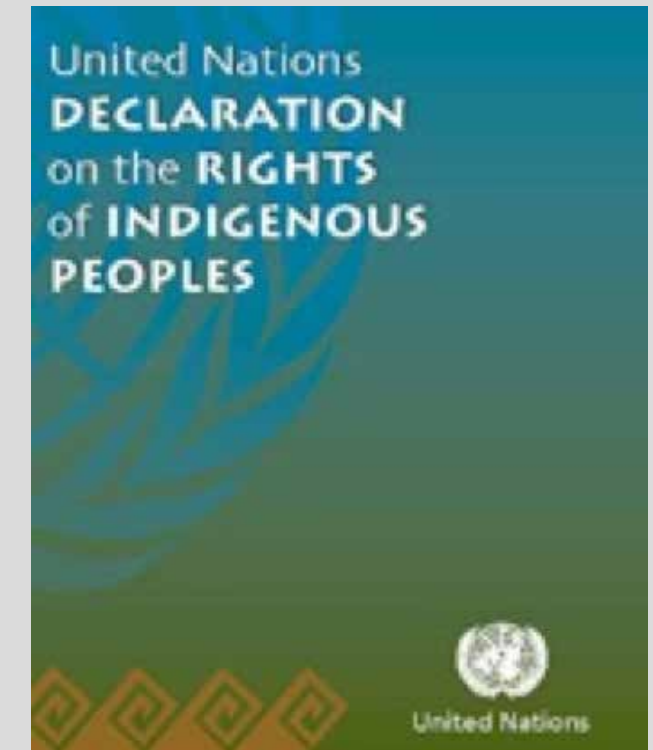
informed consent with regard to decision-making that impacts their lives and communities. The practical application of this concept is challenging to settler institutions and governments. Nonetheless, this idea could be the most powerful aspect of UNDRIP in the long term.

UNDRIP Weaknesses

Not binding: Unlike a treaty or a contract, a declaration of this nature is non-binding for member states. A declaration “represents the dynamic development of international legal norms and reflects the commitment of states to move in certain directions, abiding by certain principles” (United Nations, 2007). This means there are no legal consequences or enforcement policies that come into effect if a member state does not meet the minimum human rights standards set out in UNDRIP.

Too broad and open to interpretation: In December 2017, the Canadian House of Commons debated a private member’s bill (Bill C-262) that would require the federal government to “take all measures necessary to ensure that the laws of Canada are consistent” with UNDRIP. Bill C-262 also requires the federal government to develop a national

Figure 1.24 UNDRIP



Click to open and read the United Nations Declaration on the Rights of Indigenous Peoples.

action plan to implement UNDRIP in “consultation and cooperation” with Indigenous Peoples. As of this writing, the bill has passed the second reading in the House of Commons.

The interpretation and understanding of UNDRIP remains strongly contested.

The federal Liberals have contradicted themselves on multiple occasions about what UNDRIP means while some Indigenous scholars have an altogether different take on what the declaration truly means for Indigenous sovereignty and nationhood. (Wilt, 2017)

In article in *DeSmog Canada*, Russ Diabo, “a Kahnawake Mohawk policy advisor,” was quoted as saying, “When they say they’re going to support Bill C-262, I just view it as a PR stunt” (Diabo, cited in Wilt, 2017). According to the article, “the federal government isn’t prepared to fully face the implications of UNDRIP, Diabo said, and how it could challenge Canada’s current legal frameworks” (Wilt, 2017).

Not meaningfully enforceable

Article 46: Article 46 is the last section of UNDRIP. It states that “nothing in UNDRIP may be interpreted as authorizing or encouraging any ‘action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States’” (Wilt, 2017). Canada is, of course, a sovereign and independent state. Many elements of UNDRIP could be viewed as threatening Canada’s status as a nation, meaning Article 46 significantly weakens the degree to which UNDRIP can be implemented (Wilt, 2017).

Altered wording: Dr. Sheryl Lightfoot, author of *Global Indigenous Pol-*

itics: A Subtle Revolution, notes that some last-minute wording changes to UNDRIP significantly impacted its meaning and interpretation. The final draft of the declaration was written by states alone without input from Indigenous communities (“A Subtle Revolution,” 2017).

In the last few months, Indigenous Peoples were no longer in the room and no longer a part of the process. As a result, the final text includes some highly objectionable provisions. These are provisions that Indigenous Peoples never agreed to, particularly Article 46 which provides extra protections, as if they needed more, for states sovereignty and territorial integrity. It removes completely Indigenous Peoples’ right to form their own states. (Dr. Sheryl Lightfoot in “A Subtle Revolution,” 2017)

Government of Canada’s Response to UNDRIP

September 2007: UNDRIP was formally adopted by the United Nations. Canada was one of four countries to cast an opposing vote.

2010: The Canadian government under Conservative Prime Minister Stephen Harper “endorsed” UNDRIP but called it an “aspirational document” (“Canada endorses Indigenous rights legislation,” 2010). The Canadian government did not remove its permanent objector status.

October 2015: One of the Liberal Party’s promises during the federal election campaign was that it would “enact the recommendations of the Truth and Reconciliation Commission, starting with the implementation of the United Nations Declaration on the Rights of Indigenous Peoples” (Liberal Party of Canada, n.d.). The Liberal Party won in a landslide vote and Justin Trudeau became prime minister.

May 2016: Carolyn Bennett, Minister of Crown-Indigenous Relations for the Canadian government, officially removed Canada’s permanent ob-

jector status to UNDRIP, paving the way for implementation in Canada.

July 2016: Jody Wilson-Raybould, Minister of Justice, made the following statement to the 37th General Assembly of First Nations:

Simplistic approaches such as adopting the United Nations declaration as being Canadian law are unworkable and, respectfully, a political distraction to undertaking the hard work actually required to implement it back home in communities. (APTN National News, 2016)

Wilson-Raybould is herself a former regional chief of the BC Assembly

of First Nations and a descendant of the Musgamagw Tsawataineuk and Laich-Kwil-Tach Peoples, who are part of the Kwakwaka'wakw and also known as the Kwak'wala speaking peoples (PMO, 2015).

September 2017: September 13, 2017, marked the tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples. Canada has finally endorsed UNDRIP and the Trudeau government has committed to implementing it. However, many questions remain: “What does implementation mean and what is required of federal, provincial and local government, political and social institutions, and civil society to make the UN Declaration a reality in Canada?” (“A Subtle Revolution,” 2017).

A Selection of Voices 10 Years After UNDRIP

Littlechild and Palmater

Chief Wilton Littlechild, one of the authors of UNDRIP and a commissioner for the Truth and Reconciliation Commission, approves of Canada's progress so far.

As I have travelled across the country to many places, I have witnessed and am very encouraged by governments at all levels, private industry, educational institutions, sports events, the medical and legal communities, faith groups and importantly Indigenous Peoples' communities all engaged at different levels, in different ways on implementation. We still, of course, have a long way to go, but I think we are on a good path of reconciliation. (Littlechild as quoted in Morin, 2017b)

Interactive 1.25 CBC The National: Canada removes objector status to UNDRIP



In the spring of 2016, Canada removed its “permanent objector status” to the Declaration on the Rights of Indigenous Peoples.

Mi'kmaq lawyer, professor, and activist Pam Palmater, on the other hand, does not believe that Canada is actually doing what is necessary to implement the declaration. As cited in Morin (2017b), "She said the

Interactive 1.26 APTN News: Roy-Henriksen discusses UNDRIP a decade after its adoption



Nearly a decade after the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, many of those rights remain unrealized, according to a statement of the UN permanent forum on Indigenous issues. APTN National News speaks with Chandra Roy-Henriksen, who is with the forum.

government spends more time boasting about getting the work done than actually doing anything." Furthermore, she believes:

Canada is fooling people when it says it unconditionally supports UNDRIP. All they have done is talk about it and set up processes to engage in more talk about it, but they have not started the legal process of implementation. The biggest challenge is always political will. Governments can literally talk about good ideas, plans and commitments for years and never take any real concrete action. This Liberal government has, for the most part, been more talk and less action. They are skilled in delaying action under the guise of consultation. (Palmater as quoted in Morin, 2017b)

Lightfoot and Phillip

In September 2017, Dr. Sheryl Lightfoot, author of *Global Indigenous Politics: A Subtle Revolution*, spoke at a Simon Fraser event called *A Subtle Revolution: What Lies Ahead for Indigenous Rights?* which marked the tenth anniversary of the passing of the UN Declaration in 2007. Lightfoot is Anishinaabe, a citizen of the Lake Superior band of Ojibwe, enrolled at the Keweenaw Bay Indian Community in Baraga, Michigan, and an associate professor in First Nations and Indigenous Studies and the Department of Political Science at UBC. She made the following remarks:

The Indigenous world remains under what we could call severe stress. From Brazil to Botswana, from Australia to Ecuador, from Myanmar to Standing Rock, Indigenous Peoples are on the front lines, fighting for their cultural survival, their languages, their ways of life, their political and legal institutions, their territories including both lands and waters, and their lives. In fact, the UN reports that 2016 had the highest number of deaths of human

rights defenders than any other year in recorded history. (“A Subtle Revolution,” 2017)

Speaking at that same event, Grand Chief Stewart Phillip, president of the Union of British Columbia Indian Chiefs, made the following remarks:

We had pretty much a decade being in the trenches fighting the Harper government. It may shock you that sometimes I would much prefer to fight with an individual like Mr. Harper who is absolutely racist. (He) was a terrible prime minister, and now we have Mr. Selfie, Justin Trudeau, the charmer, who believes that somehow he can achieve reconciliation between the Federal Crown and Indigenous Peoples through selfies. The eloquent statements that he makes publicly about the need to move forward on the UN Declaration on the Rights of Indigenous Peoples and the 94 Calls to Action with the TRC. I remember October the 20th, the day after the election, when we couldn't believe that Mr. Harper was gone. There was a sense of hope, that there would be space and opportunity to move our issues forward. We were engaged in a very vigorous campaign against the Site C Dam, against Lelu Island, the massive LNG facility that was being promoted by the former BC Liberal government in Petronas, (against) the Kinder Morgan Trans Mountain pipeline. We were hugely disappointed after the election when Mr. Trudeau and his government approved the permits for Site C, approved Lelu Island, I believe they did it late Friday, very sneaky, before a long weekend, and of course greenlighting the Kinder Morgan Trans Mountain pipeline knowing full well that there was enormous Indigenous opposition to those projects. The violation of Treaty 8's rights flies in the face of

Mr. Trudeau's eloquent, warm, fuzzy statements about “nothing is more important to this government than a nation-to-nation relationship with Indigenous Peoples of this country.” (“A Subtle Revolution,” 2017)

Snapshots: The Reality of Indigenous Rights in Canada Since 2007

Given the passage of UNDRIP and Canada's stated commitment to abide by the provisions within it, it would be reasonable to expect that the quality-of-life issues such as housing, water, education, and health care would have become areas of focus for improvement. The following examples illustrate the reality of these issues for Indigenous Peoples in Canada as of February 2018. These examples are intended to be representative of life as lived by Indigenous communities in Canada rather than a comprehensive or exhaustive study of these issues.

Water

In June 2016 a report was issued by Human Rights Watch (HRW), an international rights group, that accused the Canadian government of violating its human rights obligations towards Indigenous Peoples by failing to adequately address the water crisis on reserves. From July 2015 to April 2016 researchers with the international rights group investigated how the lack of clean running water affects hundreds of people living on five First Nations reserves: Batchewana, Grassy Narrows, Shoal Lake #40, Neskantaga, and Six Nations of the Grand River. HRW's additional water and sanitation survey, covering 99 households with 352 people, found rampant health problems among those living without sanitary water for drinking and bathing. “Many households

Interactive 1.27 Human Rights Watch: Canada's water crisis: Indigenous families at risk



Canada has abundant water, yet water in many Indigenous communities in Ontario is not safe to drink, according to Human Rights Watch. The water on which many of Canada's First Nations communities on lands known as reserves depend, is contaminated, hard to access, or at risk due to faulty treatment systems. The federal and provincial governments need to take urgent steps to address their role in this crisis.

surveyed by Human Rights Watch reported problems related to skin infections, eczema, psoriasis, or other skin problems, which they believed were associated with water conditions in their homes,” states the 92-page report entitled *Make It Safe: Canada's Obligation to End the First Nations Water Crisis* (Browne, 2016).

The Government of Canada has made a public commitment to end all

water advisories on First Nations reserves by 2021. However, the accuracy of the Government of Canada's reporting has been called into question.

Indigenous and Northern Affairs Canada (INAC, now split into two distinct ministries) claimed progress had been made and produced “a list of 15 water advisories on 11 reserves it says have been resolved. Of the 11 reserves on the agency's list, six are still considered by Health Canada to have undrinkable water” (Beaumont, 2016).

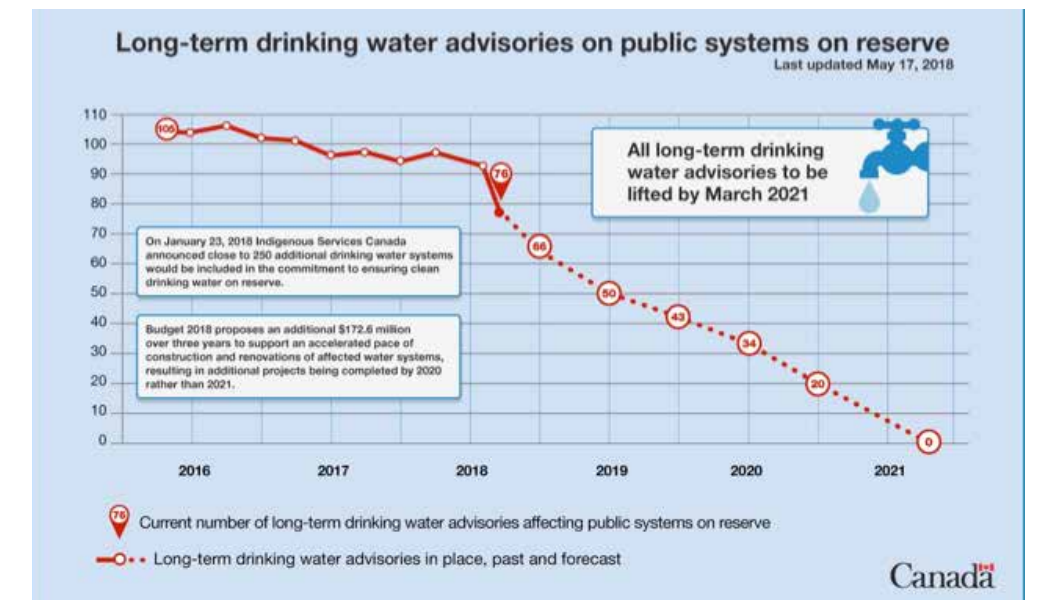
What follows are some examples of the issues faced by Indigenous communities in securing fresh drinking water.

Water: Potlotek

Potlotek is a small First Nation in Cape Breton, Nova Scotia. Headlines abounded in September 2016 when members of the community reported filthy black water flowing from their taps. Although Potlotek has a water treatment plant, they don't use the water from it. Band manager Lindsay Marshall said, “It's only good for firefighting and toilets. Dogs won't even drink it” (Marshall as quoted in Beaumont, 2016).

According to Indigenous Affairs, design work for a new water treatment

Figure 1.12 Long-term drinking water advisories on public systems on reserve



plant that would filter out iron and manganese is supposed to begin soon. However, the new plant is slated to be built next to the old one and will draw water from the same lake. That lake is only 55 feet from the reserve's sewage lagoon, and the lagoon spills over into the lake during storms (Beaumont, 2016). "Marshall said the band is drilling wells to find a new source of water, and Indigenous Affairs is providing bottled water as an interim solution" (Beaumont, 2016).

Water: Nazko

On November 20, 2015, INAC stated that a 16-year boil water advisory in Nazko, a reserve in northern British Columbia, had ended. After testing the reserve's water herself, Lena Hjorth does not believe the government's claim: "I don't trust it either myself," she said. "I don't drink it. Because there's still arsenic in there" (Hjorth as quoted in Beaumont, 2016). This community's situation is frustrating given that there is a new treatment plant in the middle of the reserve. Nazko's water treatment plant became operational in 2013, at a cost of \$3.6 million. It has experienced one breakdown after another, including:

- An airlock in the chlorine injection line
- A problem with the manganese and arsenic filters that caused them to stop working
- A faulty backflow check valve that needed replacing
- A breakdown of the backup generator (McCue, 2015)

Jerry Laurent, the plant operator, described the situation: "I phone people to come out and fix it. But they phone up the band office. They have to OK it first. They say there's no funding in place for it. So, the band office has to phone down to Vancouver to AANDC..." (Laurent as quoted in McCue, 2015). Nazko Chief Stuart Alec described how

Interactive 1.28 CBC The National: Water advisories chronic reality in many First Nations communities



Two-thirds of all First Nation communities in Canada have been under at least one drinking water advisory at some time in the last decade.

demoralizing the situation has become: "It's very upsetting. We live in Canada but on reserve it feels like Third World conditions. Drinking, bathing – it's pretty appalling these conditions exist in this country" (Alec as quoted in McCue, 2015).

Water: Shoal Lake #40

Shoal Lake #40, an Ontario Ojibwe reserve, has had to boil its water for the last 20 years. Ironically, Shoal Lake #40 is surrounded by water and on an original canoe trade route that has existed for centuries. However,

in 1915, the City of Winnipeg was allowed to relocate the community to allow the City to draw its water from a clean and accessible source. To facilitate this, the Government of Canada expropriated over 33,000 acres of land from the Shoal Lake #40 community, without consent or negotiation. The people of Shoal Lake #40 were deposited on a man-made island that has no road access and, as of about 20 years ago, no access to its own clean water. The canal that surrounds the island was constructed to divert dirty, unusable water away from the clean water source used by the City of Winnipeg, 200 kilometres to the west. The lack of road access means all supplies, including potable water, must be delivered by barge. This has made it impossible for the Shoal Lake #40 community to construct a water treatment facility as the materials for such construction cannot be effectively delivered by barge.

There are additional impacts to the lack of road access. These include:

- Substandard housing, as construction materials are difficult to transport
- Waste management issues, as garbage needs to be shipped off the island by barge and it often piles up on the limited amount of land granted to the Shoal Lake #40 band
- Sewage leakage into the existing water supply due to insufficient sewage treatment.

After much lobbying and negotiation, funding has been provided by the Government of Canada, the Province of Manitoba, and the City of Winnipeg to construct a 24-kilometre access



Gallery 1.12 Shoal Lake #40



Map of Shoal Lake #40.



road to connect the Shoal Lake #40 to the local road system. Construction began in June 2017 and the road should be complete by fall 2018. The road, dubbed Freedom Road, will mean that supplies, including drinking water, can be transported at less cost and with greater reliability.

Water: Pikangikum Working Group

The Pikangikum Working Group (PWG) is a collection of Ontario professionals who donate their time and money to assist Pikangikum, one of the province's most impoverished First Nations. Pikangikum is located in northwest Ontario, about a 22-hour drive from Toronto. It is a settlement of about 2800 people who live in 450 homes. Until re-

Interactive 1.29 Vice News: Canada's waterless communities: Shoal Lake 40



VICE goes to Shoal Lake 40, a reserve only a few hours from Winnipeg that sits on a manmade island. The lake the reserve sits on supplies Winnipeg's drinking water, but Shoal Lake 40 has been under a boil water advisory for 17 years.

cently, most homes had no running water or indoor toilets. The PWG consults closely with the community and designs its assistance based on identified needs and achievable outcomes (Hough, 2015).

One of the first projects addressed was the provision of running water to as many homes as possible, beginning with the homes most in need (Steeves, 2017). The cost for the first 10 homes was approximately \$250,000 with the bulk of the money originating from the Anglican Primate's World Relief and Development Fund. Additional funds were raised through St. Paul's Anglican Church and Timothy Eaton United Church in Toronto. Private donations provided the balance. The fed-

eral government provided approximately \$40,000 to train Pikangikum workers in electrical and plumbing trades to assist with installation and ongoing maintenance of the systems (Hough, 2015).

Housing

In March 2017 Kevin Hart, a regional chief with the Assembly of First Nations (AFN) in Manitoba, estimated that approximately 175,000 houses are needed for Indigenous Peoples across Canada. The Government of Canada estimated the need to be around 21,000. Hart noted that this discrepancy meant that "we're being set up for failure right off the bat" (Hart as quoted in APTN National News, 2017).

In 2007 the Harper government established a First Nations housing program with the objective of building 25,000 new Indigenous-owned homes within 10 years. Nine years later, after the government transitioned to the Trudeau administration, fewer than 200 had been built ("Editorial: Indigenous housing crisis takes a terrible toll," 2016). More than \$8 billion was allotted in Trudeau's 2016 budget for Indigenous Peoples; just over \$500 million of that was to be spent on housing across the country. The money was to be spread out over two years. Each year, the federal government expected to build 300 homes with that investment as well as provide 340 lots with sewer hookups and renovate an additional 1400 homes (APTN National News, 2017).

Based on the government's estimate of 21,000 new homes required for Indigenous communities, building 600 new homes within a two-year period would address about three percent of the identified need. The funding barely makes a dent in the housing crisis if one considers the AFN estimate that 175,000 homes are needed (APTN National News, 2017).

Interactive 1.30 APTN News: Housing crisis deconstructed



Reporter Melissa Ridgen looks into the billions of dollars in federal funds spent fighting the ballooning housing crisis on Canada's First Nations.

In February 2018 a new federal budget was announced and it included nearly \$5 billion in new funding for drinking water, housing, and health (APTN National News, 2018).

Charlie Angus, Member of Parliament for Timmins-James Bay, has requested statistics on the number of houses built on every reserve in 2016-2017. The government has not provided them. An access to information request in 2016 came back almost completely blacked out. Angus wonders at this lack of transparency: “Canadians have to ask themselves what exactly the Department of Indian Affairs is doing when a simple request about the state of housing and housing plans is considered a state secret”

(Angus as quoted in APTN National News, 2017).

What follows are some examples of the housing issues facing Indigenous communities.

Housing: Garden Hill

In Garden Hill First Nation in Manitoba, 3500 residents share 500 homes. In some cases, three or four families share a single residence. Sharon Beardy shares a three-bedroom home with 12 people: “My grandkids all sleep on the floor here as you can see. One mother with two little ones and my four grandkids just sleep anywhere. Anywhere possible on the floor” (Beardy as quoted in APTN National News, 2017). A typical home has been repaired multiple times with foam insulation spray and has an external layer of plastic sheeting to help keep wind and moisture out of the inadequately sided structure (APTN InFocus, 2017). Another two-bedroom home in Garden Hill houses 15 people in total. Unlike the Beardy home, this home does not have running water (APTN InFocus, 2017).

Housing: Kitcisakik and Attawapiskat

Kitcisakik, an Anicinape First Nation that is a five-hour drive north of Montreal, is known for its extremely poor living conditions. Four hundred people live without electricity, running water, or a sewage system. Community spokesperson Charlie Papatie describes the situation: “A shower and toilet is what’s missing. That’s what the people in our community are always talking about it. They tell me they would like all those basic needs for their children” (Papatie as quoted in APTN National News, 2017).

Attawapiskat, Ontario, is one of most widely discussed reserves in need of housing solutions. This community has about 340 homes for 2100

residents, with an average of seven people living in each home. Some house as many as 13 people. Attawapiskat sits on muskeg – soft, marshy wetland – in a region where temperatures can plunge into the minus-50s. Thus, home construction poses special challenges. About 75 percent of the houses were built between 1960 and the 1990s, and were poorly designed for the freezing/thawing land below them. The spring thaw always brings shifting structures, cracked walls, flooding, leaks, and mould (Perkel, 2016).

Teresa Kataquapit's three-bedroom home has broken, loose, and stained ceiling tiles, heaving and cracked linoleum floors, and plastic-covered, boarded-up windows. "It's very cold [...] You can feel the drafts all over the place, the windows, the doors, everywhere. There's mould in this house" (Kataquapit as quoted in Perkel, 2016). As is the case for almost 25 percent of the homes on this reserve, it has been condemned as unfit for human habitation. Kataquapit continues to reside in this structure along with five others. It is heated by a single wood stove. She has nowhere else to live (Perkel, 2016).

Education

It does not take much imagination to conclude that communities struggling with housing and water issues are also in dire need of support with regard to education. The same construction challenges that plague water treatment, sewage treatment, and housing also apply to the construction of safe and suitable school buildings. Qualified teachers and other resources are difficult to secure and retain in many remote communities. Many such communities are so small, and have such extreme distances between them, that a school board or system, as envisioned by European settler communities, faces little chance of succeeding .

Interactive 1.31 16x9: Failing Canada's First Nations children



Canadian kids from isolated communities are forced to move away from their families – just to go to school.

Travelling for Post-Secondary

This is the choice faced by the majority of Indigenous youth in remote reservations in Canada. Indigenous teens know a high school diploma is essential to reaching their long-term goals; however, there are almost no opportunities to advance beyond Grade 8 in most remote locations. Their departure from their home communities and traditions at a formative stage in life is painful and extremely difficult. There are risks inherent in living alone in a settler urban culture, without the support of family groups.

For northern Ontario communities, Thunder Bay is often the destination for young Indigenous people looking to complete their education. Between 2000 and 2011 seven Indigenous youth who had travelled to Thunder Bay for high school died. When interviewed by the CBC on this subject, Indigenous author Tanya Talaga said:

All the students, all seven of them, had left their northern homes, 500 to 600 kilometres away, to come by themselves to Thunder Bay to go to school. Five of them died in the waters surrounding Thunder Bay. Two died in their boarding homes.

They all didn't have a proper high school for them to go to and I just couldn't believe that in this day and age, we were still sending kids out of their communities, away from their languages and away from their parents to go live by themselves in boarding houses with people who are paid to look after them. It was just, it was stunning to me. How come in a country like Canada we don't have schools, high schools for kids to go to? (Talaga, 2017)

Completion Rates

In 2011 post-secondary completion rates for First Nations youth were 35.2 percent compared to 78 percent for non-Indigenous youth (Morin, 2017a). Andrew Parkin, author of a 2015 study on Canada's education system, identified the widening success gap between Indigenous and non-Indigenous learners: "It's one of Canada's biggest failures in education, which in part dates back to the country's history of colonialism" (Parkin as quoted in Sachgau, 2015).

Parkin referred to the effects of the residential schools on Indigenous communities: "You've got generations of grandparents and parents who were scarred by their experience in education. They're hardly going to trust that system when it comes to educating their children" (Parkin as quoted in Sachgau, 2015).

Professor Nicholas Ng-A-Fook of the University of Ottawa said that in addition to poor funding for schools, limited access to basic services

Interactive 1.32 text "CBC The National: First Nations families weigh children's education vs. safety"



CBC The National meets with two First Nations' families having to decide about sending their children away for secondary school education.

also creates barriers to achieving a university education: "A kid not having electricity ... not having water that they can drink, having to pay two, three or four times more for food, nutritional food, it makes a huge difference" (Ng-A-Fook as quoted in Sachgau, 2015).

Funding and Commitment

The February 2018 federal budget promised a substantial increase in funding for Indigenous communities and it may well be that some of this funding will raise the standard of education for Indigenous children and youth. In the previous federal budget of 2016, the Trudeau government pledged \$2.6 billion over five years towards Indigenous education fund-

ing. This was an effort “to close the education gap: the difference between INAC funding for on-reserve schools and the funding that occurs through the provincially run public school system” (Morin, 2017a).

Education and child welfare advocate Cindy Blackstock said the federal government is not following through with this commitment.

In 2016, the Parliamentary Budget Officer found significant shortfalls in First Nations education funding even after taking into account the new investments in Budget 2016. Budget 2016 falls far short of what is needed to ensure First Nations students receive an education on par with others. (Cindy Blackstock as quoted in Morin, 2017a)

Interactive 1.33 Julia Candlish on First Nations education.



Julia Candlish discusses her role at the Chiefs of Ontario, and the advocacy in the area of education, on behalf of the 133 First Nations that the Chiefs of Ontario represents.

Many First Nations schools are in such disrepair that they are hazardous to the students, Blackstock added (Morin, 2017a).

Funding Shortfalls

In August 2017 AFN Regional Chief Bobby Cameron noted the following:

In First Nations country we’ve been waiting two, three decades for a K-12 funding increase on reserve and also post-secondary. We’ve been waiting a long time. The governments of the day have played a major role in terms of the delay, in terms of where we are now... at least now we have a government that’s willing and investing.

Teachers are leaving on-reserve schools to teach in the public school system, which offers a more competitive salary. Educational resources like up-to-date text books, libraries, and technology, commonplace items in mainstream schools, are lacking.

Many First Nations children live in poverty and are coming to school hungry. I’m advocating for nutrition programs to be set up, so kids aren’t learning on an empty stomach.

I say we need \$20 or \$50 billion [for education]. To be honest.

The consequences [if we don’t have the funding] are astronomical because we don’t have students succeeding if they don’t feel good about coming to school, if they’re hungry; lack of self-esteem, lack of pride, self-confidence, falling through the cracks to a negative lifestyle, gangs, alcohol/drugs and the majority of them end up in jail and people taking their own lives. (AFN Chief Bobby Cameron as quoted in Morin, 2017a)



Unsafe Education in Attawapiskat

“I wish I had my whole life to do over just so I could be in a school like this.”

- Shannen Koostachin upon visiting a school in Ottawa
(Angus, 2015, p. 146)

In Attawapiskat in 2000, J. R. Nakogee Elementary School was forced to close due to contamination from a diesel fuel line that ruptured below the school in 1979 (CBC, 2014a). Throughout the 1980s and 1990s teachers and students at the school had reported on numerous occasions the smell of diesel fuel accompanied by bouts of nausea and headaches (Goyette, 2010). INAC was made aware of the complaints and sent engineers to investigate. In 1984 the fuel leak was confirmed. In 1995 the property was identified as a potentially hazardous site by environmental consultants, and in 1996 Bovar Environmental recommended the removal of the contaminated soil (Goyette, 2010). INAC supported a partial cleanup the following year.

While this was all taking place, INAC transferred control over curriculum and hiring to Attawapiskat First Nation, but it retained control over funding and capital expenses. No money was provided to move or rebuild the school. Attawapiskat First Nation did not have enough community funding to build a new school itself. Over twenty years Attawapiskat First Nation and INAC spent large sums of money attempting to manage the problem, but never solving it (Goyette, 2010). Finally, in January 2000, Anebeaaki Environmental Inc. deemed the school unsafe for humans due to the contamination. The firm identified five species of mould in the building along with “benzene, ethylbenzene,

toluene, xylenes and TPH (total petroleum hydrocarbons from gas and diesel) above acceptable levels for human health” in the soil and groundwater (Goyette, 2010). With the support of parents and the community, the chief and council of Attawapiskat First Nation ordered the school closed permanently. Eventually, the school was torn down, and the contaminated grounds fenced off (Goyette, 2010).

The Portable Era in Attawapiskat

In 2000 eleven portable buildings were placed on a dismal and rough strip of land between the contaminated site and the community’s air-strip to serve as a school while families and youth waited for INAC to confirm funding for a new building (Goyette, 2010). For the next 14 years, despite community leaders and youth putting pressure on the federal government to acknowledge their need and rebuild the school, students would attend classes in those portables (Angus, 2012).

Conditions in the portables were drafty and cramped. Students complained about inadequate heating in the winter. In the summer they had no access to outdoor recreational equipment, a playground, soccer field, or baseball diamond (Goyette, 2010). They had to walk to the local community centre to use the gym and between portables to access resources and computers, even in the frigid winter months (Angus, 2012). There was no cafeteria, art space, library, or music facility (Goyette, 2010). Students spoke of black mould and rodent infestations in the portables (Angus, 2012; First Nations Child and Family Caring Society of Canada, 2016; Goyette, 2010). Youth who remembered what it was like to go to a “normal” school became disengaged from their education, and the school experienced high absenteeism (Angus, 2012; Goyette, 2010).

After 2000 three successive INAC ministers promised a new school for Attawapiskat, but on April 1, 2008, the Attawapiskat First Nation Education Authority was informed that Ottawa and INAC would not fund the building of a new school (Goyette, 2010). A frustrated community appealed to their Member of Parliament, Charlie Angus, and to southern Canadians to support them in their efforts to demand INAC and the federal government fulfill their obligation to provide safe and comfortable schools for all youth in Canada (Goyette, 2010). Tired of mould, unsafe education, insufficient resources, and watching her community's youth grow up without the same access to education that other Canadians enjoyed, Shannen Koostachin, a youth from Attawapiskat who had attended school in the portables, joined the fight, and Shannen's Dream was born.

Shannen's Dream

Shannen's Dream is a youth-led campaign focused on advocating for First Nations education and the right to have adequate schools, funding, and other resources in reserve communities. Shannen Koostachin was a smart, passionate, strong, and confident leader who came into her role because she believed that all children in Canada have the right to "safe and comfy" schools. Born and raised in the Attawapiskat community, Shannen turned to activism in grade 8 when the government revealed it would not be funding a new school. She was part of a contingent of elders and community members that met with then Minister of Indian Affairs and Northern Development Chuck Strahl to demand that a decent, healthy elementary school be built for the children of Attawapiskat and other communities like it. At the meeting, Strahl bluntly told the group that building a school was not a priority and

Gallery 1.13 Shannen Koostachin



Shannen Koostachin speaks on Parliament Hill during the National Day of Action.



ended the meeting. Many of the elders were in tears, but Shannen, determined not to cry, shook his hand and let him know that they were not giving up.

Later that day, Cindy Blackstock, whose organization, the First Nations Child and Family Caring Society, helped create the “Shannen’s Dream” foundation, saw Shannen for the first time and remarked, “I am not religious, but I am very spiritual. I saw Shannen on Victoria Island [in Ottawa], and her power stood out. I didn’t know then that she was going to speak at the rally, but there was something about her. I then saw her on Parliament Hill, and when I heard her speak I was convinced that there was something powerful and spiritual about this young woman. She was a leader” (Angus, 2015, p. 129).

In the months following the 2008 meeting with Strahl, Blackstock became interested in how her organization could help Shannen and her peers. Shannen was tireless in her efforts, and her speech in Ottawa had caught the attention of more than just Blackstock; Canadians, especially teachers and students, began joining the campaign, writing letters, holding their own “Shannen’s Dream” events, and garnering more media attention. The campaign, under the umbrella of the First Nations Child and Family Caring Society, drew national attention, in large part because Shannen was such a dynamic leader and advocate for Indigenous children’s rights. Tragically, Shannen’s life was ended in a car accident; though she succeeded in pushing for a new elementary school to be built in her community, there was still no high school in Attawapiskat, and she was fatally killed in a collision near Thunder Bay, where she had been living to attend school.

In 2012 the Minister of Aboriginal Affairs and Attawapiskat First Nation announced that a new school in Attawapiskat would be built at the cost of \$31 million (CBC, 2014a). The school, which opened in September 2014, was built to support roughly 540 youth from kinder-

Figure 1.13 CBC Indigenous Tweet

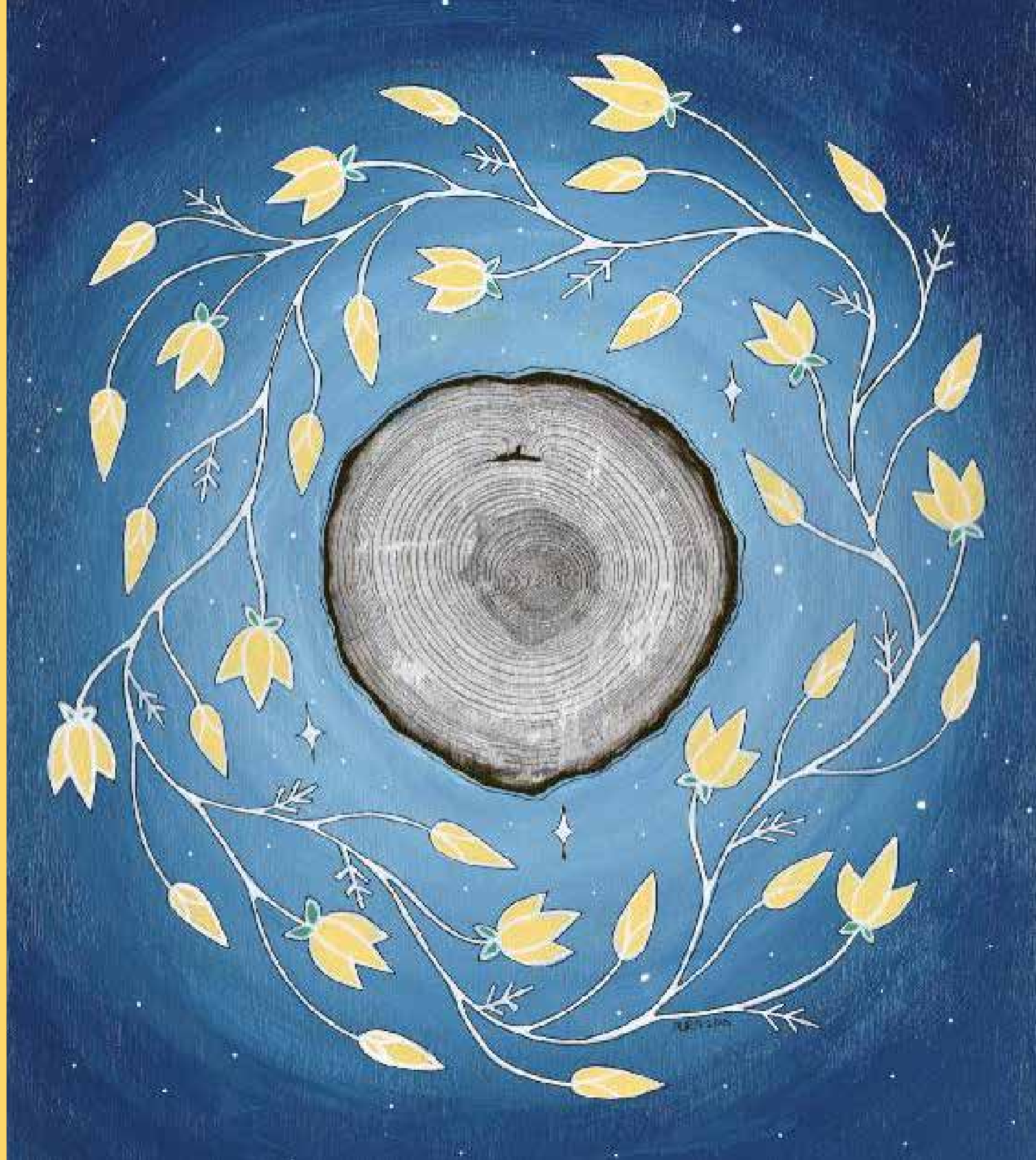


garten to grade 8 and was named Kattawapiskak Elementary School, for the Cree word for community which translates to “people of the parting rocks” (CBC, 2014a; 2014b). The new school is equipped with computer labs; a cafeteria; science labs; a tech room; a music room; soccer, baseball, hockey, and track fields; a gym; a stadium; and a weight room (Kattawapiskak Elementary School, n.d.). In early January of 2017, classes were cancelled for six weeks after flooding caused significant damage to the flooring (CBC, 2017). More information on current events at Kattawapiskak Elementary School and the Shannen’s Dream campaign can be found on the Kattawapiskak Elementary School website.



Chapter 2: *Reconciliation*

Clarke, Liz



The Truth and Reconciliation Commission of Canada (TRC)

“The shape of the logo – a circle – reflects the Circle of Life. In the Circle, we join together to share truth. The flames sustain life in the Circle and provide safety and sustenance. Most importantly, the flames shed light on what needs to be shared



Truth and
Reconciliation
Commission of Canada

in the Circle – the experiences of those affected by Indian Residential Schools. The seven flames that make up the circle represent the seven sacred teachings: love, respect, courage, honesty, wisdom, humility and truth. The Truth and Reconciliation Commission draws on each of those teachings in the work of truth-gathering, truth-telling, and reconciliation.”

(TRC, n.d.-a)

Introduction

The seven sacred teachings form a framework for this discussion on the Truth and Reconciliation Committee of Canada (TRC). It takes courage to tell the truth and allow it to be heard and witnessed. Thus, this section on the TRC is called “Courage.”

Figure 2.1 Walk for Reconciliation



Walk for Reconciliation, Final TRC event, May 31, 2015, Ottawa

Defining “Reconciliation”

The Oxford Dictionary defines reconciliation as “the restoration of friendly relations” (“Reconciliation,” n.d.).

Many would argue that a state of “friendly relations” between non-Indigenous people and Indigenous Peoples in Canada has never existed in

a meaningful way. Thus, returning to such a state is impossible (TRC, 2015a, p. 3). However, the Truth and Reconciliation Commission of Canada adopted a broader perspective:

To the Commission, “reconciliation” is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. For that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour.

The TRC sees reconciliation as “coming to terms with events of the past in a manner that overcomes conflict and establishes a respectful and healthy relationship among people going forward.” (TRC, 2015a, p. 3)

The TRC

In June 2009 the Honourable Justice Murray Sinclair was appointed chairperson of the Truth and Reconciliation Commission. Marie Wilson and Chief Wilton Littlechild were appointed as commissioners. These three individuals formed the TRC.

Beginning in 2009, the TRC was charged with a five-year mission: to inform Canadians about what happened in Indian Residential Schools (IRS). “The Commission documented the truth of survivors, families, communities, and anyone personally affected by the IRS experience” (TRC, 2009).

The TRC collected more than 6750 statements from residential school survivors and others impacted by the IRS experience. Most statements

were recorded digitally (audio or video), creating a total of 1355 hours of recordings. The majority of statements were gathered at seven national events and numerous regional events and community hearings (TRC, n.d.-d; Schwartz, 2015).

To collect these statements, the TRC travelled across Canada to meet with residential school survivors. As part of the TRC's official mandate,

each event had to be organized and held in a culturally appropriate way that provided a “safe, supportive and sensitive environment for individual statement taking/truth sharing” (TRC, n.d.-d).

A critical element for survivors was the presence of honorary witnesses to hear, validate, and remember the truths they had the courage to share .

Figure 2.2 TRC commissioners

Commissioners Chief Wilton Littlechild, Justice Murray Sinclair, and Marie Wilson of the TRC (tap on each commissioner to read their bio).



Truth: Honorary Witnesses/Witnessing

Speaking to [the TRC] at the Traditional Knowledge Keepers Forum in June 2014, elder Dave Courchene posed a critical question: “When you talk about truth, whose truth are you talking about?”

The Commission’s answer to Courchene’s question is that by truth we mean not only the truth revealed in government and church residential school documents but also the truth of lived experiences as told to us by survivors and others in their statements to this commission. Together, these public testimonies constitute a new oral history record, one based on Indigenous legal traditions and the practice of witnessing. (TRC, 2015a, p. 7)

Figure 2.3 Lorna Standingready, residential school survivor



Residential school survivor Lorna Standingready is comforted by a fellow survivor during the closing ceremony of the Truth and Reconciliation Commission, at Rideau Hall in Ottawa on June 3, 2015. (Sean Kilpatrick/Canadian Press)

Movie 2.1 TRC honorary witnesses



Message from the Rt. Hon. Michaëlle Jean to TRC honorary witnesses.

The term “witnessing” refers to an important Indigenous principle. Its practice somewhat varies between First Nations, Métis, and Inuit communities, but the principle is common to all: “Generally speaking, witnesses are called to be the keepers of history when an event of historic significance occurs” (TRC, n.d.-c). This occurs partly because of the oral traditions of Indigenous Peoples, but the act of witnessing also recognizes “the importance of building and maintaining relationships face to face” (TRC, n.d.-c).

Through witnessing, an event is validated and legitimized. “Witnesses are asked to store and care for the history they witness and, most importantly, to share it with their own People when they return home” (TRC, n.d.-c).

As the TRC travelled across Canada, honorary witnesses were present at each event: “Their role was to bear official witness to the testimonies of survivors and their families, former school staff and their descendants, government and church officials, and any others whose lives have been affected by the residential schools” (TRC, 2015a, p. 7).

The Results of the TRC’s Work

- The TRC’s final report was delivered in a ceremony on December 15, 2015. As a result of this work, we now know the following:
- Over 150,000 children from First Nations, Inuit, and Métis communities were placed in residential schools from 1883 to 1996.
- Although the TRC confirmed 3201 deaths within the named and unnamed registers of IRS (TRC, 2015b, p. 92), it is estimated that over 6000 children died in residential schools (Fortune, 2018). These deaths were caused by disease (tuberculosis and influenza in particular), neglect, abuse, lack of food, isolation from family and culture, insufficient housing, exposure to the elements, and fires.
- As of 2015 there remained over 80,000 survivors of residential schools still living.
- There have been 37,965 claims made by survivors for compensation for sexual abuse while in residential schools. This number represents 25 percent of the total number of children who were placed in the care of these institutions (Schwartz, 2015).

Most importantly, the TRC made 94 calls to action.

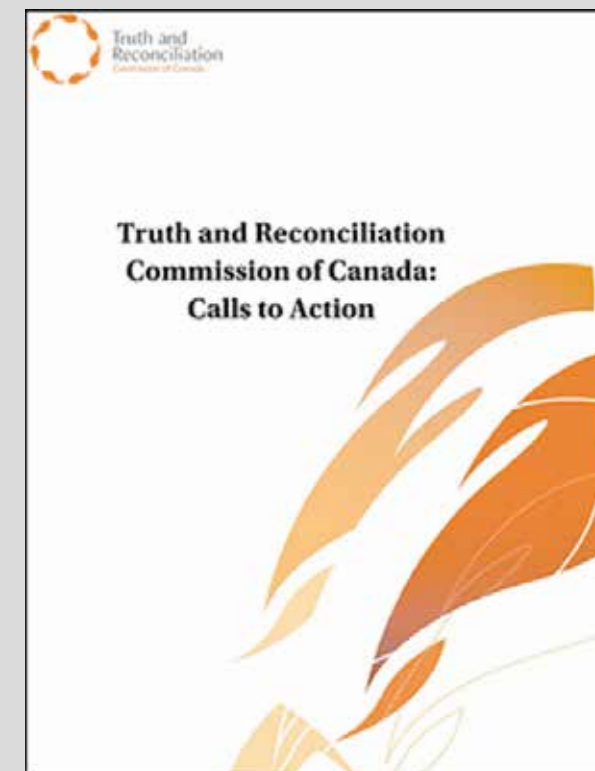
Love: Calls to Action

As noted by philosophers and theists alike, love without action or sacrifice is just a word. Thus, the section on calls to action is labelled after the sacred teaching of “Love.”

The 94 calls to action are grouped under two broad categories:

- **Legacy:** to redress the deep, residual cultural and psychological damage of residential schools; and
- **Reconciliation:** to advance the process of reconciliation in Canada between Indigenous and non-Indigenous peoples .

Interactive 2.1 Truth and Reconciliation Commission of Canada: Calls to action



Click to open and read all 94 calls to action in PDF format.

Calls to action 58 through 61 call for the Pope, as the representative of the Catholic Church, and other church parties involved in residential schooling, to both apologize and to educate their congregations on “why apologies to former residential school students, their families, and communities were necessary” (TRC, 2015c, p. 6). To achieve this, governments at all levels, the Catholic Church, and other church parties would need to embrace the sacred teaching of “Humility.”

The calls to action in the TRC’s final report are more than mere recommendations. They underpin the sacrifices and actions that are needed to create a foundation for true reconciliation between Indigenous Peoples and non-Indigenous Canadians.

The calls to action will touch, and possibly deeply reform, the operation and communications of the following organizations. Each effort made by these organizations to incorporate the calls to action into their work represents a step forward towards reconciliation.

Calls to Action: Summary

The 94 calls to action are specific and very clear, and are available in full by clicking on the report below. The following is a summary of some of the areas that are addressed in the calls to action. Remember when reading the calls to action that there are two sections: legacy recommendations (to correct historical wrongs) and reconciliation recommendations (which are about ways to improve on current issues and concerns). Some areas of concern are listed in both sections.

Child Welfare

This area focuses on measures to reduce the number of First Nations, Métis, and Inuit children in care, by improving supports and education for social service workers. Related calls to action highlight the importance of implementing equity in health care, and of creating national standards for culturally appropriate care.

Education

This substantive area calls for closing the gaps in both opportunities and outcomes that persist between First Nation, Inuit, and Métis students and their non-Indigenous counterparts. The recommendations cover curriculum, funding gaps, and the delivery of culturally appropriate content across Canada.

Health

The health-focused calls to action demand that health-care professionals be better educated about Indigenous Peoples, and, as with the educational recommendations, an important focus is closing the gaps that exist between Indigenous and non-Indigenous peoples in terms of health and well-being. The recommendations cover both on- and off-reserve populations, and highlight the importance of valuing Indigenous health practices and traditional forms of care.

Justice

The recommendations in this area call for culturally appropriate policing and justice, and address specific issues, such as the treatment of people with fetal alcohol spectrum disorder. Related calls to action also speak to the need for culturally relevant education for lawyers, and for

increased and adequate funding for supports and services for Indigenous Peoples involved in the justice system.

Interactive 2.2 Rhiannon Johnson, Indigenous journalist



Rhiannon Johnson discusses her work as a journalist and some of the ways that Indigenous peoples are covered by the media in Canada.

Calls to Action: Newcomers to Canada

The calls to action with respect to newcomers to Canada are not actions that newcomers themselves will take; rather, they involve changes to citizenship education and the citizenship test, as well as to the oath (to the Queen) that all new Canadians take to become citizens. Many newcomers to Canada arrive from parts of the world where coloniza-

tion has also resulted in violence, systemic oppression, racism, and torture. There is common ground between Indigenous Peoples and these newcomers, but the ability to develop dialogue and connection is not well-established in the current government-led process (TRC, 2015a, p. 214). Without education about and awareness of Indigenous Peoples, newcomers cannot become allies.

Discover Canada, a booklet studied by all immigrants to Canada, explains that “to understand what it means to be Canadian, it is important to know about our three founding peoples—Indigenous, French and British.” In describing Canada’s legal system, *Discover Canada* states:

Canadian law has several sources, including laws passed by parliament and the provincial legislatures, English common law, the civil code of France and the unwritten constitution that we have inherited from Great Britain. Together, these secure for Canadians an 800-year-old tradition of ordered liberty, which dates back to the signing of the Magna Carta in 1215 in England. (Citizenship and Immigration Canada, 2012, p. 8)

Indigenous Peoples have been a vital source of law for Canada, yet Citizenship and Immigration Canada omits this fact from this important orientation resource, which also states that Canada’s Indigenous Peoples “welcomed the European explorers, helped them survive in this climate, guided them throughout the country, and entered into treaties with them to share their land” (TRC, 2015a, p. 216), without also mentioning the conflicts, injustice, or ongoing land claims that are evidence of a much more fraught history.

Call to action 94 proposes updating the citizenship oath to include a solemn promise to respect Indigenous and treaty rights. The current

oath reads as follows:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada and fulfill my duties as a Canadian citizen.

The proposed new oath would read as follows:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen. (TRC, 2015a, p. 217)

Calls to Action: Missing and Buried Children

As noted earlier, death rates for residential school children were substantially higher than those for the rest of the Canadian population (TRC, 2015b). Many families suffered the indignity of not being able to bury these children:

The general Indian Affairs policy was to hold the schools responsible for burial expenses when a student died at school. The school generally determined the location and nature of that burial. Parental requests to have children's bodies returned home for burial were generally refused as being too costly. [...] As late as 1958, Indian Affairs refused to return the body of a boy who had died at a hospital in Edmonton to his home community in the Yukon. (TRC, 2015b, p. 100)

Redress for the deep lack of respect for the corporeal and spiritual lives of these children, and the grief and spiritual suffering of their families, is sought in calls to action 75 and 76.

Humility: Federal Apologies

By the time residential school survivors won a class action lawsuit against the Government of Canada in 2006, the Presbyterian and United Churches, and the RCMP, had already apologized for their roles in the residential school system. The Truth and Reconciliation Commission was established nine days before the first federal apology in 2008.

2008 Apology



Prime Minister Stephen Harper read an apology on behalf of the Government of Canada on June 11, 2008. In this apology, the prime minister stated that “the burden of this experience has been on your shoulders for far too long. The burden is properly ours as a Government, and as a country. There is no place in Canada for the attitudes that inspired

the Indian Residential School system to ever prevail again. You have been working on recovering from this experience for a long time and in a very real sense, we are now joining you on this journey.”

This apology came with a compensation package for residential school survivors and their descendants; however, this package did not cover survivors of residential schools not overseen by the federal government. The federal government of 2008 argued that it had “no fiduciary obligation to survivors in Newfoundland and Labrador because the province was not part of Canada when the schools began operating” (Brake, 2017).

2017 Apology

In 2017 Prime Minister Justin Trudeau gave an apology to the survivors of several residential schools in Newfoundland and Labrador.

Prior to delivering the apology, a class action lawsuit was settled, awarding previously excluded survivors a \$50-million settlement. Residential school survivor Toby Obed, who was one of the main drivers of the class action lawsuit, accepted the prime minister’s apology on behalf of other school survivors: “This apology is an important part of the healing. Today the survivors in Newfoundland and Labrador we can finally feel a part of the community of survivors nation-wide across Canada. We have connected with the rest of Canada – we got our apology” (Canadian Press, 2017).

It is important to note that neither of these apologies addressed the survivors of day schools, who have still not been included in most accounts of residential schools. These survivors are currently pursuing their own class action lawsuit.

Interactive 2.3 2017 apology



Prime Minister Justin Trudeau issues an apology to Indigenous Peoples in Newfoundland and Labrador.

Wisdom: The Role of Art in Reconciliation

In its report, the Truth and Reconciliation Commission highlighted why the arts are so important to the reconciliation process.

The arts help to restore human dignity and identity in the face of injustice. Properly structured, they can also invite people to explore their own world views, values, beliefs, and attitudes that may be barriers to healing, justice, and reconciliation. (TRC, 2015b, p. 280)

Figure 2.4 Survivor art



Gerry Ambers' Dzunukwa Dreaming of Summer Holidays, 1992, from the "Witnesses: Art and Canada's Indian Residential Schools" exhibition (2009).

Furthermore cultural and artistic expression is often denied to oppressed peoples to make them lose their identities and be forced to assimilate.

Participation in the arts is a guarantor of other human rights because the first thing that is taken away from vulnerable, unpopular or minority groups is the right to self-expression. (F. H. Paget to Frank Pedley as quoted in TRC, 2015b, p. 280)

Acknowledging its power, the commission sought to incorporate art into its reconciliation work. It held a number of major art exhibits at the same time as its national events. The art exhibited was by both In-

igenous artists, some of whom had been in residential schools or were intergenerational survivors, and by non-Indigenous artists. Themes included "denial, complicity, apology, and government policy" (TRC, 2015b, p. 281).

Survivor Statements in Art

Many survivors were able to transcend painful memories and find their voice by creating a poem, a song, a video or audio recording, a photograph, a theatre performance piece, a film, a blanket, a quilt, a carving, or a painting "to depict residential school experiences, to celebrate those who survived them, or to commemorate those who did not" (TRC, 2015b). The role of art in the reconciliation process "rests in its ability to say the unsayable. Art give us a way to access even the most difficult things – those things for which we can't find the words," notes Jonathan Dewar, executive director at the First Nations Governance Centre in Ottawa (Dewar as quoted in Sandals, 2013).

TRC-Funded Art Initiatives

The TRC sponsored a number of art initiatives as part of its work. Some of them are described here.

The Living Healing Quilt Project

The Living Healing Quilt Project was organized by Anishinaabe quilter Alice Williams from Curve Lake First Nation in Ontario. Individual quilt blocks were created by women survivors and intergenerational survivors from across the country. These quilt blocks depicted memories of residential schools and were eventually stitched together into three quilts: Schools of Shame, Child Prisoners, and Crimes Against Humanity (TRC, 2015b).

Gallery 2.1 Quilt series for the Truth and Reconciliation Commission



Healthy Land Healthy People, 14' x 5.66', quilt by Alice Olsen Williams, 2005.



The Bentwood Box: 7,000 Statements

Coast Salish artist Luke Marston was commissioned by the TRC to design and carve a bentwood box as a symbol of the ceremonial transfer of knowledge that took place at the TRC's national events. In its final report, the commission described the box and how it was used :

The box was steamed and bent in the traditional way from a single piece of western red cedar. Its intricately carved and beautifully painted wood panels represent First Nations, Inuit, and

Métis cultures. [...] This ceremonial box travelled with the Commission to every one of its seven National Events, where offerings – public expressions of reconciliation – were made by governments, churches and other faith communities, educational institutions, the business sector, municipalities, youth groups, and various other groups and organizations. (TRC, 2015a, pp. 164-165)

Project of Heart

Ottawa teacher Sylvia Smith created Project of Heart, an art-based education initiative to teach children about the history of Indigenous Peoples in Canada, in 2008 as a response to the lack of knowledge about residential schools in the Ontario education system. It was chosen as a national commemoration project by the TRC in 2012-13. Over that year, schools across the country, as well as other community, church, and government organizations, learned about Indigenous history and created commemorative tiles and works to remember and honour residential school victims and survivors. In total, 55,000 students and 185,000 people across Canada participated in the Project of Heart, and the works they produced were “collected and curated into memo-

Figure 2.5 The Bentwood Box



The Bentwood Box is a lasting tribute to all residential school survivors and their families, both those who are living and those who have passed on, including the artist's grandmother, who attended the Kuper Island Residential School.

rial and commemoration exhibits honouring former students of Indian Residential Schools in every province and territory in Canada” (“Virtual Tour,” 2008).

Figure 2.6 Project of Heart tiles



Project of Heart tiles completed by Centennial College students.

The TRC recognized the importance of this work in their final report:

By bearing witness, the project enables participants to transform empathy into action and solidarity on social justice issues affecting the lives of First Nations, Inuit, and Métis across the country. (TRC, 2015a, pp. 123-124)

Honesty: Education for Reconciliation

“Educating the heart as well as the mind helps young people to become critical thinkers who are also engaged, compassionate citizens” (TRC, 2015a, pp. 123-124). The Truth and Reconciliation Commission approached education as a key part of reconciliation, noting that non-Indigenous Canadians are largely unaware of how the problems faced by Indigenous communities developed. It believed the failure of the education system to teach this history was a large contributing factor to the current state of affairs (TRC, 2015a, pp. 117-118).

In the Commission’s view, all students—Aboriginal or non-Aboriginal—need to learn that the history of Canada did not begin with the arrival of Jacques Cartier on the banks of the St. Lawrence River... (TRC, 2015a, p. 119)

The commission went on to call upon the education system to make Indigenous history visible and present in its classrooms. To teach students about the “rich linguistic and cultural heritage” of the Indigenous Nations the Europeans encountered. To recognize Indigenous perspectives on that first contact that have been ignored in the history books. To teach the history of treaties so that students know that Indigenous Peoples negotiated “with integrity and in good faith” and can start to understand why Indigenous leaders still fight so hard to defend these agreements (TRC, 2015a, p. 119). The commission believed that such understanding would give Canadians a fresh view on the lack of respect for treaties and agreements shown by European settler governments and contribute to establishing the groundwork for true reconciliation (TRC, 2015a, p. 119)





Chapter 3: Communication and Traditions

Kwan-Lafond, Dani
Meness, Jennifer
Thornhill, Natalie
Winterstein, Shannon

Stages of Life



The narrative in this section is structured around the First Nations cycle of life as understood from the traditional perspective of the Anishinaabe. The discussion is broken down into the eight stages of the life cycle and the seven phases of life and has been adapted from the 2010 Best Start Resource Centre document *A Child Becomes Strong: Journey-*

ing Through Each Stage of the Life Cycle. The information provided in this section is in no way exhaustive; it is meant to act as a guide for the reader to navigate the common elements found in a diverse set of rich and complex cultural teachings that form a part of the larger First Nations world view.

Indigenous Life Cycle

First Peoples have traditionally utilized tools and knowledge from their natural environment to teach lessons within their communities. These cultural tools help First Peoples pass on essential teachings to their community members in a relevant and culturally interconnected way (Best Start Resource Centre, 2010). Many of these teachings are connected to or based upon an understanding of the four directions and the various medicine wheels discussed in this e-textbook. Across Turtle Island, the details of the medicine wheel and four directions teachings may differ, but often the messages are similar (Four Directions Teachings, 2015), and we can connect them to the theme of the circle that is ever-present in Indigenous world view.

The wheel or circle (the round shape) traditionally represents the following: Earth, sun and moon, seasons, the four directions, the four parts of the self: mental, emotional, physical, and spiritual, the interconnectedness of people, and the cycle of life (Best Start Resource Centre, 2010).

Within the framework of the circle, all elements connect with and relate to one another. For this discussion, we will specifically focus on the cycle of life, in particular the eight stages of the cycle of life and the seven phases of life embedded in it.

It is important to note that the eight stages of the life cycle are different from the seven phases of life as understood by First Nations, although these stages and phases often overlap. The duration of the eight stages of life is more defined, while the seven phases of life are less uniform in

length and timing, and open to greater interpretation by the individual (Best Start Resource Centre, 2010).

The Eight Stages of the Life Cycle

The eight stages of the life cycle are: infant, toddler, child, youth, young adult, parent, grandparent, and elder/traditional teacher.

For each stage, there are teachings about healthy development, traditional milestones, and the role that a person has within their family and community (Best Start Resource Centre, 2010).

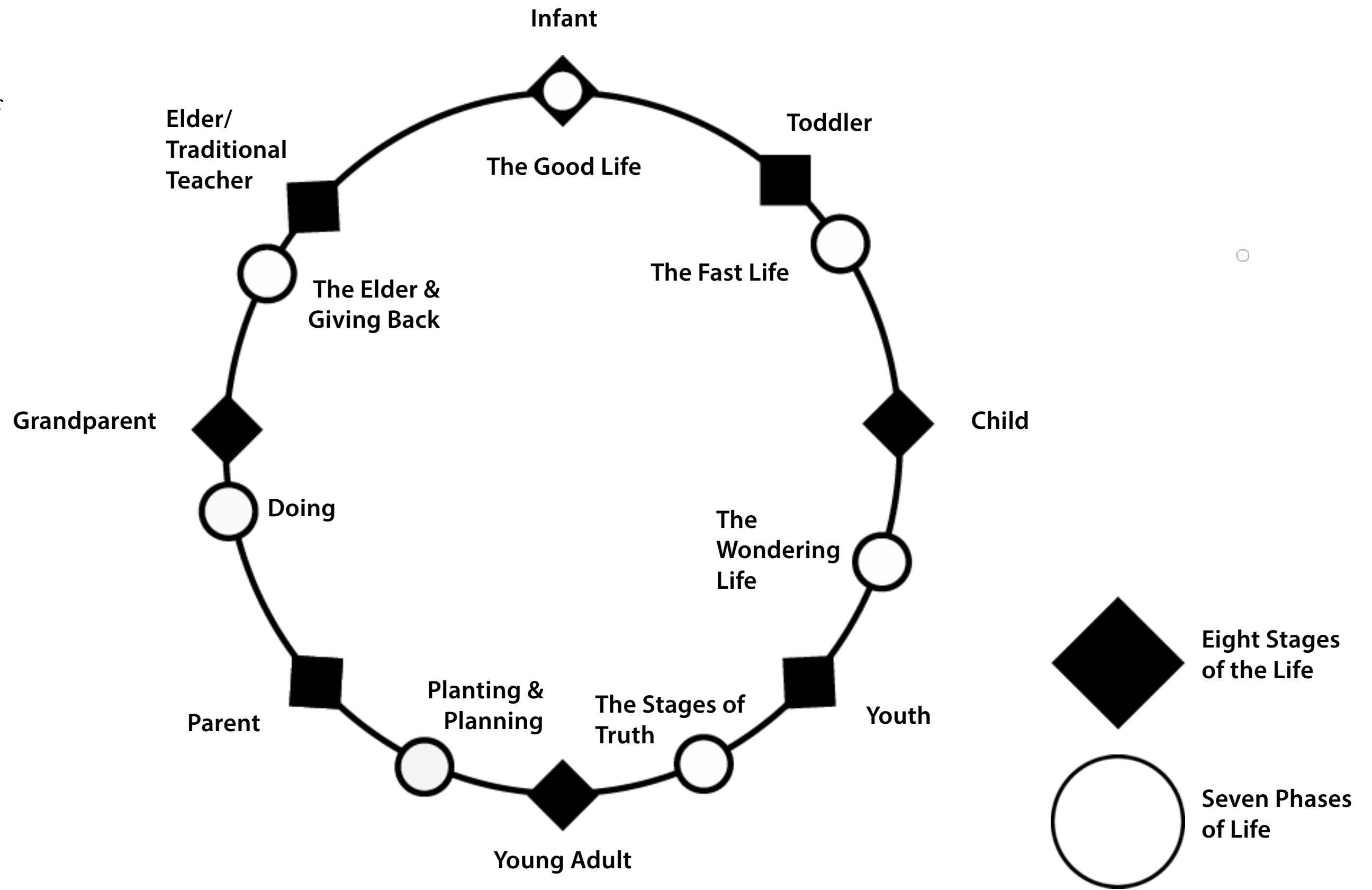
The Seven Phases of Life

The seven phases of life differ from the eight stages in that they specifically focus on the spiritual journey of a person (Best Start Resource Centre, 2010).

Each of these phases emphasizes the journey of self-discovery and fulfilling one's life purpose within an Indigenous framework. These phases often overlap. It is not uncommon for a person to enter or exit one of these phases at a completely different time than a family member or peer of the same age. The seven phases of life are: the good life, the fast life, the wandering and wondering life, the stages of truth, planting and planning, doing, the elder and giving back life (Best Start Resource Centre, 2010).



Tap on the individual segments of the interactive cycle of life to reveal further discussion and description of the eight stages of the life cycle and the seven phases of life.



Four Direction Teachings



The medicine wheel is an important teaching tool in many Indigenous Nations; it is a sacred circle. There are many different medicine wheels in North America; five are included in this e-textbook, organized according to the location of the Indigenous Nation they come from in Canada, from west to east. Medicine wheels were originally large circles created on the land, made of stones or other materials.

The most common image of a medicine wheel is the red, yellow, white, and black Anishinaabe medicine wheel, but there are many others and each Nation has its own design and associated teachings. However, medicine wheels do share many commonalities, including the significance of the numbers four and seven.

Ojibwa

There are seven directions to the Ojibwa medicine wheel represented by the colours blue, green, purple, yellow, red, black, and white. Blue represents Father Sky, green represents Mother Earth, and purple represents self; none of these colours or teachings are visible in the image shown. Here we will focus on the four colours shown. Tap on each section to read more.



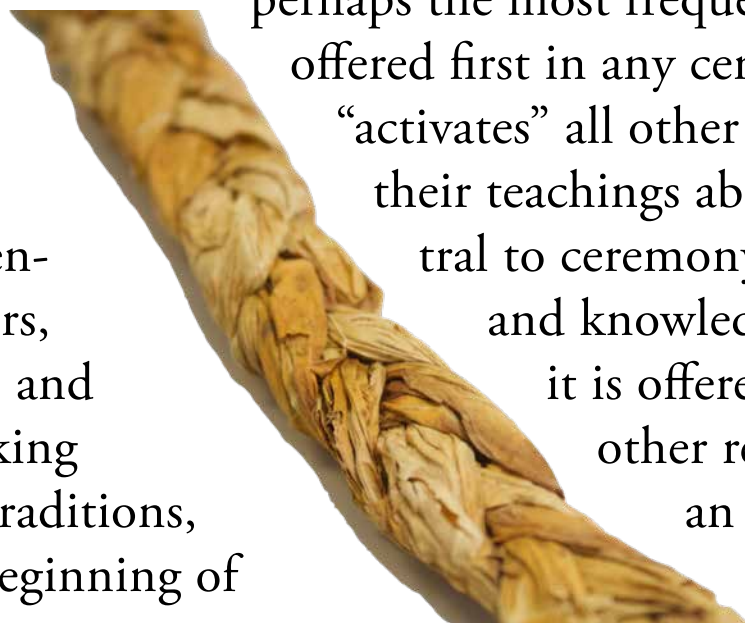
Four Sacred Medicines

There are four plant medicines that are common to most First Nations on Turtle Island: tobacco, sweetgrass, sage, and cedar. These are used in smudging, for gifts, and in other ceremonies. In Nations that use the medicine wheel as a teaching tool, each medicine has a place on the wheel. Note that the Métis and the Inuit have different medicines that are specific to their cultures and teachings.

The four sacred medicines are explained briefly here; however, traditional teachers and knowledge keepers from different Indigenous Nations will have more specific and nuanced teachings that go with each medicine. Non-Indigenous people should consult with these Indigenous experts about how to properly acquire, use, give, or ceremonially include the medicines in any cultural practice. There are special protocols for handling the medicines that relate to, for example, women's moon time and abstaining from substances.

Tobacco

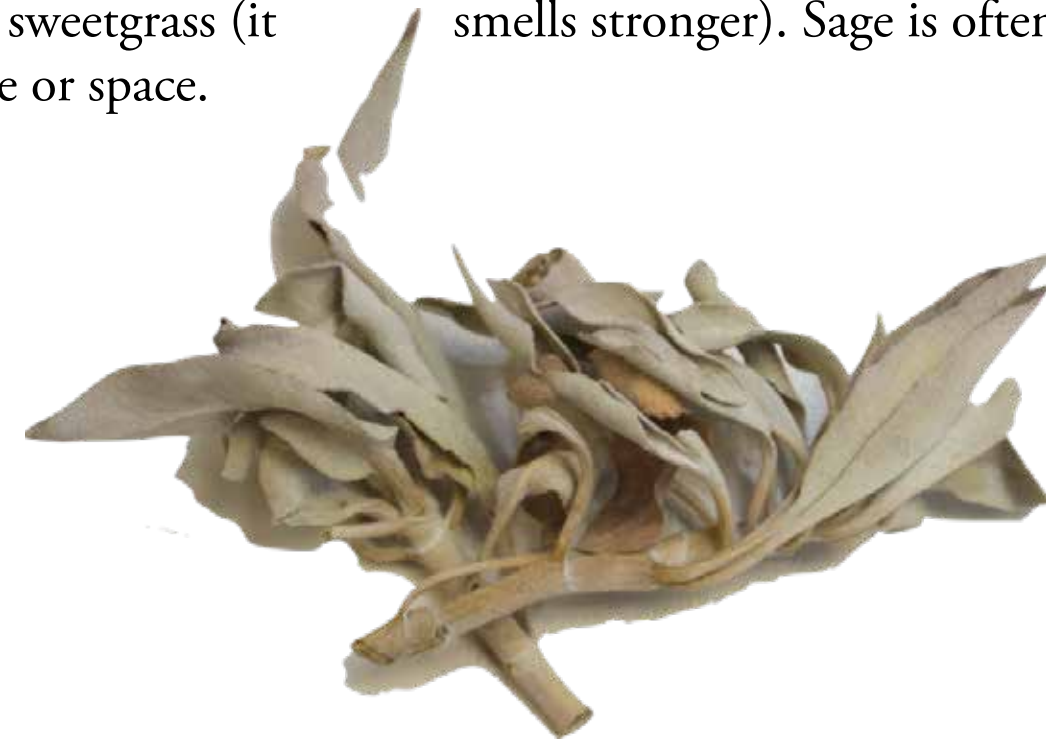
Tobacco is perhaps the most frequently used medicine and is always offered first in any ceremony. It is said that the plant "activates" all other plants. Indigenous Nations vary in their teachings about tobacco, but for most, it is central to ceremony, it is presented to teachers, elders, and knowledge keepers if they are helping you, and it is offered before picking medicines or taking other resources from the earth. In some traditions, an offering of tobacco is made at the beginning of every day. The



sacred medicine of tobacco is grown in a traditional way in Indigenous communities.

Sage

There are different types of sage; women use a particular kind. Sage is used to cleanse and to prepare for ceremony, and it is considered stronger than sweetgrass (it smells stronger). Sage is often used to purify a home or space.



Sweetgrass

Sweetgrass is used in smudging, along with sage and cedar. It represents the hair of Mother Earth, and the sweet smell of this medicine reminds us of the kindness and of the love Mother Earth has for all people and their non-human relations.



Cedar

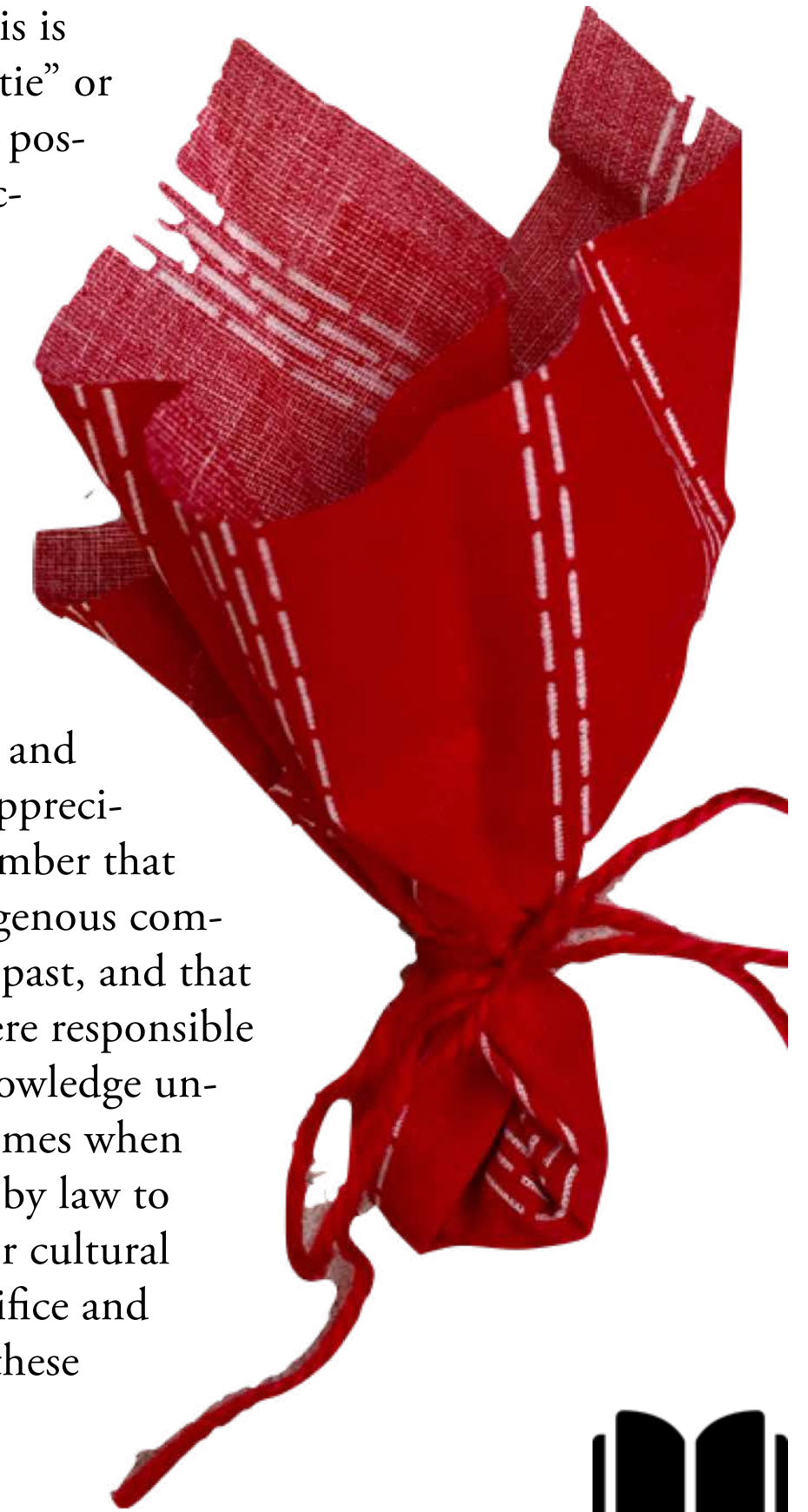
Cedar crackles when it burns, and this sound is said to wake up, or get the attention of, the spirits. Cedar is used to restore and protect. It can be made into tea, and its leaves and branches are used to cover the floors and outside walls during sweat lodge or fasting ceremonies, effectively surrounding the participants.



Tobacco Gift

It is the custom of nearly all Indigenous Peoples on Turtle Island to give a gift of tobacco to an elder, healer, traditional teacher, knowledge keeper, or other Indigenous person who is offering you their time, knowledge, expertise, or guidance. Usually, this gift is given at the beginning of a meeting or event, and the tobacco is often wrapped in a cloth (made of natural fibres like cotton if possible), with a ribbon or

string that can be untied. This is sometimes called a “tobacco tie” or “tobacco bundle.” If it is not possible to give traditional tobacco (tobacco prepared in the traditional way can be purchased from Indigenous communities), commercial tobacco can be used; for example, a cigarette. It is also customary to give non-tobacco gifts. A gift of a blanket or a household item is common, but money and other types of gifts are also appreciated. It is important to remember that the adults and elders in Indigenous communities are the links to the past, and that many of those alive today were responsible for keeping their cultural knowledge under extreme duress, during times when it was illegal and punishable by law to share Indigenous teachings or cultural practices. Without their sacrifice and bravery, we would not have these teachings today.



Seven Grand

Leland Bell's painting of the Seven Grandfathers.

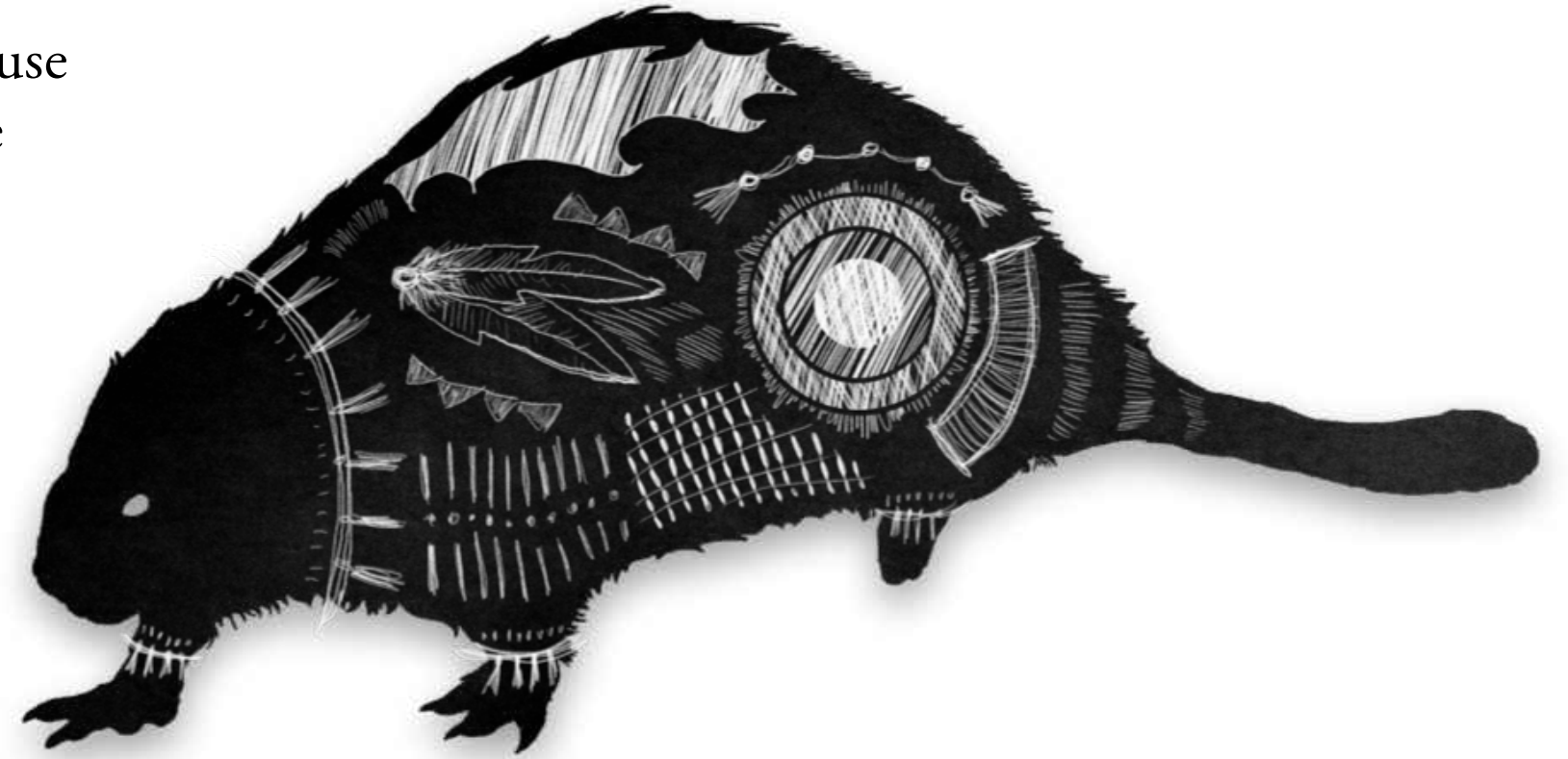
Teachings



There are many versions of these seven teachings across Turtle Island. Here we have called them the Seven Grandfather Teachings; they are also sometimes referred to as the Seven Grandmother Teachings or the Seven Sacred Teachings. Nations and communities may use differing stories to impart these teachings, but the same guiding principles and morals can be found in all.

Wisdom – Beaver

The teaching of wisdom is taught to us by the beaver. Beavers use their teeth to cut trees and build dams; in doing this they have a positive impact on their community (the nature around them), their family (who live in the dam), and themselves (by finding purpose and health in doing what they are meant to do). The beaver reminds us that we all have gifts and a purpose in this world. It is through the love of knowledge that we find wisdom.



Bravery/Courage – Bear

The teaching of bravery is taught to us by the bear. Bears are known to confront threats they should be fearful of, especially female bears who will protect their cubs against larger bears and other dangers. The bear also reminds us to be playful and to rest when needed. It is in the balance of these teachings that we are taught when to be courageous.

Honesty – Sabe/Raven

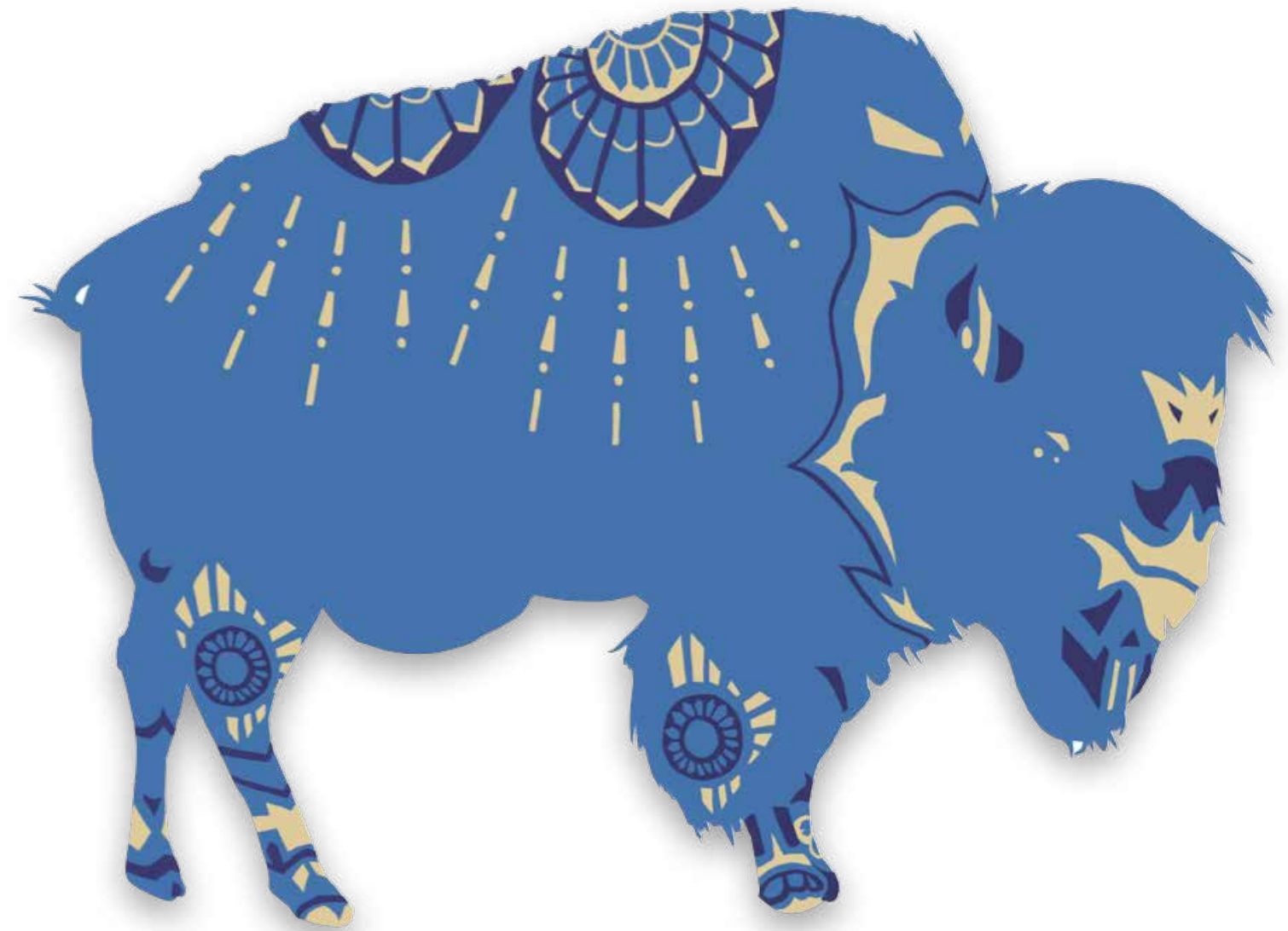
The teaching of honesty is taught to us by Sabe or sometimes the raven.

Sabe is believed to be closer to the spirit world than humans and reminds us, just as the raven does, that we must be truthful to who we are. The Ojibwa expression Kitchi-Sabe means to walk tall, or to have integrity. It is only by being honest that we can have integrity.



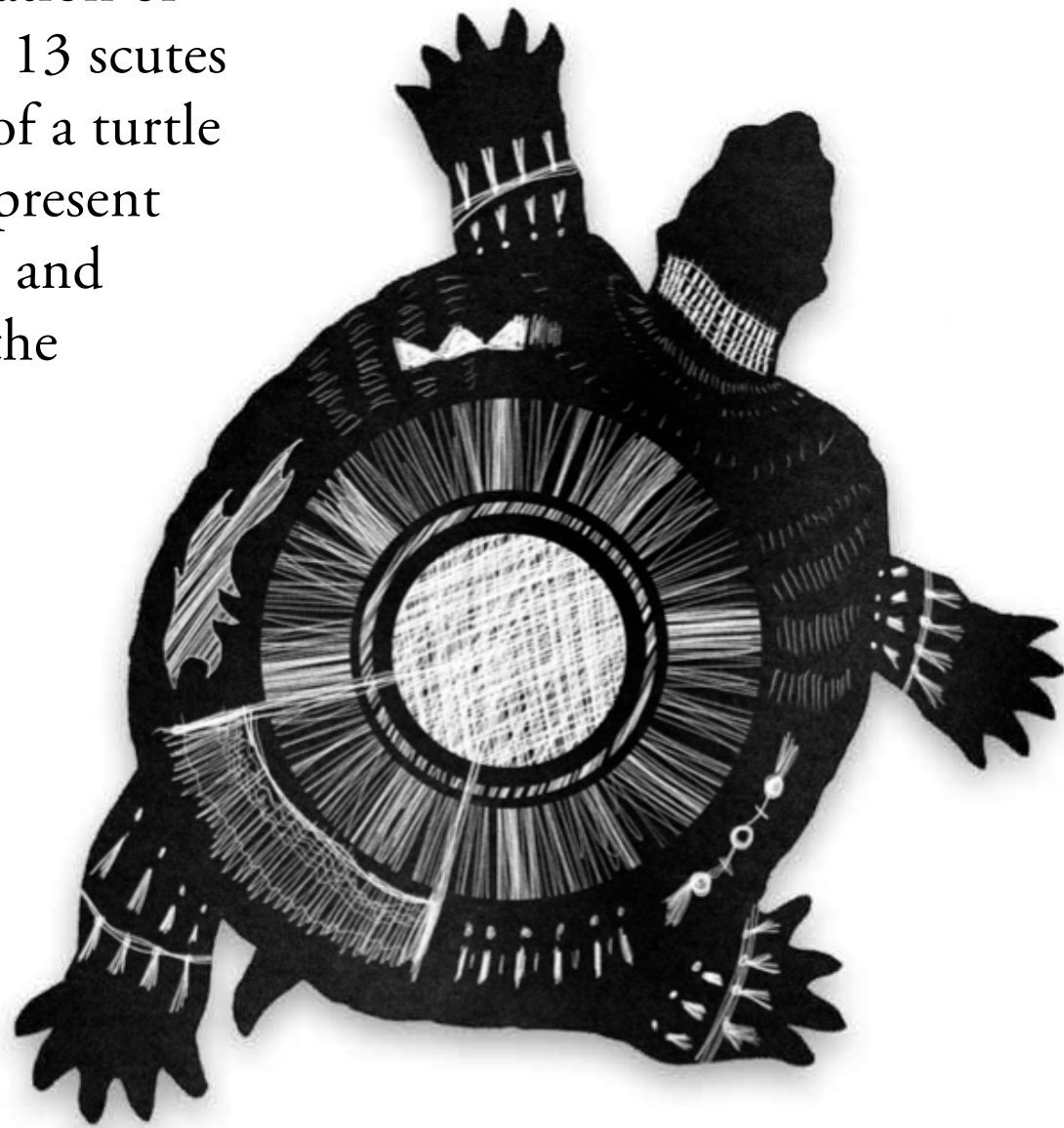
Respect – Buffalo

The teaching of respect is taught to us by the buffalo. The buffalo provided Indigenous Peoples with everything they needed to survive: hides for warmth and shelter, meat for eating, muscle for sinew, and bones for tools. The buffalo reminds us to respect all living things, and in doing so we achieve a balance that keeps us alive.



Truth – Turtle

The teaching of truth is taught to us by the turtle. The turtle was here when all life was created and carries teachings related to the beginning of life on its back. There are 28 scutes around the perimeter of a turtle shell; these represent the 28 days of a woman's menstrual cycle, which is key to the creation of life. There are 13 scutes in the centre of a turtle shell; these represent the 13 moons and the 13 times the Earth circles the sun each year.



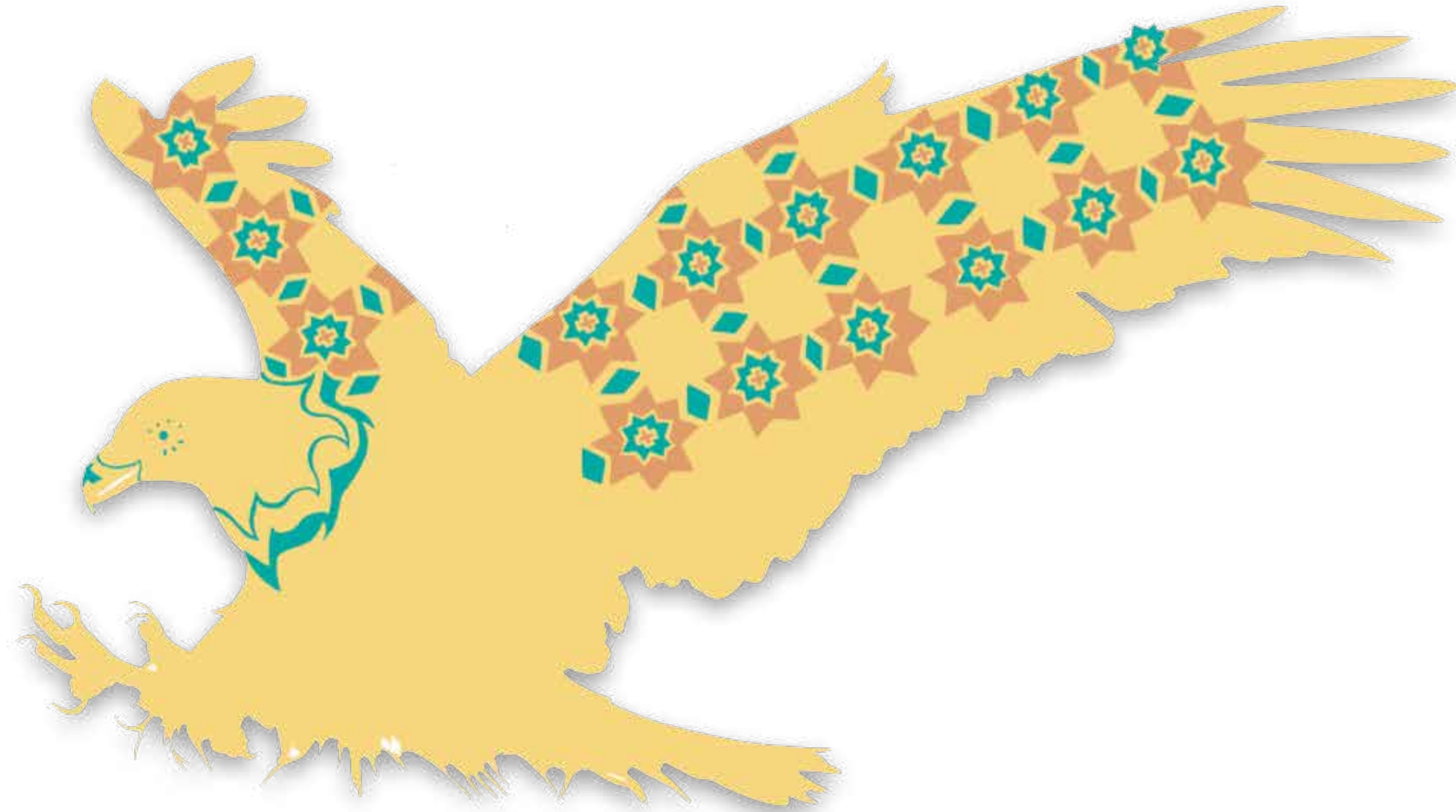
Humility – Wolf

The teaching of humility is taught to us by the wolf. The wolf is strong and powerful alone, but finds its greatest strength when part of a pack. Wolves are known to remain with packs for life, raising pups while protecting the group's well-being. The wolf teaches us that humility imparts strength to families and communities.



Love – Eagle

The teaching of love is found in all of the other teachings. It is the eagle who mirrors these lessons back to us. The eagle is strong enough to carry all of the teachings and flies high enough to see all of creation. When we live by these teachings and see ourselves as the eagle does, we are able to love who we are. And once we have found that balance within, we can provide love to our family and community. For this reason, the eagle feather is one of the most sacred items and must be earned.



13 Grandmother Moons

All over the world, cultures and communities have mapped the moon cycle, which happens 13 times per year, in cycles of 28 days. For many Nations, including the Anishinabek Nation, there are teachings and other culturally important aspects of the moon cycle, which is associated with women's menstrual cycles as well as other natural phenomena like the tides. Indigenous teachers and knowledge keepers can provide more specific information on the teachings that go with each moon, which will depend on their particular history and culture.

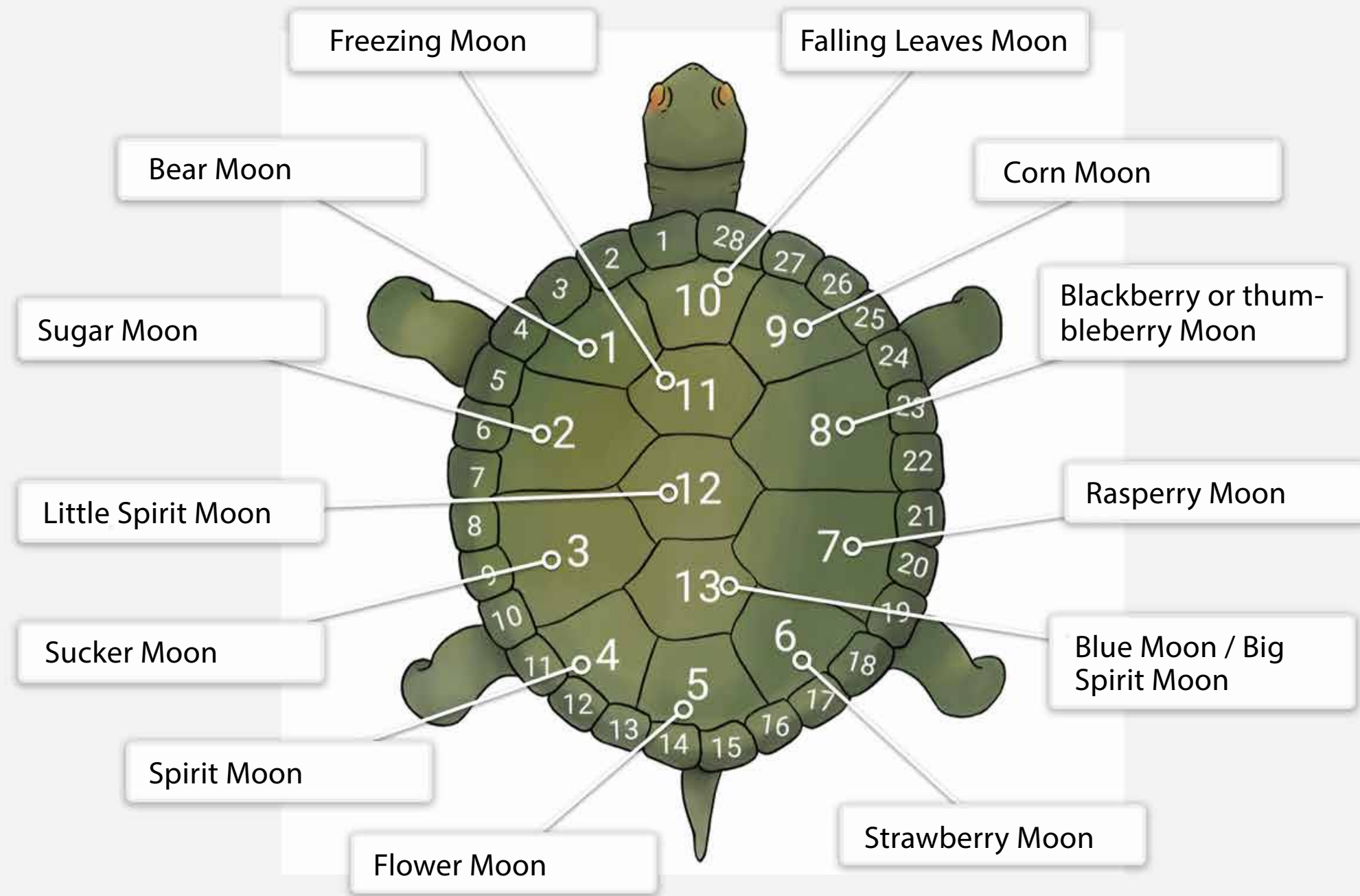


Since this etextbook was made in the territories of the Mississaugas of the New Credit (Anishinabek Nation), the moons laid out here are those of the Mississaugas. The moons correspond to the seasonal changes happening to the land; thus, Indigenous communities in different parts of the country will have different moons. What is common to all communities is the idea that these moons orient us to the passage of time, the changing seasons, animal

migrations, and plant life cycles, and that each moon cycle has associated spiritual and moral teachings.



Interactive 3.1 13 Moons



Indigenous Leadership

Leadership

Indigenous leadership and the imposed Chief and Council system are not synonymous; in fact, traditional forms of leadership were actively suppressed, made illegal, and otherwise devalued by Canadian governments in the past. Today, it is commonly understood that non-Indigenous people cannot and should not seek out positions of leadership in Indigenous communities, nor lead Indigenous political struggles. (However, the role of allies is crucial and is discussed here). Arthur Manuel, a highly regarded Indigenous leader who passed away in 2017, was both an elected First Nations chief (Neskonlith Indian Band) and a member of a tribal council, as well as a political activist and author. In his last book, completed shortly before his passing, he wrote:

[the youth] see the band administration or establishment as part of the problem and not the solution... That is why we the people have to step outside the government system and demand real change from grassroots, anti-colonial organizations that do not accept any funding from the government. That is where our leadership must come from today. It cannot come from inside the system... (Manuel, 2017, p. 137)

Indigenous leaders stress the importance of leadership working to amplify the voices of the people in the community. Although many strong,

Interactive 3.2 An Indigenous Journey to Leadership by Eddy Robinson, TEDxStMaryCSSchool



In the Indigenous narrative of Canada, most people tend to think Indigenous Peoples are a people of the past. As an urban Indigenous person growing up in Toronto, Robinson shares his narrative and process of self-actualization to becoming the person he is today, through the spaces created by unexpected allies.

ethical, and respected leaders work within the government's Chief and Council system to achieve positive results for their communities, this can be challenging. The hierarchical structure of the system does not give community members an official/legal say (vote) in community decision-making, which is at odds with pre-colonial cultural practices. In some communities, innovative leadership models exist. Some have had their hereditary chiefs or clan mothers (who follow traditional leadership styles) take part in the Chief and Council system. Others have found ways to blend the two systems by electing chiefs who come from hereditary chief families, thus drawing on both contemporary and traditional leadership practices.

Titles and Honorifics in Indigenous Communities

There are many terms, titles, and honorifics used in Indigenous communities. Note that the English titles discussed here are rough translations of the original terms in Indigenous languages.

Elders

Elders are people recognized in their community as having gained in-depth, expert knowledge of the traditions, culture, teachings, ceremonies, language, or other aspects of their Nation, AND, by the consensus of the community, are allowed to pass on that knowledge (as they see fit, and according to traditional protocols). Some communities prefer not to use this English term and have returned to using *Nokomis* and *Mishomis* (Grandmother and Grandfather), the original Indigenous words (in the Algonquian languages).

Interactive 3.3 National Gathering of Elders, 2017



Hosted on Treaty 6 territory, the National Gathering of Elders brought First Nation, Métis, and Inuit elders from across the land together for the first time. Over a period of four days, Indigenous people from many Nations shared their culture, ceremonies, and wisdom.

Traditional Teachers

Traditional teachers are community members with specific knowledge of how to conduct a ceremony (e.g., naming ceremony, full-moon ceremony, sweat lodge ceremony, etc.), how to make a traditional art or food (e.g., tanning, quillwork, beading, etc.), or other important cultural practices, and are able to share these with others.

Knowledge Keepers

Generally, knowledge keepers differ from traditional teachers insofar as their knowledge includes stories, spiritual or traditional teachings, and other significant aspects of cultural traditions. Some knowledge keepers (for example, medicine people) occupy specific roles that have existed in their Nations since time immemorial.

Interactive 3.4 Constance Simmonds, Métis Senator



Métis Senator Constance Simmonds discusses her Métis history and the changing ways Métis think about their identities.

Métis Senators

Highly valued and respected in Métis communities, these elders provide their Nations with a direct link to traditional knowledge and cul-

Interactive 3.5 Len Fortune, Indigenous Consultant to Centennial College



Len Fortune discusses his grandmother, and his Indigenous community roots.

tural practices. They are part of the formal governance structure of national Métis organizations, and they include both men and women.

Other Titles

There are many other titles that may be used to honour and recognize Indigenous leaders in their communities. There are hundreds of Indigenous languages, and many communities are returning to the use of titles in their original languages because their meanings are not easily translated into Western languages.



Ceremonies and Socials

The Indigenous Peoples of Turtle Island are far more diverse than is usually represented in the media; it is very important to keep in mind that each community, Nation, and clan has customs that are specific to it. This gallery will help familiarize you with some of the ceremonies and socials that are common to many Indigenous communities.

It is also important to recognize that since all of these ceremonies and socials were illegal under the Indian Act in Canada (the “cultural ban,” which ended in 1951), Indigenous Peoples and all Canadians owe a debt of gratitude to those who took risks to preserve vital cultural knowledge for future generations. Many communities are still relearning and rediscovering their traditions.



Gallery 3.1 Ceremonies and socials



Feasts and giveaways

Feasting is an important cultural ceremony that occurs throughout the year for different reasons; a feast can be an occasion for giving thanks (to the Creator, to ancestors, or to someone in the community). Feasts often occur after ceremonies; for instance, at the end of the day at a powwow. Like all important cultural practices, feasts begin with tobacco, and often smudging occurs beforehand. Sometimes there are specific practices and protocols during the feast, such as younger people preparing food for and serving older people and/or elders. Traditional foods are served at feasts – in North America, these include (depending on the region) “three sisters” (corn, beans, and squash), wild rice, fish, berries, bannock, and wild meat (Anishnawbe Health Toronto, n.d.-a).



Resistance and Resilience in Modern Powwow

The aroma of burning sage drifts through the air as the Drum beckons dancers into the arena. Warriors with bustles of eagle feathers, elaborate beadwork, and painted faces dance stories of battles and hunts. Silver cones made from snuff can lids clink brightly in time on a Jingle Dress as women dance prayers for healing. Swirls of fringe, wisps of ribbons, flashes of mirrors...more dance styles, so much to see. This is powwow!

For thousands of years, Nations on Turtle Island varied in language, tradition, belief, and dress, but still gathered socially to trade, dance, sing, compete in games and sports, see healers, feast, and hold ceremony. Gatherings also solidified social and political ties, allowed young people to marry into other Nations, and fostered the flow of innovations and exchange traditions.

Non-Indigenous people might perceive powwow as a cultural festival where First Nation Peoples of Turtle Island come together to dance, sing, feast, shop, and trade, make new friends, and reconnect with long-time friends and family. But the fact that Indigenous Peoples still gather and dance is itself an act of resilience. Beneath the colourful pageantry and spectacle of the modern powwow, layers of personal significance, acts of resistance, and spiritual meaning lie hidden in plain sight.

Indigenous Peoples and Cultural Embodiment Through Dance

For Indigenous Peoples “the ability to dance – to pray using motion – is a gift to Natives from the Creator” (Browner, 2004, p. 49). Through-



out the settlement of the United States and Canada, people indigenous to this continent experienced waves of devastation including loss of land and way of life, removal from home territories on to reservations, and the discriminatory practices of governments that sought to fix the “Indian problem” through laws prohibiting ceremonies and mandatory residential schools with the goal of forced assimilation. Ultra-conservative views on how to “civilize” First Nation Peoples through Christianity, education, and hard labour were part of the Victorian Era and still exist to this day. Indigenous dancing was loathed and feared, especially by Christians who believed the fabricated accounts of missionaries who spoke of devil conjuring and orgies at the dances and ceremonies, despite the fact they had not actually witnessed the dances themselves

Gallery 3.2 Historical powwow photographs



Kainai (Blood) powwow dancers, Alberta (circa 1910).

Under the Indian Act, powwows and other gatherings were banned or required consent of the Indian Agent. The Kainai were required to receive written permission to leave the reserve and were only allowed to return to Banff National Park during “Indian Days.”



(Shea Murphy, 2007, p. 33). Shea Murphy says, “Praying through bodily movement and ritual practice rather than through sitting, reading, and believing threatened colonizers’ notion of how spirituality is manifested” (p. 31). Laubin & Laubin (1977) explain that the governments understood that “dancing was the most Indian thing about Indians” and that by outlawing dance, “with one blow, the entire social, political, and religious life of a tribe could be crushed” (p. 81).

Indigenous Dances Outlawed

In 1883 Hiram Price, a devout Christian, was appointed as Indian Commissioner in the United States. The first Indian offense named in his issued Rules for Indian Courts is dancing. His restriction on dancing is outlined as follows:

3. (a). Any Indian who shall engage in the sun dance, scalp dance, war dance, or any other similar feast, so called, shall be deemed guilty of an offense, and upon conviction thereof shall be punished for the first offense by the withholding of his rations for not exceeding ten days or by imprisonment for not exceeding ten days; and for any subsequent offense under this clause he shall be punished by withholding his rations for not less than ten nor more than 30 days, or by imprisonment for not less than one nor more than thirty days. (Prucha, 1990, p. 187)

In 1876 Canada introduced the Indian Act with the intention of forcing assimilation. It restricted the freedom of Indigenous Peoples to conduct spiritual ceremonies and live their culture including wearing traditional clothing. Shea Murphy (2007) recounts legislation introduced to the House of Commons that came into effect in 1885. Section 114 in the Revised Statutes of Canada reads:

1. Every Indian or person who engages in or assists in celebrating the Indian festival known as the “Potlatch” or the Indian dance known as the “Tamanawas,” is guilty of a misdemeanor, and liable to imprisonment for a term not exceeding six months and not less than two months.

2. Every Indian or person who encourages, either directly or indirectly, an Indian to get up such a festival or dance, or to celebrate the same, or who assists in the celebration of the same, is guilty of a like offense, and shall be liable to the same punishment. (p. 39)

Indian agents were instructed to use whatever means necessary to enforce dance restrictions. As a result, there are numerous accounts of violence and cruelty against Indigenous Peoples who were imprisoned for dancing, such as corporeal discipline, withholding rations from their families, cutting their long hair, keeping them hungry or without sleep, and forcing them to wear Western clothing (Shea Murphy, 2007, p. 43).

Indigenous dance on a reserve was not permissible, but staging Indigenous dance to entertain white audiences at festivals, parades, and other patriotic events was both expected and quite popular. McNenly (2012) says such performances “gave Native performers socially viable ways of maintaining and expressing their culture and identity” and was often the only legal times they could dance or wear traditional clothing without being imprisoned (p. 79).

The Romantic Myth of the “Noble Savage”

While the governments were penning laws against Indigenous dancing, a sense of nostalgia for the “vanishing race” was also growing. The Eastern United States had been out of contact with First Peoples since their

Gallery 3.3 “Noble savage” characters



John Smith and Pocahontas.



annihilation and forced removal to lands east of the Mississippi River. Moses (1996) says, “The belief that they were the Vanishing Americans doomed to extinction by the march of civilization became the most romantic of all impressions associated with Indians” (p. 13). The distance in space and time separating settlers from the frontier created the

Gallery 3.4 Wild West Shows



Dramatic portrayal of Native American man stabbing “Custer,” with dead Native Americans lying on ground, in scene by Pawnee Bill’s Wild West Show performers.



romantic idea of the “noble savage.” Berkhofer (1978) notes that “if Whites regarded the Indian as a threat to life and morals when alive, they regarded him with nostalgia upon his demise – or when that threat was safely past” (p. 29). This attitude created interest in and opportuni-

ty for the Wild West shows of the 1880s.

Wild West Shows and Influence on Modern Powwows

The same year the Sun Dance ceremony was outlawed, Buffalo Bill Cody hired 36 Pawnee from Indian Territory as his first “Show Indians.” He saw the opportunity to capitalize on the white audiences’ desire to have an “authentic” experience of the West and see performers who were living pieces of history. Shea Murphy (2007) explains:

By staging these dances, transposed to a performance arena supposedly devoid of actual danger, Cody quite literally performed Indian dances’ powerful effects as contained and conscripted, rousing – and then assuaging – non-Natives viewers’ anxieties and fears of attack and replacing them with fascination and titillation at a safe distance. (p. 75)

Buffalo Bill’s Wild West Show, other similar western shows, and advertisements for these spectacles established the Plains cultures as representative of all First Nation Peoples. Shea Murphy (2007) explains that the resulting stereotype “codifies and prescribes a performance of ‘Indian’ (which in the Wild West meant Plains Indian, complete with head-dresses and horses) as a universalized prototypical American Indian, despite the diversity of Native peoples from the continent” (p. 63). If Buffalo Bill had toured Pueblo or Woodland cultures instead, our ideas and stereotypes about First Peoples would be much different today.

White audiences attending Wild West shows expected to see a performance of “Indianness” that had been fabricated through years of government and religious propaganda. Initially they were disappointed by the display of real Pawnee dancing because it did not live up to their

visions of “war dancing savages.” Buffalo Bill thought his show would be more successful if the dances and regalia were more dramatic and theatrical, so he asked the dancers to “fancy up” their outfits and movements. The men added a second feathered dance bustle to their regalia and incorporated more turns and athletic steps into their dances. This new fabricated dance style was purely for audience entertainment and fit more closely with white fantasies of Indian dance (Browner, 2004, p. 30). This new style became the basis for the men’s fancy bustle dance still seen at contemporary powwows. Wild West shows also gave powwow the opening processional known as “Grand Entry” as well as competitions and exhibition dancing.

Legalization of Indigenous Dance

As time passed, Wild West shows died out, and eventually attitudes towards Indigenous Peoples began to change. In 1933 John Collier was ap-



pointed Indian Commissioner in the United States. Collier held a more romantic idea about the importance of preserving First Nations’ culture as a living tradition, and he legalized dancing for religious purposes. In 1934 a Lakota woman named Brings Home a Blue Horse said, “When they stopped our dancing we died. We stopped living. We felt there was nothing left to live for. Now we can dance again and it brings sunshine into our hearts. We feel j-u-s-t good!” (Laubin & Laubin, 1977, p. 81).

In Canada, however, dance restrictions remained on the books until the 1951 amendment to the Indian Act, which finally allowed First Nations to conduct ceremonies and celebrations, including powwows, without interference from federal agents. In practice, this amendment took some time to be accepted and permission was often left to the discretion of the Indian agents. Participating in dances and ceremonies was “discouraged” for over 100 years, and outlawed in Canada for 66 years. Those years of repression caused unfathomable loss of cultural, spiritual, and ceremonial knowledge, which had been developed over thousands of years and passed down through generations. By the 1950s government and church attempts at assimilation, discriminatory laws, and abuse in residential schools had left many people personally shattered, ashamed of their culture, and completely disconnected from traditions. Many Indigenous Peoples were apprehensive about rekindling ceremonies or holding dances because of previous experiences of imprisonment.

Reclaiming Indigenous Identity Through Powwow

The legalization of religious dance transformed Indigenous gatherings. No longer held for the purpose of entertaining white audiences, inter-tribal powwows grew and served as homecoming celebrations for First Nation veterans after World War II. The Civil Rights Movement of the

1960s and subsequent reclamation of Indigenous rights by the American Indian Movement (AIM) caused a resurgence in pride and culture; subsequently, powwows boomed across North America. Moses (1996) says, “In the case of the powwow, it also became a means by which people could retain, restore, or, in certain instances, create through adaptation



a modern Indian identity” (p. 272). Powwow gave Indigenous Peoples a way to reclaim themselves.

In the 1970s and 1980s some Indigenous Peoples feared that powwow would cause a melting together of individual tribal identities into one pan-Indian culture. However, the opposite is true of powwow as an intertribal gathering. Powwow functions to inspire the process of historical and cultural reclamation by revitalizing hidden and dormant traditions. Cook, Johns, and Wood (2005) give an example: “while the use of

Plains-style regalia dominates many powwows, movement is growing in the Eastern United States toward the use of Eastern Woodland styles that are tribally specific when possible” (p. 215). Toelken (1991) describes powwow today as “essentially a social gathering at which Indian people from several different tribes dance together, using a few basic patterns that all the tribes recognize” (p. 139).

Another role powwows play in contemporary Indigenous culture is offering a safe and inviting, social way for people who have been separated from their heritage to return to the culture. Assimilation practices such as the Sixties Scoop, residential schools, and forced adoptions, and many other situations have left generations of Indigenous people struggling to reclaim their culture and identity. Moses (1996) agrees, saying, “The powwow especially, an institution of inter-tribal ceremonialism and celebration, became both an evocation of culture as a means of creating an adaptive culture for those Indian nations long separated from their landed heritage” (p. 275). Toelken (1991) tells us that what Indigenous people “have done with powwow is to intensify and solidify an occasion through which they can celebrate the continued existence of Indian ways of life” (p. 155). Shea Murphy (2007) says powwow dancing not only affirms community, but powwow also becomes a space to “access and negotiate a contemporary, ever changing relationship to Indian identity” (p. 77). Participation in ritual and ceremony as part of powwow feeds the souls of Indigenous people, helps soothe the longing for connection and community, and helps to fill the void created by colonization.

Blending Spiritual and Secular

Indigenous cultures have always blended the spiritual and secular. Powers (1990) notes that there is not much difference between songs sung for

ceremony and songs for secular events; the difference is contextual rather than structural, “thus a sacred song may open a powwow, and a secular song may be sung for the amusement of supernatural spirits at a religious meeting” (p. 52). Browner (2004) says, “It often seems as if Indian participants move in a reality set off from non-Indian observers who tend to perceive pow-wow as a combination carnival and sporting event” (p. 35). She continues, “These differing sensibilities enable Indians to perform dances that, although in a commercial setting, have profound spiritual meaning for them” (p. 35).

Regalia and Eagle Feathers

Dance attire is referred to as an outfit or regalia, never a “costume”: wearing a costume like a child at Halloween is pretending to be someone or something else, whereas powwow regalia honours tradition and



Interactive 3.6 Ribbon skirts: Interview with Harmony Nadjiwon



Anishinaabe designer Harmony Nadjiwon discusses ribbon skirts.

a community’s ancestors, and it represents who Indigenous Peoples are. Some designs are specific to spirit names and clans. It takes a long time to hand-make regalia, and each outfit is a unique representation of the dancer. It is important not to touch a dancer’s hair or regalia without permission, and it is polite to ask before taking photographs.

Eagle Feathers that adorn a dancer’s hair and that are carried in fans and bustles hold tremendous significance to most First Nation Peoples. Anishinaabe cosmology says the Eagle intervened on behalf of human beings and saved them from being destroyed. The Eagle is the highest-flying bird in North America and as he circles up into the sky, he carries our prayers to the Creator. It is a great honour to receive an

Eagle Feather as a recognition of accomplishments because it has been high in the presence of the Creator. Because the feather stayed behind when the eagle went to the spirit world, each feather has spirit and is treated with honour and respect through feasting and smudging. Dancers take special care to make sure their Eagle Feathers never touch the ground. If an Eagle Feather should happen to fall during powwow, he is regarded as a fallen warrior and a special ceremony with four veterans takes place to retrieve him.

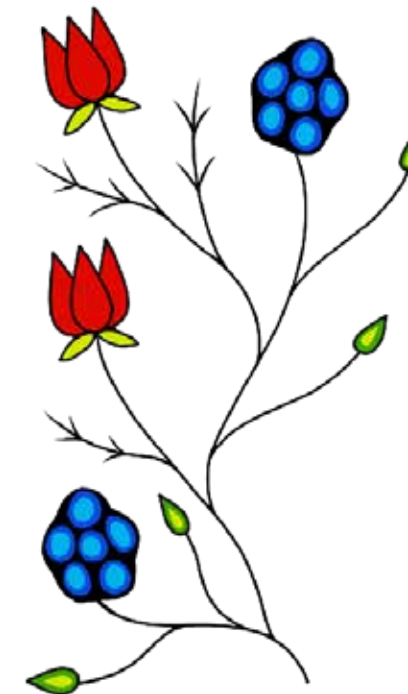
Mainstream stereotyping and judgments regarding how Indigenous Peoples are expected to look and act are examples of how the Wild West shows are still misshaping perception. Berkhofer (1978) says, “In spite of centuries of contact and the changed conditions of Native American lives, Whites picture the ‘real’ Indian as the one before con-



tact or during the early period of that contact” (p. 28). He also wonders if white people don’t “conceive of themselves as still living as Anglo-Saxons, Gauls, or Teutons, then why should they expect Indians to be unchanged from aboriginal times” (Berkhofer, 1978, p. 29). Culture is not static, and wearing contemporary fashions or using new materials in regalia is part of First Peoples’ tradition of innovation.

Conclusion

Indigenous gatherings that included song, dance, and feasting existed thousands of years before European contact. Understanding Indigenous world view creates a greater appreciation for the spiritual beliefs and protocols taking place in plain sight but also beyond a spectator’s experience. The history of injustice that Indigenous Peoples have survived and endured make the fact that powwow exists and that Indigenous Peoples still dance an act of resistance and resilience .



Chapter 4: *Communities and Cultures*

Kwan-Lafond, Dani
Thornhill, Natalie
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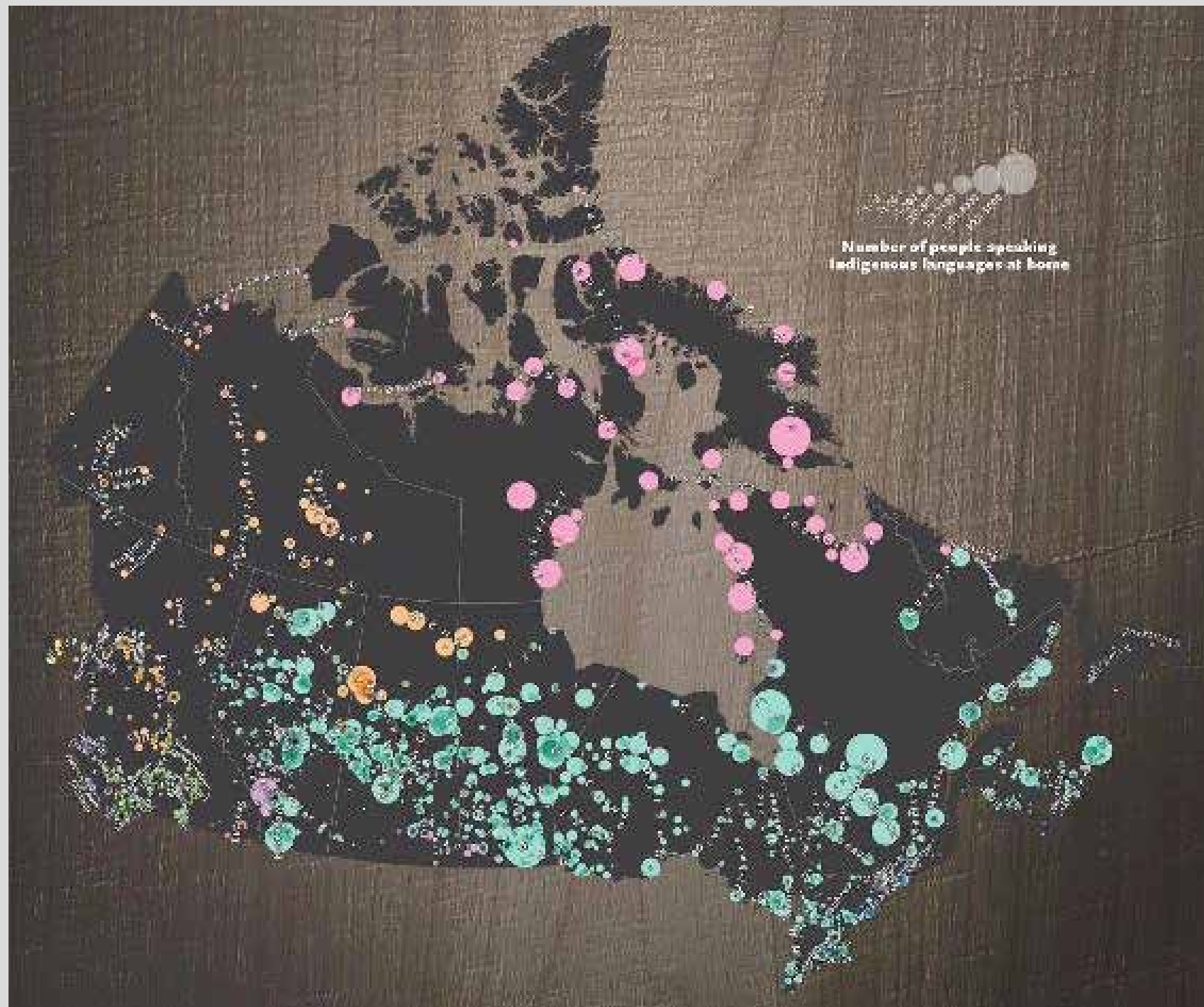


Languages

Indigenous Languages

Indigenous, Métis, and Inuit languages are often described as “dying” or disappearing, and media headlines tend to focus on how the government or individuals are trying to preserve endangered Indigenous languages. What this narrative overshadows, and indeed attempts to extinguish, is that the story of Indigenous languages is one of resiliency, resistance, and power.

There are over 60 Indigenous languages spoken across Canada, which are categorized into 12 distinct language families (Statistics Canada, 2015). Geographically, Algonquian and Iroquoian are spoken east of Lake Winnipeg; Algonquian, Siouan, and Dene can be found in the Prairies; Dene, Inuit, and Algonquian are spoken in the Subarctic; and Salishan, Tsimshian, Wakashan, Dene, and Algonquian are found in British Columbia (“Indigenous Languages in Canada,” 2016). Cree and Anishinaabemowin/Ojibwe (from the Algonquian family) are the prominent languages in central and eastern Canada (“Indigenous Languages in Canada,” 2016). Inuktitut, spoken by Inuit, is mostly found in the eastern part of the Arctic and in Nunavut (multiple dialects exist in Nunavut) (“Indigenous Languages,” n.d.). Cree is a good illustration of how varied the languages are; it is a single language, and yet



Tap to learn more about the Indigenous languages spoken throughout the land.

up to 10 versions are spoken in different communities (“Indigenous Languages in Canada,” 2016). Algonquian is the largest Indigenous language family in Canada (Statistics Canada, 2015). There are three forms of the Métis language: Michif-Cree, Michif-French, and Ile-a-la-Crosse Michif (“Indigenous Languages,” n.d.).

Suppression of Languages

Indigenous languages have been actively suppressed by the Government of Canada throughout colonization, most predominantly through education (in particular, the residential school system) and government policies like the Indian Act. In its final report, the Truth and Reconciliation Commission (TRC) described how the use of Indigenous languages was restricted in the residential school system and provided a number of individuals’ stories and “memories of being punished for ‘speaking Indian’” (2015, Executive Summary, p. 81). The TRC identifies the broad and deep ways that Indigenous life and culture have been obliterated and erased from Canadian history as a cultural genocide. Many people refer to what happened to Indigenous languages as a linguicide – the intentional suppression of a language in order to destroy a culture (Harp, 2017). This effort to suppress the use of Indigenous languages continues today. “Put simply,” writes Rick Harp (2017), “...our languages literally remind non-Indigenous settlers that we are different, in a way that instantly and unmistakably communicates that we were here first” (original emphasis, para. 7).

The TRC Calls to Action

The TRC report also includes many stories of Indigenous languages being spoken in secret, demonstrating the resiliency and

Interactive 4.1 John Steckley, Wendat language scholar



John Steckley discusses how he became a scholar of the Huron/Wendat language.

resistance Indigenous Peoples embodied in order to protect their languages and cultures. Despite their efforts, language loss has been significant and continues to be a critical factor in reconciliation efforts today: “even after [residential schools] were shut down, loss of language knowledge and the fear of speaking Indigenous languages lingered, and therefore inhibited the passing of these languages from one generation to the next” (“Indigenous Languages in Canada,” 2016). The fact that so many Indigenous languages are still spoken across Canada today, after the residential school system and the efforts to enforce English and

French, attests to a form of resistance that often goes unrecognized in mainstream understandings of Indigenous history.

In its report, the TRC (2015) emphasized the important connection between culture and language: “language is necessary to define and maintain a world view. For this reason, some First Nation elders to this day will say that knowing or learning the native language is basic to any deep understanding of a First Nation way of life, to being a First Nation person” (Executive Summary, p. 152). In its calls to action, the TRC (2015) called on the “federal government to acknowledge that Aboriginal rights include Aboriginal language rights” (Executive Summary, p. 155).

Current Status

In 2016 Prime Minister Justin Trudeau announced the introduction of the Indigenous Languages Act to help preserve First Nations, Métis, and Inuit languages. This Act created the Aboriginal Languages Initiative (ALI), the only currently existing government program focused on language protection and revitalization. Unfortunately, the ALI has faced criticism from many, including the federal government’s own department of Indigenous and Northern Affairs Canada for being poorly funded and sustained. The prime minister’s announcement was seen as a significant step, but as many critics have pointed out, it comes on the heels of other government-initiated languages programs that have failed as a result of a lack of funding, resources, and consultation (TRC, 2015, Executive Summary, p. 156).

The TRC (2015) has also called upon post-secondary institutions to “create university and college degree and diploma programs in Aboriginal languages” (Executive Summary, p. 157). This call to action recog-

nizes that colleges and universities can play a pivotal role in supporting Indigenous languages and in reconciliation more broadly. To take up that role, they will need to consult with First Nations, Métis, and Inuit communities on how best to promote and celebrate Indigenous languages and self-governance.

Interactive 4.2 Thriving Indigenous Languages by Khelsilem, TEDxWest-VancouverED

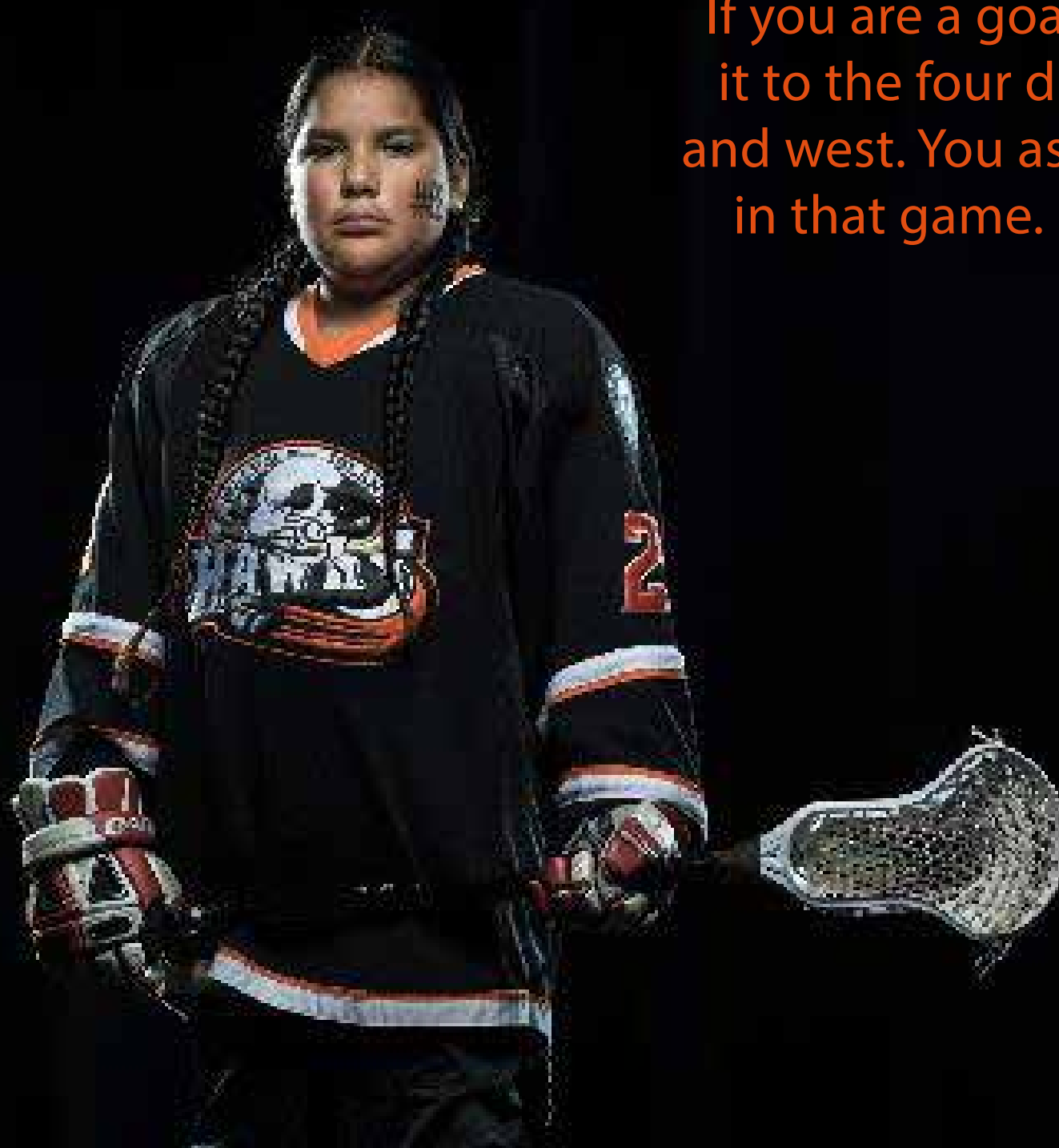


John Steckley discusses how he became a scholar of the Huron/Wendat language.



Indigenous Sports

Indigenous involvement in sport has been and remains a vehicle through which Indigenous Peoples assert and celebrate their cultural identity. Across Turtle Island, Indigenous participation in sport is emerging as an essential lens to better understand issues around community, health, colonialism, culture, gender, and self-determination among Indigenous Peoples in Canada (Forsyth & Giles, 2013).



If you are a goalie, take your stick and offer it to the four directions: north, south, east, and west. You ask for all creation to join you in that game. Don't back down, and show no mercy."

- Clan Mother Louise Herne
(Keepers of the Game, 2016)

The Creator's Game

Indigenous Peoples have participated in sport since time immemorial. Early European accounts of sport on Turtle Island describe a game known today as lacrosse. Indigenous Peoples of North America referred to this game in their language as the Creator's Game. It is one of the oldest known organized sports in North America. Before its identity as a sport, it was understood by First Peoples to be gifted by their creator for his entertainment and was traditionally played by men (Calder & Marshall, 2017; Oneida Indian Nation, 2015).

The earliest versions of the Creator's Game involved players passing, catching, and carrying a rubber ball in a netted pouch on the end of a stick (Adamski, 2013). Oral tradition speaks of games lasting from sun-up to sundown, some stretching to more than two consecutive days. Some games were believed to have involved hundreds of warriors participating at various points over the duration of a match (Calder & Marshall, 2017).

Gallery 4.1 Creator's Game mural, Ravina Gardens Park, Toronto



Mural depicting the Creator's Game by Chief Lady Bird, Monique Bedard (Aura), Jay Soule (Chippewar), and Evan Lovett.

Gallery 4.1 Ball players



The Creator's Game has been played by Indigenous Peoples in North America since time immemorial. It is known as baggataway among the Algonquin, kabocha-toli by the Choctaw, tewaarathon by the Mohawk, and ká:lahse by the Oneida (Adamski, 2013; Calder & Marshall, 2017; Oneida Indian Nation, 2015).



By the mid-1700s French immigrants had renamed the Creator's Game lacrosse and changed it to what they believed to be a "gentleman's

game,” a less violent version of the sport played on a clearly outlined field (Calder & Marshall, 2017). By the late nineteenth century, lacrosse looked reasonably different from the Creator’s Game, and Indigenous athletes were banned or excluded from playing the sport. Lacrosse in its new form was adopted by colleges and universities in the mid-twentieth century. Athletes on North American teams were predominantly white; however, Indigenous Peoples never relinquished their love and dedication to the sport (Campbell, 2017). Indigenous athletes fought to participate, and over time, adapted to and mastered the new version of the sport (Calder & Marshall, 2017).

Residential Schools and Sport

When Indigenous youth were forced into residential schools, they started playing Euro-Canadian sports (Forsyth, 2007). Today many residential school survivors speak openly about the trauma of their experiences, but for some, involvement in sport offered a respite (Forsyth, 2013). Indigenous Peoples have always been, and continue to be, resilient contributors to sport.

By 1951 the Department of Indian Affairs was providing funding in the form of grants to residential schools with successful physical education programs and to teams who successfully competed against other Indigenous and non-Indigenous teams in their region. However, this funding did not cover equipment or space for non-competitive activities.

Many schools lacked fitness equipment and playground infrastructure such as swings and teeter-totters, and gym classes often occurred inside modified classrooms. The absence of attention to these needs speaks to the federal focus, which was on creating a nationalistic narrative through sport and supporting players who could draw public attention,

Gallery 4.2 Residential schools and sport



Girls participating in a physical education class.



not the overall well-being of students (Forsyth, 2013).

Despite these limitations and wariness around government efforts to

Figure 4.2 Indigenous sports today



Today, Indigenous communities see a valuable place for sport as a form of contemporary medicine that can help communities prevent depression, diabetes, and obesity epidemics. It offers youth an opportunity to engage in leadership and team building, as well as a means to apply for college scholarships (Campbell, 2017).

The image here is the opening face-off between the Peterborough Lakers and the Six Nations Chiefs of game 7 of the Major Series Lacrosse semi-finals at the Peterborough Memorial Centre, August 15, 2011.

assimilate Indigenous youth through sport, many Indigenous communities are proud of the barriers their athletes have overcome. Today Indigenous athletes play sport at the highest level, and Indigenous communities find themselves in a position to claim proud ownership of their athletes, celebrating their triumphs and rebuilding what it means to be Indigenous in competitive sports on their own terms.

Indigenous Involvement in Canadian Sport Today

To fully understand Indigenous presence in contemporary Canadian sport, it's necessary to explore how sport is governed, supported, and managed in Canada. Sports Canada is a branch of the federal department of Culture, History, and Sport, which ensures access to sport for Canadians as part of a healthy lifestyle (Forsyth & Giles, 2013; "Sport," 2017).

This governmental body has a partnership with the Aboriginal Sport Circle (ASC), an organization that acts as the national voice and representative body for Indigenous sport in Canada (ASC, 2017; "Sport," 2017). The ASC was developed in 1995 in response to the demand for equitable and accessible recreation and sports opportunities for Indigenous Peoples. The ASC collaborates with popular sports organizations to overcome barriers to opportunity in sport, and ensures athletic and coaching expertise is available to Indigenous communities.

Indigenous Athletes

Today, across Turtle Island, it is evident that the federal government failed to assimilate Indigenous Peoples through sport. Instead many Indigenous Peoples recognize sport and physical activity as a form of medicine. For Indigenous communities, sports have value, and spiritual and healing potential when understood in the context of Indigenous

culture and practice (Lavallee & Levesque, 2013). Under this framework Canada is experiencing a resurgence of Indigenous identity and involvement in sport.

Métis and Sport

Métis in the eighteenth and early nineteenth centuries did not have significant leisure time; they were focused on hunting and trading fur to ensure their survival. Nevertheless, communities developed many sports and games to practice and hone their hunting and trapping skills that also provided an opportunity to gather as a community and socialize (Canadian Heritage Information Network [CHIN], 2009b). These included shooting, hunting, running, canoeing, and horse-racing games (CHIN, 2009a; CHIN, 2009b). These types of sports activities allowed them to practice defending their communities while enhancing their competencies related to the fur trade (CHIN, 2009b). But competitions were not just useful, they were fun. The Métis embraced a range of sporting activities including boxing and wrestling (CHIN, 2009a, para. 1). They even transformed the Red River jig into a dance competition that coincided with a fiddling contest (CHIN, 2009a, para. 5).

Horses were particularly valued by the Métis, as they were essential for success during the bison hunt (CHIN, 2009a, para. 2). A strong bond between horse and rider could be the difference between life and death for a Métis hunter or warrior. Competitions were developed to help riders hone their skills, like picking objects off the ground on horseback at full speed and using a lasso (traditionally called “cabresser”) to throw a rope around a moving or still target (CHIN, 2009a, para. 2).

Towards the end of the nineteenth century, Métis life dramatically shifted with the decline of the buffalo. At the same time, Canada ex-

perienced a rapid socio-economic shift towards mechanized transportation, and urban and industrial development. The Métis, like many other Indigenous communities across Canada, turned to new sports in their communities, mainly hockey and baseball (CHIN, 2009c). The Métis of St. Boniface in Winnipeg have been credited with building some of the earliest hockey rinks in Western Canada. One of their own, Antoine Gingras, was the top scorer for the Winnipeg Victorias in the early twentieth century and later went on to become a scout for the Montreal Canadiens; he is now considered one of Canada’s greatest Métis hockey players (CHIN, 2009c, para. 4).

The Métis Nation’s celebration of sport extends well beyond hockey and baseball. Today it hosts the Métis Voyageur Games during its Annual General Assemblies. This competition is an opportunity for Métis athletes to compete at a series of athletic sporting events and skills competitions that were common during the fur trade (Métis Nation of Ontario, 2018a).

North American Indigenous Games

The North American Indigenous Games (NAIG) is a sporting event for young Indigenous athletes from across Turtle Island. The first event was staged in 1990 in Edmonton, Alberta (NAIG, 2017b). A total of nine NAIG events have been held at different locations and various intervals, with as little as two years and as many as six years between competitions (NAIG, 2017a; 2017b).

Indigenous youth between the ages of 13 and 19 participate in NAIG (NAIG, 2017a). They come from all over Canada, as well as from 13 US states (NAIG, 2017a). Fourteen competitions occur at the games. The fol-

lowing is a list of the competitions from the most recent NAIG event, the 2017 games in Toronto, which were held July 16-23: 3-D archery, athletics, badminton, baseball, basketball, canoe/kayak, golf, lacrosse, rifle shooting, soccer, softball, swimming, wrestling, and volleyball (NAIG, 2017a).

Today NAIG is the most significant sporting and cultural event for Indigenous Peoples in North America (NAIG, 2017a).



North American Indigenous Games Mascot

For the 2017 games, NAIG held a mascot contest for youth in Ontario (NAIG, 2017c). From over 100 entries from Indigenous youth across Ontario, an image of a turtle named Debwe was selected as the official mascot design for the 2017 games (NAIG, 2017c).

The name Debwe (pronounced phonetically DAY-BH-WAY) is from the Anishinaabe language and means “the one who speaks the truth” (NAIG, 2017c, para. 2). Debwe was the artistic creation of Anton, a 14-year-old from Deer Lake First Nation in north-western Ontario. Deer Lake is a small, fly-in community, with a little over 1000 residents. Anton wanted to create a mascot that would represent the hope and opportunity that sports bring to Indigenous youth all over North America (NAIG, 2017c), and he drafted the mascot with the seven

Gallery 4.3 NAIG 88 Days Out celebration in Toronto



Toronto celebrates the North American Indigenous Games 2017 coming to Toronto.



grandfather teachings in mind (NAIG, 2017c, para. 4). Anton’s design was chosen by the Host Society in Toronto for representing and celebrating the valuable life lessons that are experienced through participating in sport and engaging with Indigenous cultural traditions (NAIG, 2017c). The turtle is at the heart of creation stories for many Indigenous Nations in Central and Eastern Canada.



Indigenous Artifacts



Gallery and Museum Critique

Museums and art galleries fill a number of roles in society. They are institutions designed for entertainment and exploration. They are also powerful sources of education for the general public and valued repositories of cultural and natural knowledge. As research facilities, they are primarily in the business of acquiring, holding, displaying, and categorizing

cultural and material items. Despite this compelling and highly regarded role, museums and art galleries have a contested past.

Museums and galleries across Canada have a long history of challenging relations with First Peoples. As public facilities, they strive to display and share knowledge and stories from a variety of cultures, including Indigenous material culture and Indigenous art. However, the display

and dissemination of knowledge related to First Peoples are often not conducted with the support and input of Indigenous communities. Instead, too often non-Indigenous curators, collectors, and researchers decide what goes on display and how it should be presented. Before the 1980s it was not uncommon for exhibits to romanticize, simplify, and ultimately offend Indigenous Peoples and fail to represent the complexity of their cultures.

Racist Displays and the Demand for Consultation

This problematic relationship and mismanagement of historical narratives began with the work of anthropologists, biologists, and natural scientists over 150 years ago. These specialists amassed vast collections of minerals, plants, animals, and Indigenous cultural items with the intent of studying, comparing, displaying, and storing them. These collections were often used to promote a cultural hierarchy that erroneously placed Europeans and their descendants at the pinnacle of cultural achievement. First housed in curiosity cabinets, they would later be the basis for the creation of museums and galleries, which served to strengthen and reinforce Western domination over non-Western cultures (Ashley, 2005; Ferris, 2003; Thornhill, 2011).

From the 1840s through to the 1940s, North America experienced a significant upsurge in museum and gallery building (Phillips, 2006; Thornhill, 2011). Many collections amassed for curiosity cabinets found their way into museums. Natural history museums regularly used their growing collections to mount racist displays of Indigenous Peoples.

The early 1980s saw Canadian Indigenous communities placing public pressure on museums and art galleries to consult with First Peoples on

Gallery 4.4 Museums and galleries' contested past



*Artist Rebecca Belmore sits outside the Thunder Bay Art Gallery as part of *The Spirit Sings* boycott.*



exhibits regarding their culture and history. After public protests against *The Spirit Sings* exhibit in 1988 and the *Into the Heart of Africa* exhibit in 1989, Canadian museums and art galleries were forced to examine their relationships with and representations of First Peoples (Martin, 2012; Task Force on Museums and First Peoples [TFRMFP], 1994).

Archaeology

Archaeologists have also contributed to First Peoples' distrust of museums and art galleries. First Peoples traditionally believe that their ancestors' remains and spiritual items should remain in the earth to decay as a part of the natural order (Curve Lake First Nation, n.d.; Nicholas & Andrews, 1997). Early archaeological excavations for purposes of development or university research often disregarded the sensitive and sacred nature of Indigenous burial practice, excavating cultural material, human remains, and spiritual items against the wishes of Indigenous communities. Excavated objects were typically placed into storage for research or put on display in museums. Before the 1990s First Peoples were rarely consulted by the archaeologists who undertook these ex-

Figure 4.3 Excavated and reconstructed Iroquoian pottery and stone tools on display in a museum setting



Canadian Archaeological Association Statement of Principles for Ethical Conduct Pertaining to Aboriginal Peoples

Consultation:

1. To recognize the cultural and spiritual links between Aboriginal peoples and the archaeological record.
2. To acknowledge that Aboriginal people have a fundamental interest in the protection and management of the archaeological record, its interpretation and presentation.
3. To recognize and respect the role of Aboriginal communities in matters relating to their heritage...

CONTINUE

cavations. This went against the spiritual and cultural beliefs of First Peoples and reinforced their concerns regarding a lack of respect for Indigenous values by non-Indigenous people (Curve Lake First Nation, n.d.). Today, many Indigenous communities act as caretakers of their cultural history, protecting historical sites from disturbance to ensure the spiritual and cultural protection of their ancestors.

Decolonizing Museums, Galleries, and Historic Sites

Following the Spirit Sings boycott in 1988, the Canadian Museum Association launched the Task Force on Museums and First Peoples. The task force consisted of 25 Indigenous and non-Indigenous members who estab-

lished 30 recommendations that now act as the ethical framework for museums and galleries working with Indigenous Peoples (TFOMFP, 1994).

In the 1990s archaeologists were also pressured to address their ethical practice pertaining to First Peoples. After a series of conferences, the Canadian Archaeological Association established guidelines for working with and responding ethically to the needs and concerns of First Peoples and their archaeological sites across Canada.

Today, each Canadian province has a set of archaeological guidelines developed from the Canadian Archaeological Association framework. In Ontario, the provincial governing body is called the Ontario Archaeological Society (OAS) and all Ontario archaeologists must be registered with OAS. Archaeologists are also expected to adhere to The Statement of Principles for Ethical Conduct Pertaining to Aboriginal Peoples outlined by the Canadian Archaeological Association (see sidebar on previous page). All Ontario archaeologists are expected to adhere to both sets of these guidelines (CAA, 2017; Curve Lake First Nation, n.d.). Even so, in some Indigenous communities, archaeology is seen as disrespectful, destructive, and intrusive. However, if done respectfully, it can also be perceived as educational and valuable, providing important historical information on sites related to Indigenous Peoples and communities (Curve Lake First Nation, n.d.).

Collaboration and Consultation

For Indigenous communities, who feel a deep connection to their past, the relationship with museums and galleries remains complex. Today, museums and galleries across Canada turn to the Task Force on Museums and First Peoples recommendations and The Canadian Archaeo-

Interactive 4.3 DJ Fife, Petroglyphs Provincial Park, Ontario



DJ Fife, from Curve Lake First Nation, discusses his work at Petroglyphs Provincial Park, Ontario.

logical Association guidelines for direction on how best to collaborate and consult with the Indigenous communities they seek to engage. Most importantly, these guidelines challenge museums, galleries, and archaeologists to practice in-depth consultation and to turn over control of items relating to Indigenous material culture back to the communities. Collaboration and consultation in this framework represent a two-way process where museums, archaeologists, and galleries work to shift and deconstruct their colonial structure to fully incorporate the perspectives and voices of First Peoples as partners and curators in their process. Ultimately, this shift places Indigenous Peoples in the position of caretaker of their own material culture and art.



Indigenous Organizations

Indigenous Organizations in Canada

Frideres and Gadacz (2012) lay out a useful framework for thinking about the different types of Indigenous organizations in Canada:

Public service organizations serve the general public – these organizations reflect the beliefs and values of mainstream Canadians, and are usually government-funded. Examples include education, welfare, and justice organizations.

Acculturating service organizations are large organizations that “draw their staff from the middle class and act to promote or maintain the assimilation of Aboriginal people into Euro-Canadian culture” (Frideres & Gadacz, 2012, p. 143). A good example is post-secondary institutions.

Accommodating organizations are publicly funded institutions and programs that try to fill the gaps between the needs of mainstream Canadian society and the needs of non-dominant groups, such as Indigenous Peoples and many others (for example, women, refugee claimants, people living in poverty, etc.). These institutions try to address the specific needs of a target population. Examples of accommodating organizations include Aboriginal counselling programs and Aboriginal-focused health-care services.



Finally, *member organizations* are those that represent Indigenous perspectives, support efforts at cultural resurgence, and serve the interests of Indigenous communities. These organizations may or may not be funded by governments, or they may rely on grants and other sources of funding. They are member-driven, and they are able to respond to the priorities of communities directly. Indigenous Peoples are far more represented in leadership positions in these organizations than in mainstream organizations.



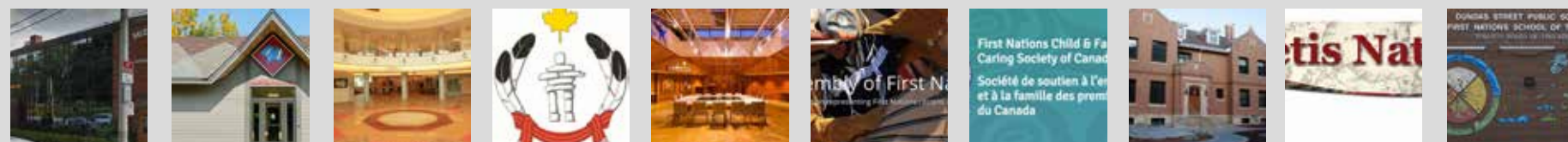
Gallery 4.5 Some examples of Indigenous organizations in Canada



Miziwe Biik Aboriginal Employment and Training

Employment Centres

Many urban centres have employment centres focused specifically on helping Indigenous Peoples gain access to training, employment preparation, and other job-related services. These centres are generally provincially funded. Examples include Anishinabek Employment and Training Services in Thunder Bay, Ontario, Oteenow Employment and Training Society in Edmonton, Alberta, and Kagitamikam Aboriginal Employment and Training in eastern Ontario. These kinds of centres provide employment counselling, assistance with resumés, and access to job boards, and connect potential employers with job seekers.



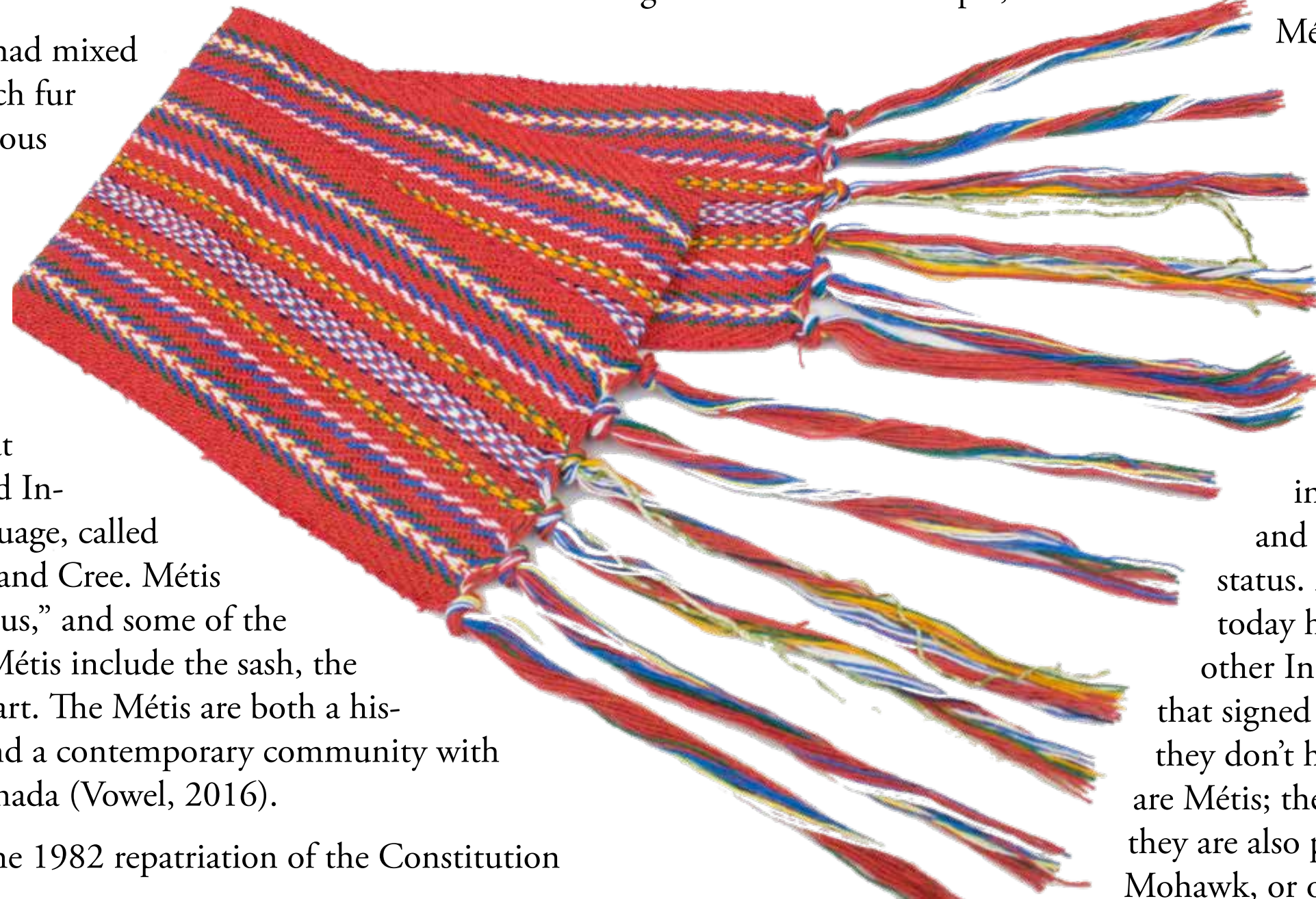
Métis

The Métis are a unique Indigenous cultural group in Canada that have origins in French, English, and Indigenous communities, going back hundreds of years.

The majority of the first Métis had mixed backgrounds as a result of French fur traders partnering with Indigenous women. The largest and oldest communities of Métis are located in the prairies, especially around the Red River in Manitoba, but there are communities across Canada. The Métis have a unique culture that incorporates both European and Indigenous influences, and a language, called Michif, that is a mix of French and Cree. Métis gatherings are called “rendez-vous,” and some of the important cultural objects for Métis include the sash, the Métis flag, and the Red River cart. The Métis are both a historic Indigenous community and a contemporary community with deep roots in many parts of Canada (Vowel, 2016).

The Métis were recognized in the 1982 repatriation of the Constitution

Act as one of the Indigenous groups in Canada (Vowel, 2016). However, historically they were identified, treated, and dealt with differently by the government. For example, the



Métis did not sign treaties and therefore did not and do not live in reserve communities; instead, they were given scrip (see the Treaties section of this e-textbook for more information on scrip).

They were also not included in the Indian Act and were not given Indian status. Métis who have status today have historical ties to another Indigenous community that signed treaty. In other words, they don't have status because they are Métis; they have status because they are also part Cree, Anishinaabe, Mohawk, or other First Nation.

Interactive 4.4 Jenna McGuire on the Métis sash



Jenna McGuire discusses the history and techniques for making a Métis sash.

The Daniels Decision

Recently, the Daniels decision confirmed that under section 91(24) of the Constitution, Métis (as well as other non-status Indians) are “Indians” by the government’s definition, but this court decision did NOT make the Métis “Indians” under the Indian Act (which is a specific piece of legislation). So it is complicated, and a bit unclear, how this decision will be interpreted and what ramifications it will have. The law did not outline what actions, if any, the government needed to take to conform with this decision. As First Peoples lawyer Bruce McIvor explains, the implications of the Daniels decision are still unclear, but the

hope in some Métis communities is that it will clarify which level of government is responsible for services and program funding, and that this will allow communities improved access to these types of resources. In the past, disagreements and a lack of bureaucratic clarity about whether provincial or federal governments had fiduciary responsibilities for the Métis resulted in an inequitable access to services and programs for some Métis (McIvor, 2016).

Interactive 4.5 Metis Status Decision: Daniels Case | Professor William Wicken | LA&PS | York U



In this interview, Professor William Wicken discusses his testimony in Harry Daniels v. Canada, a court case that determined whether Métis and non-status peoples are Indian under the 1867 British North America Act.

Chapter 5: Self-Governance and Sovereignty



Kinsella, Sean
Kwan-Lafond, Dani
Mutamba, Moyo Rainos
Thornhill, Natalie
Winterstein, Shannon

Identity, Status, and Belonging

Status and Identity

A number of different terms are used by the federal government to describe Indigenous Peoples; for example, First Nations, Indigenous, Aboriginal, Métis, Inuit, Status Indian, Registered Indian, and non-status Indian. To learn more about the differences between these terms, please review the terminology section of this etextbook before you read this section on status and identity. Also note that these are not necessarily the terms that people use for themselves.

Indigenous Peoples represent 4.3 percent of Canada’s population: about 1.4 million people (Statistics Canada, 2016). Since 1876 the federal government has had an administrative system for tracking and registering what it calls “Status Indians,” but not all people who self-identify as First Nations or as Indigenous have status. For example, Métis and Inuit do not have status. This may change in the future, however, as recent Supreme Court decisions have ruled that Métis and Inuit are entitled to the same recognition as Status Indians – at the time of writing, the implications of the court decisions are still being debated (see *The Canadian Press*, 2014; Schertzer, 2016). Membership in a community or



larger Indigenous organization (e.g., the Métis Nation of Ontario) is not dependent on whether one has status. About 1.9 percent of Canada’s population has recognized “Indian status”: approximately 638,000 people.

As Métis scholar Chelsea Vowel carefully lays out in her book *Indigenous Writes*, the government’s definition of who is and who is not an Indian has changed many times. Someone who fits the legal definition of being eligible for status today may not have been eligible if they’d been born in, say, 1950. Vowel (2016) writes that:

Not all status Indians are actually Indigenous (more on that in a bit), and there are many Indigenous peoples who do not have status. Status Indians are not the only Indians (First Nations) that exist. Non-status Indians are those who, through various pieces of legislation, lost their status, or were never eligible for status because their parents or grandparents lost status. Non-status Indians are still Indigenous; lack of status does not change this. (p. 27)

Indian Status

The treaties section of this etextbook discusses how the First Nations who were already living in present-day Canada were moved off their traditional lands where they were harvesters and trappers, and onto small reserves. There, they were required to stay because, until the 1950s, the pass system was in effect, which meant that First Nations Peoples in reserve communities were not allowed to leave without a pass from the authorities.

Indian status was created at the same time as the reserve system. The government needed to track Status Indians because it had signed treaties with them and had a legal obligation to uphold the terms of what was signed. At the time of its creation under the Indian Act, Indian status was given to those from the First Nations who had signed treaties and was passed on to their descendants (children). Since then, other ways to acquire Indian status have been introduced, such as through marriage – see the section on Categories of Status for more information.

Many within and outside of Indigenous communities view Indian status as an insidious means of achieving the complete assimilation of First Peoples. The Indian Act of 1876 and the mechanism of status

Gallery 5.1 Secure Certificate of Indian Status



Version 1: In-Canada secure status card is still issued today.



were initiated with the hopes that “Indians” would eventually become “civilized” if they didn’t die first from their susceptibility to Western diseases and lack of proper nourishment. The government also anticipated that the people left would be easily “enfranchised,” stripped of their registered status, and brought into the fold: they would have little or no future as Indigenous Peoples.

There are only a few ways to get status, and the vast majority of people have it because it was passed down from their biological parents. Howev-

er, for many decades, there were numerous ways that people could lose their status. This used to be called “enfranchisement” because not only did it mean losing treaty rights (NOT free taxes, but the right to live on a reserve, for example), it also meant gaining the full citizenship rights that non-Indigenous Canadians enjoyed. For example, the Indigenous right to vote was not recognized until 1960. Until 1960, if a First Nations person wanted to vote, they had to give up their Indian status and become enfranchised.

Myths about the Benefits of Indian Status

In 2012 Canadian pop star Justin Bieber angered many within and outside of the Indigenous community when he said that he was “enough percent Indian or Inuit” to get free gas in Canada. He suffered a backlash from the community who quickly pointed out that he couldn’t be more wrong.

The myths circulating in Canada about tax exemptions, free housing, and free money flowing from the government to First Nations are damaging and completely inaccurate. The attention that is paid to this alleged issue continues to be massively disproportionate to the small af-

Interactive 5.1 Colour Code: A podcast about race in Canada



On the first episode of Colour Code, Denise Balkissoon and Hannah Sung try to figure out Indian status: who gets it, what it means, where it came from, and how it resonates in Canada and Indigenous communities today.

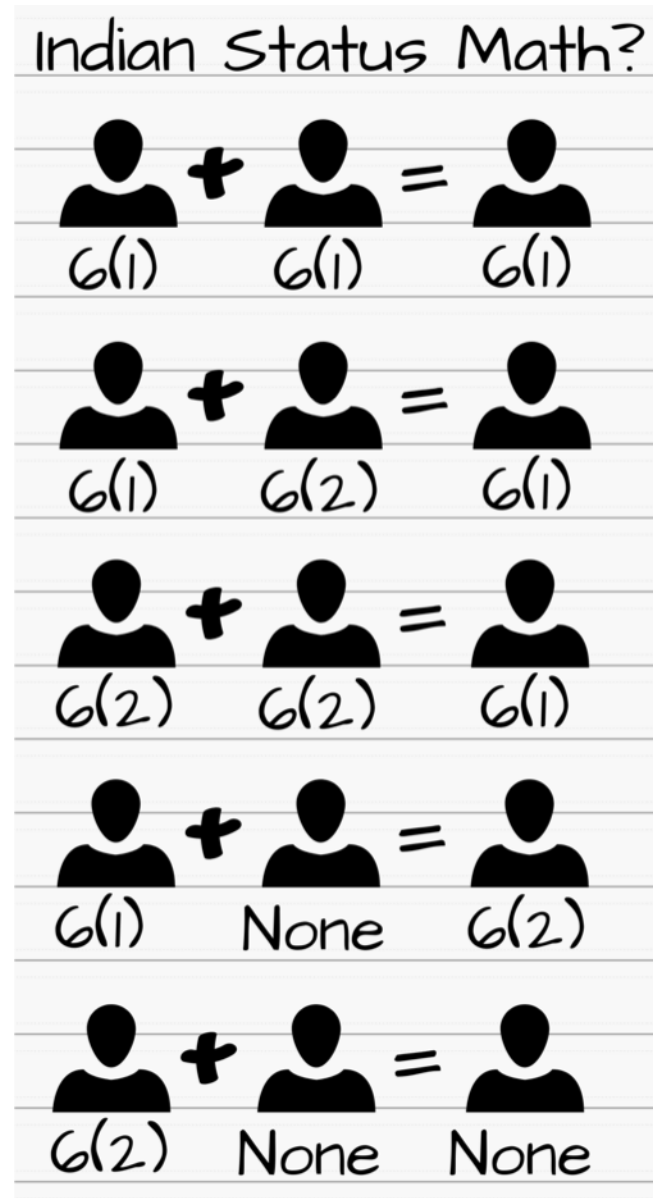
ected population. The only Indian Act tax exemptions in Canada that are available to Status Indians are income tax and personal property tax ON reserve. As Chelsea Vowel (2016) lays out in her book *Indigenous Writes*, this applies to less than 300,000 people in Canada, 0.5 percent of the population, and yet the powerful national myth of Indians not paying taxes continues to be widespread. To be clear, the vast majority of Indigenous Peoples pay the same income, property, sales, and other taxes as non-Indigenous Canadians. Even those with Indian status who are eligible for tax exemptions on monies spent on reserve often pay taxes anyway because reserves can enact their own taxation systems and community members must contribute to these.

Categories of Status

Indian status is based entirely on one’s ability to trace ancestry to First Nations communities that signed treaties. In other words, knowing and proving that one is Indigenous is not enough; Indigenous family members (parents and grandparents) need to have had Indian status, as it can only be acquired if it is passed down. In section 6 of the Indian Act, the government lays out two categories of status: 6(1) and 6(2). These are hierarchical categories, based on a number of criteria. Both categories confer full status (meaning they grant the same rights under treaty); they only differ in one major aspect: the ability to pass that Indian status down to children. See the formulas on the next page to understanding how these function more specifically. It is important to note that Canada does NOT use a blood quantum formula to determine status; this is a myth likely originating as a result of our proximity to the United States, which has different ways (including, in some cases, blood quantum) of determining band membership.

The categories of 6(1) and 6(2) most recently changed in 1985 due to Bill C-31; this amendment to the Indian Act came as a result of Indigenous Peoples arguing that since the repatriated 1982 Constitution included gender equality rights under the Charter of Rights and Freedoms, the Indian Act needed to comply with these.

For over 100 years the Indian Act stipulated that any woman with Indian status who married a non-status man lost her status, and her children lost their ability to be registered for status. However, men who were Status Indians could marry whomever they chose (status or non-status women), and their wives and children were considered Status Indians. The amendment made the equation for status the same for men and women. As the accompanying chart shows, it only takes two generations of marrying out of the status system to completely lose the right to Indian status in Canada.



Identity

Identity and identity formation are complex processes for everyone, and our identities shift and change over the course of our lifetimes. For Indigenous Peoples, Indian status (or lack thereof) is only one part of

Interactive 5.2 Derek Kenny, Anishinaabe artist



Derek Kenny discusses his identity and growing up in Anishinaabe communities.

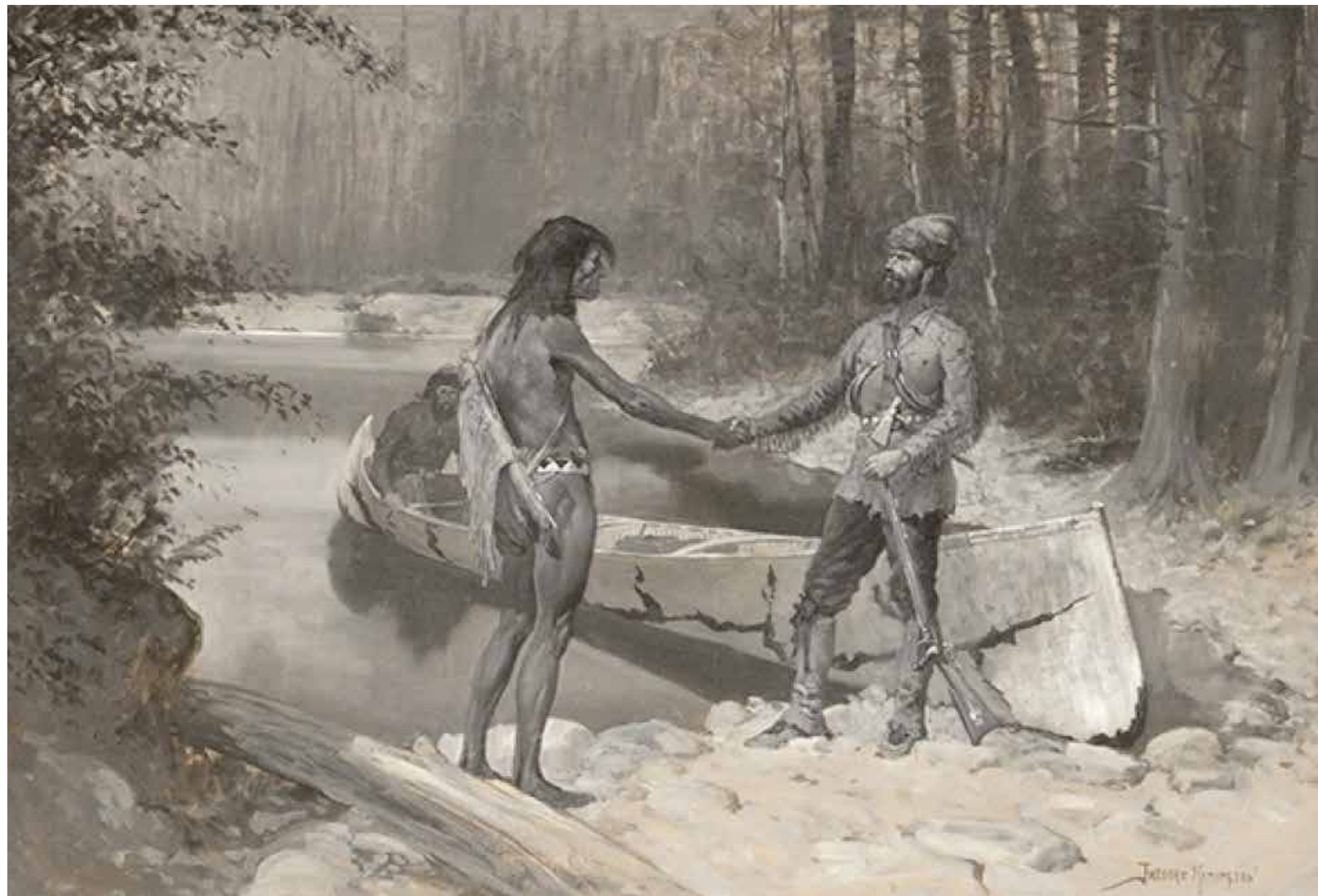
identity. Indigenous identities are as complex and varied as the many Nations, cultures, languages, stories, and life experiences of the people. It is important to note that while Indigenous Peoples are diverse, they also share a common history in this country, shaped by the oppressive assimilationist policies of the past. Please refer to other sections of this textbook, such as those on language, culture, traditions, and communities, to gain a better understanding of the many aspects that contribute to Indigenous identities.



Indigenous French–English Relations

Prior to the Nation State of Canada

Many of the discussions we have in Canada about the relationship between the nation state and Indigenous Nations make two assumptions: First, we forget that before 1867, the Government of Canada did not exist; power rested with the (unelected) monarchies (kings and queens) of England and France. These ruling powers in Europe negotiated a number of deals (treaties) with Indigenous groups, so when Canada became a new independent nation, these pre-existing treaties had to be dealt with. In some cases (such as in the Royal Proclamation) they were absorbed into the British North America Act (1867). In other cases, there remain disagreements between First Nations and Canada about how these agreements have been incorporated into Canada's legal frameworks.



The second assumption we often make, especially in English-speaking Canada, is that events of the recent and historical past happened in

English. As the dominant of the two official languages in most of Canada, English is often taken for granted. The historical relationship between French and English Canada, the presence of Indigenous francophone communities, and the experiences of Indigenous Peoples living in francophone-dominant cultures are often forgotten in our stories and classroom discussions. In a similar vein, we often neglect to consider the role that language differences, language barriers, and other communication challenges played for First Nations who were trying to negotiate fair and sustainable deals that would

ensure their peoples' survival and well-being.

History of French Relations with Indigenous Peoples

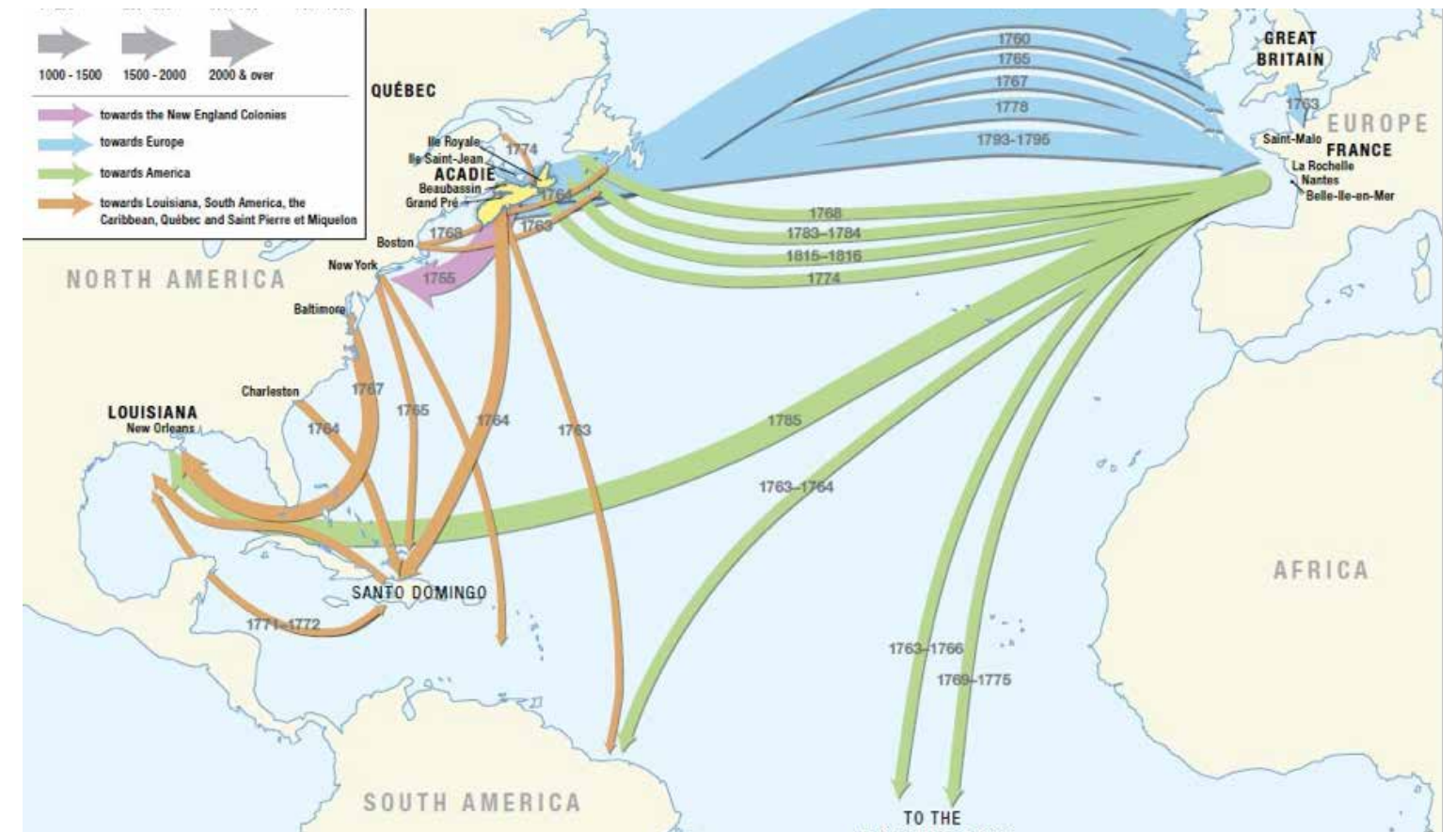
Historically, the French have had both positive and negative relationships with different Indigenous groups. Positive relationships were sometimes forged in business, particularly during the fur trade. There was also a long history of negative relationships; for example, the famous explorer Jacques Cartier kidnapped two men and brought them to France as proof of the so-called New World. These young men were sons of Chief Donnacona, whose settlement called Stadacona was located where Quebec City is today. It is from these men that Cartier learned about Hochelaga (Montreal), which he would explore on subsequent trips to the region.

The Acadians

Beginning in the early 1600s, French farmers began to arrive in what is now Eastern Canada, and over time, they developed their own culture and traditions, with influences from French, Catholic, and Mi'kmaq cultures. These people and their culture came to be known as "Acadian." It was a difficult time to be living in this region of Turtle Island, which was beset with conflicts as the French and English fought over control of the land, and official rule passed from one to the other many times. Finally in 1713 the British gained control of the area; once established, they sought to make allies with the Acadians, but the Acadians refused. Instead, they signed a neutrality agreement, stating they would be neutral so long as they did not have to fight against the Mi'kmaq or the French.

To learn more about this period of history, read about the Seven Years War in which New France was lost to the British.

Map of Acadian expulsion



Destinations and movements of the deportees during the Acadian Odyssey. Based on an original design by Robert Leblanc.

For the Acadians, who were French-speaking, Catholic, and closely tied to the Mi'kmaq, living under British control was difficult, and the British came to see the Acadians as a threat to their settlement and control of the rich farmlands. In the mid-1700s the British began forcibly removing Acadians from the land, and about 10,000 Acadians were sent away. Some ended up forming communities in Louisiana and other parts of the US (today these people are known as the Cajuns), some were deported back to France, and others went as far as Guyana and present-day Haiti to build new lives.



Chief and Council

Band Council

A band council is an elected group, led by an elected chief, that administers federally funded programs on First Nations reserves. The size of the band council depends on the size of the community; the ratio is roughly one council member to 100 band members. Council members are elected by community members every four years. Sometimes band councils join together to administer and deliver programs and services – these groupings are called tribal councils. Joint projects might include shared emergency services, education and schooling councils, or health-care delivery. Nishnawbe Aski Nation is an example of a large tribal council that represents 49 First Nations in Northern Ontario, with about 45,000 band members (Nishnawbe Aski Nation, n.d.).



The Limitations of the Chief and Council System

Although the terms “chief” and “band council” sound like Indigenous terms, they are not, nor are they representative of, or part of, any traditional form of Indigenous governance. Rather, they are part of a system of governance imposed under the 1876 Indian Act that is funded by, and answers to, the federal government.

The word “chief” became widely used after its introduction in two 1869 policy documents that were precursors to the Indian Act (Indigenous Nations had other terms with specific meanings for their leaders). These documents gave chiefs very limited powers, mostly responsibilities for infrastructure (roads, buildings) on reserves and for ensuring their community members

behaved according to new colonial codes of conduct.

Some Indigenous Nations resisted the imposition of the Indian Act Chief and Council system: for example, the Haudenosaunee of Six

Figure 5.1 Map of NAN communities



Nations (Brantford, ON) kept their traditional governance structure until 1924 when the government overthrew it; since then, many community members have refused to participate in Indian Act elections.

Most Indigenous forms of community government, including the potlatch system found among West Coast Nations and the hereditary chief system (practiced by many Indigenous communities across Turtle Island), were disbanded under

colonial rule, but some communities continued to recognize traditional leaders such as clan leaders or hereditary chiefs (and in some cases, elect these traditional leaders to serve as Indian Act chiefs). In these communities, traditional leaders are key to the cultural survival of the community and play crucial roles in the well-being of their Peoples. To this day, however, Canada only legally recognizes Indian Act chiefs.

The vast majority of First Nations chiefs are highly respected within their communities and have a sincere desire to improve the well-being of their community members. However, their role remains subjugated within the colonial system of Canada. Community leaders elected to serve as chiefs and council members have very little to no power to change the system itself, as the relationship between First Nations and

Interactive 5.3 Chief Duke Peltier on Role of the Chief



Chief Duke Peltier, of Wikwemikong (Unceded) First Nation, discusses the role of a Chief.

the federal government is unequal (not nation-to-nation). Ultimately, the overarching laws and powers rest with the federal government, and it's the job of the chief and the council to administer the federally funded programs and initiatives in their First Nations communities.

The Chief and Council system is often compared to a municipal city council, where individuals are elected by the community and there are no specific political party affiliations. (Political party affiliations are only used in provincial and federal elections.) However, this comparison only works to a point. The Chief and Council system administers

services far beyond what a typical city hall would need to manage, including federally funded portfolios like health care, child-care services, schooling and education, housing, infrastructure like roads and water, and all the other programs, facilities, and initiatives that take place in the community.

Many First Nations face extraordinary challenges in their communities, and they self-administer services that are clearly designated as provincial areas of responsibility (e.g., health care and education). This means the work is tedious, wide-ranging, and very challenging. For example, while across Canada, local (non-Indigenous) school boards are used to administer education, many First Nations have no schools boards due to limited funding to create and sustain them, nor do they have a provincial government structure to rely on for resources like curriculum.

As detailed in other parts of this e-textbook, on-reserve education (funded by the federal government but administered through the Chief and Council system) is funded at a far lower level than off-reserve schools. This means that chiefs and councils have a far greater breadth of responsibilities to attend to, and they must do so with less funding in communities with greater needs than non-Indigenous communities.

The Myth of the Corrupt Chief

Many Canadians have little contact with Indigenous communities, much less with chiefs or band council members. There is a pervasive myth that chiefs are corrupt and steal money, or otherwise profit, while their communities suffer. This is a stereotype based on a few stories that are widely circulated in corporate/mainstream non-Indigenous media. As Métis lawyer and blogger âpihtawikosisân (a.k.a Chelsea Vowel) says in a blog post on this matter (2016), this myth is fueled by the lack of

understanding most Canadians have about how reserves are funded, and what the roles and responsibilities of chief and council are. Further, Vowel reminds us it is a system created by, and insisted upon, by the Government of Canada.

Interactive 5.4 Video on Yukon First Nations self-government (GovCan)



Setting Our Course: Yukon First Nations Self-Government provides an overview of Yukon First Nations land claims and self-government negotiation and implementation including initiatives in the areas of governance, programs and services, economic development, education and land.



Christianity and First Peoples

Introduction

Prior to the arrival of Europeans on Turtle Island, Indigenous Nations had their own complex system of spiritual beliefs, the breadth and depth of which the Europeans colonizers did not fully comprehend. Indigenous Peoples' spirituality was rooted in their connection to nature, the earth, and one another. They had creation stories and a spiritual perspective unique to the history of their Peoples that varied from culture group to culture group (Four Directions Teachings, 2015). While their system did employ ceremony and belief in a creator, it differed significantly from



man life. Maintaining a positive relationship between these components was and is integral to their traditional world view.

other organized religions of the world. In particular, many Indigenous Peoples carried a collective belief that everything in their environment possessed a spirit including the natural world, people, animals, and in some cases, inanimate objects (Four Directions Teachings, 2015). This belief system ultimately ensured Indigenous Peoples and their communities maintained a deeply interconnected relationship of respect and balance with nature, animals, and hu-

(TRC, 2015; Knox, 2017). The Recollects would give up their efforts due to lack of funding after a few short years. Samuel de Champlain would then turn to the wealthier Jesuit order in 1625 for help in his mission of creating a French Christian “New World” (D’Avignon & Trudel, 2013; Heidenreich, 2006).

Jesuit Presence in New France

By the seventeenth century the Jesuits had a strong track record with many converts across cultures all over the world. As part of this global evangelization effort, Champlain and the King of France called for the Jesuit order to come to New France to share the Roman Catholic religion with the Wendat, Petun, Nipissing, Ojibwa, and Ottawa Indigenous populations (Heidenreich, 2006; Jaenen, 2008).

For the missionaries entrusted with the task of establishing congregations of acting Christians among the Indigenous populations of New France, the first step was to find commonalities between their belief system and that of their would-be converts. Missionaries worked to draw parallels between their systems and made the case that their Christian God was already present in the framework of Indigenous beliefs, therefore, He should be easy to acknowledge and accept (Knox, 2017; Niezen, Burgess, Begay, Fast, & Lambert, 2000). The Jesuits encouraged interested and curious individuals to visit with them and listen to their stories and rationale for making their Roman Catholic God the centre of spiritual focus (Knox, 2017).

During this period, some Indigenous Peoples refused to entertain conversion; others were more open to the slow process, eventually taking up a Christian lifestyle guided by the Jesuits (Knox, 2017; Richter,

1985). It was not uncommon for the formation of a new community of Indigenous converts to be mirrored by the formation of an opposing group, which tested the fabric of communities profoundly (Richter, 1985).

British Conquest and Evangelization

The British conquest of New France in 1760 brought French rule to an abrupt end. The British, however, would also soon adopt a policy of assimilation for Indigenous populations (TRC, 2015). By Confederation in 1867, the British presence on Turtle Island had grown considerably and many Indigenous communities had shrunk, their populations decimated by diseases for which they had no immunity (TRC, 2015). Canada’s policy of assimilation meant that now colonizers were concerned less with trade and diplomatic relations as with control and subjugation of the Indigenous inhabitants of Turtle Island. The Roman Catholic Church drew funding and power from the population of Quebec, and willingly took a central role in establishing and running the assimilationist education system, the residential schools, formally introduced in 1883 (TRC, 2015). With the introduction of residential schools, Indigenous Peoples felt and became subject to the true socio-cultural impacts of Christianity. The residential schools were also part of a government plan that involved working closely with Christian missionaries to encourage Indigenous Peoples to develop economic self-sufficiency in a manner that matched the colonizers’ ideology (Miller, 2012). Indigenous Peoples, once recognized by the French as Nations, allies, and military and trading partners, with distinct cultures, rights, and lands, were reduced to wards of the British Crown and forced to live under the rule of law and a religion in which they had no say (TRC, 2015).

Gallery 5.3 Jesuits in New France



Propaganda painting of the Jesuit presence on Turtle Island, Père Marquette and the Indians, by artist Wilhelm Lamprecht, 1869.



Lasting Impacts of Christianity

Religious imposition deeply affected Indigenous communities. In the Truth and Reconciliation Commission Final Report, First Nations, Métis, and Inuit identified church-run, government-financed residential

schools coupled with the introduction and imposition of Christian beliefs during colonization as key components in the breakdown of their Indigenous communities and cultural identity (TRC, 2015). The impacts of this trauma have been felt across many generations (TRC, 2015).

Due to this contested and complex history of indoctrination, spirituality among Indigenous Peoples varies widely across Canada today. Historical events have given rise to unique hybridized spiritual practices within some communities, where elements of the Christian faith are present alongside tenets of traditional Indigenous spirituality (Smith, 2011). In some cases, Christian beliefs have almost completely replaced traditional Indigenous spirituality (Smith, 2011). In others, communities have found a way to revitalize traditional Indigenous practices lost through colonization and evangelization. Some communities rejected the introduction and imposition of Christianity altogether. These communities work with their traditionalists to preserve, revive, and practice strictly Indigenous forms of spirituality (Smith, 2011).

Conclusion

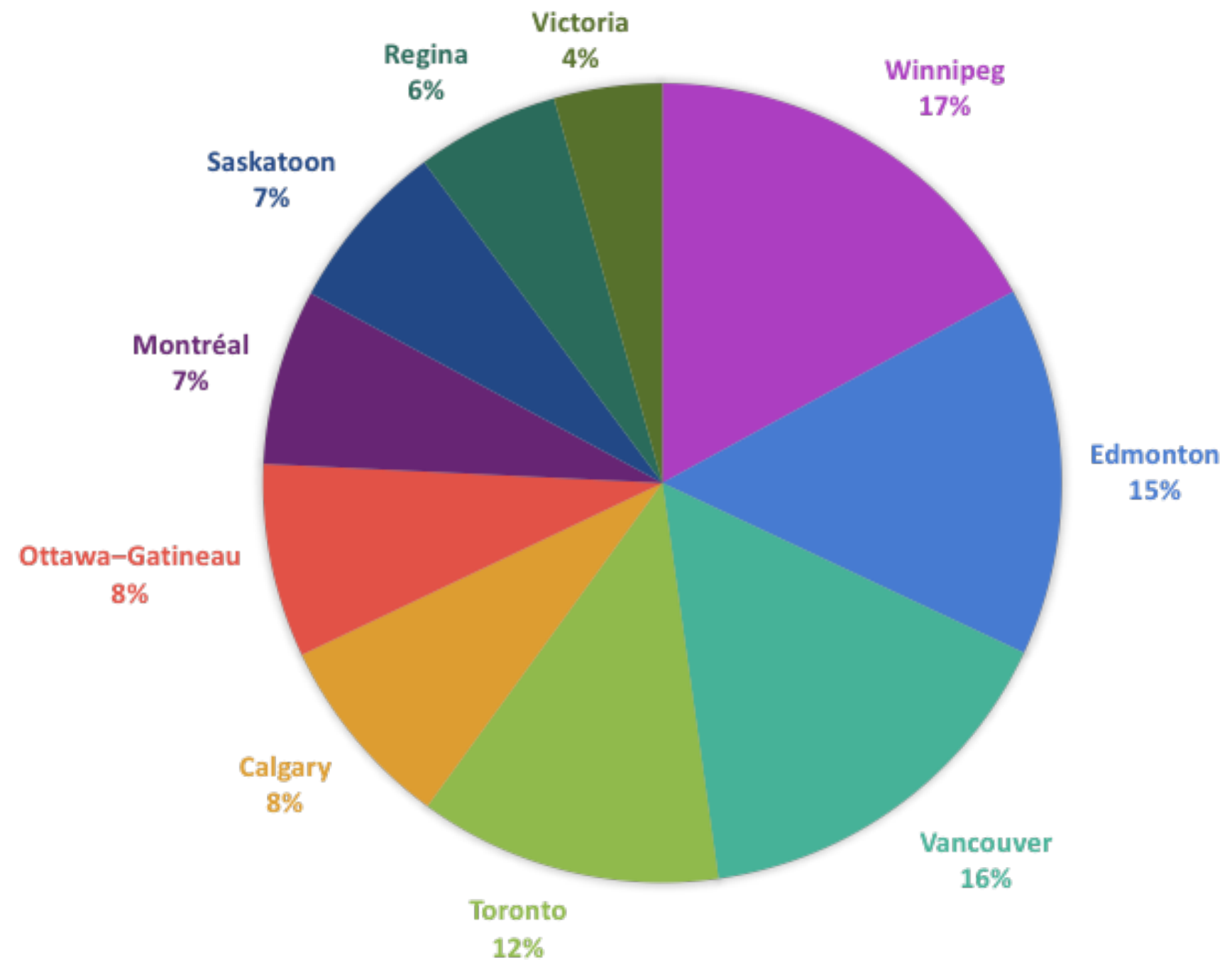
Each Indigenous community today has a unique framework of spirituality, and it's important to remember that the spiritual belief system of one community member may not be the same as another community member due to the complex impacts of colonization as well as personal preference. Many churches have since apologized for their role in the residential school system and their involvement in colonization and the imposition of their belief systems on Indigenous communities. However, as of May 2018, Indigenous communities are still waiting for an official apology from the Pope on behalf of the Roman Catholic Church.



Demographic Profiles of Indigenous

Introduction

Statistics Canada categorizes Indigenous Peoples into three groups: First Nations; Métis; and Inuit. Within these broad categories, Statistics Canada publishes two sets of data based on Indigenous identification. First, it collects data on individuals with Indigenous ancestry (under the classification: Aboriginal Ancestry) and second, it collects data on people who self-identify as Indigenous (under the classification: Aboriginal Identity). According to the 2016 population census, 2,130,520 people in Canada reported being of Indigenous ancestry. Of these, 1,525,570 were First Nations; 79,130 were Inuit; and 59,995 were Métis. Most people of Indigenous ancestry lived off-reserve (1,792,035 compared to 380,360 who lived on reserve). In 2016, 1,673,785 people self-identified as Indigenous, representing 4.9 percent of the total Canadian



Urban Indigenous Profiles in Canada, 2016

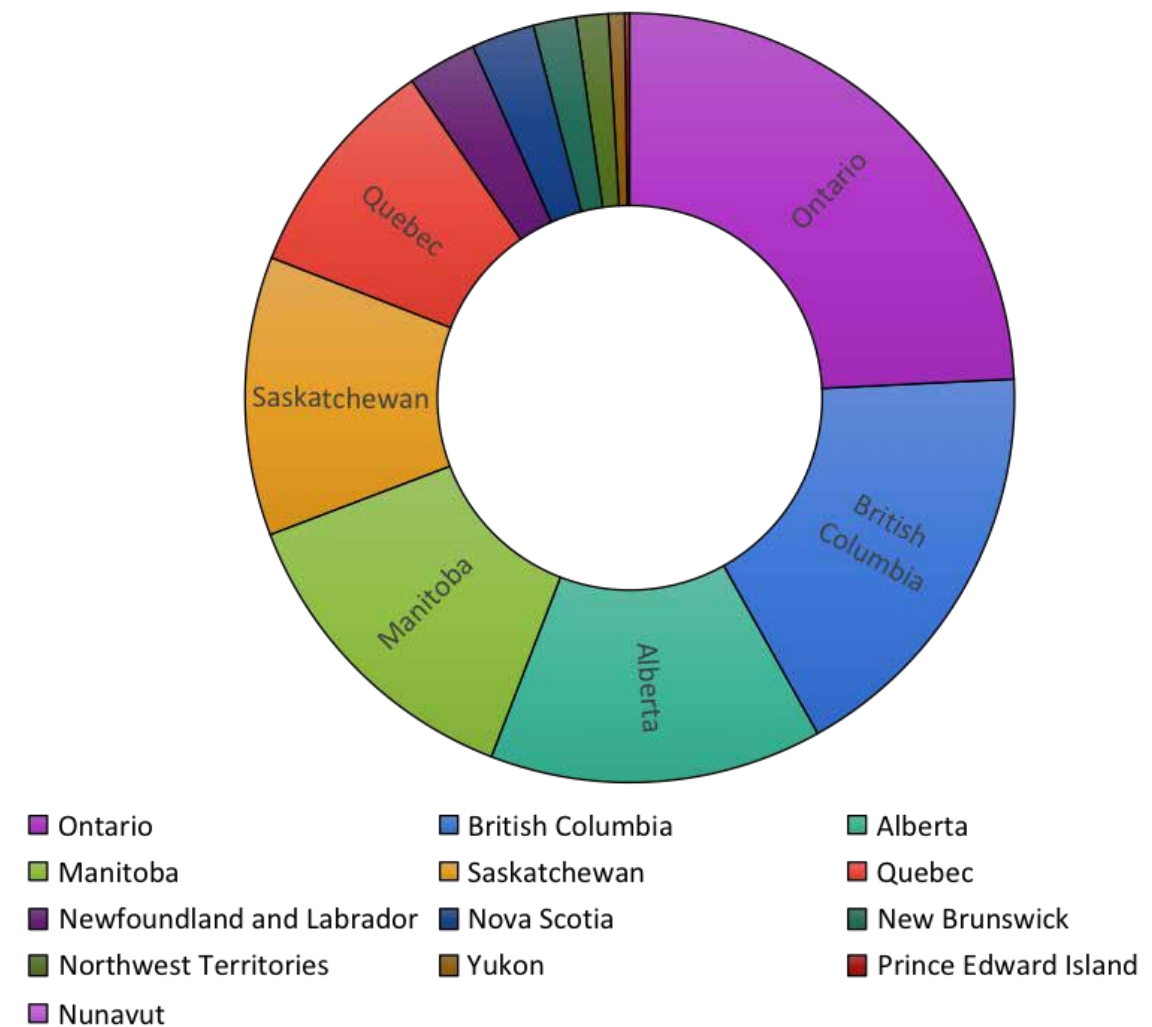
population. Of these, 977,235 (58.4 percent) identified as First Nations, 587,545 (35.1 percent) as Métis, and 65,025 (3.9 percent) as Inuit (Statistics Canada, 2016). Statistics Canada uses data on Indigenous identity to analyze socio-economic trends and population growth.

Indigenous Peoples represent the fastest growing and youngest population in Canada. Between 2006 and 2016, the Indigenous population grew by 42.5 percent, four times the non-Indigenous population growth rate; people under the age of 25 accounted for 44 percent of that growth (Globe and Mail, 2017). This population growth has been attributed to both natural and cultural factors. High fertility rates and long-life expectancies have been two contributing factors. Another has been the fact that more people have become conscious and proud of their Indigenous heritage to the extent that they feel comfortable identifying with it. Population projections indicate that the number of Indigenous Peoples will continue to proliferate, exceeding 2.5 million in the next two decades (INAC, 2012).

First Nations

Indigenous and Northern Affairs Canada (INAC) defines First Nations as both Indigenous Peoples who are identified by the Indian Act as having Indian status (registered and treaty status) and Indigenous Peoples who do not have Indian status under the Indian Act (non-registered). There are more than 630 First Nations communities in Canada; as of 2018, INAC recognizes 618 of them. The 630 communities are made up of approximately 50 broader Nations spread across the entirety of Canada and speaking about 50 unique languages (INAC, 2008). While Ontario has the largest First Nations population (24.2 percent of the

Figure 5.2 First Nations Population By Provinces And Territories in Canada, 2016



total First Nations population), most First Nations live in the western provinces: British Columbia (17.7 percent), Alberta (14.0 percent), Manitoba (13.4 percent), and Saskatchewan (11.7 percent). On a national level, First Nations account for 2.8 percent of the total population of Canada. However, they represent about 10 percent of the population in Manitoba and Saskatchewan, and about 33 percent of the population in the Northwest Territories (NWT).

First Nations account for the most significant proportion of Indigenous Peoples, numbering 977,235 people (58.4 percent of the total). Of this population, 744,855 (approximately 76.2 percent) had Indian status (registered and treaty status) in 2016, an increase of 30.8 percent from 2006 to 2016, and 232,375 (23.8 percent) did not have registered or treaty Indian status, an increase of 75.1 percent between 2006 and 2016.

Of the total First Nations population, 336,055 (44.2 percent) live on reserves or Crown land, which suggests that most First Nations persons live off-reserve and in urban areas. From 2006 to 2016 First Nations contributed 39 percent to the overall Indigenous Peoples population growth. First Nations population growth occurred both on-reserve (12.8 percent) and off-reserve (49.1 percent) (Statistics Canada, 2016, 2017a).

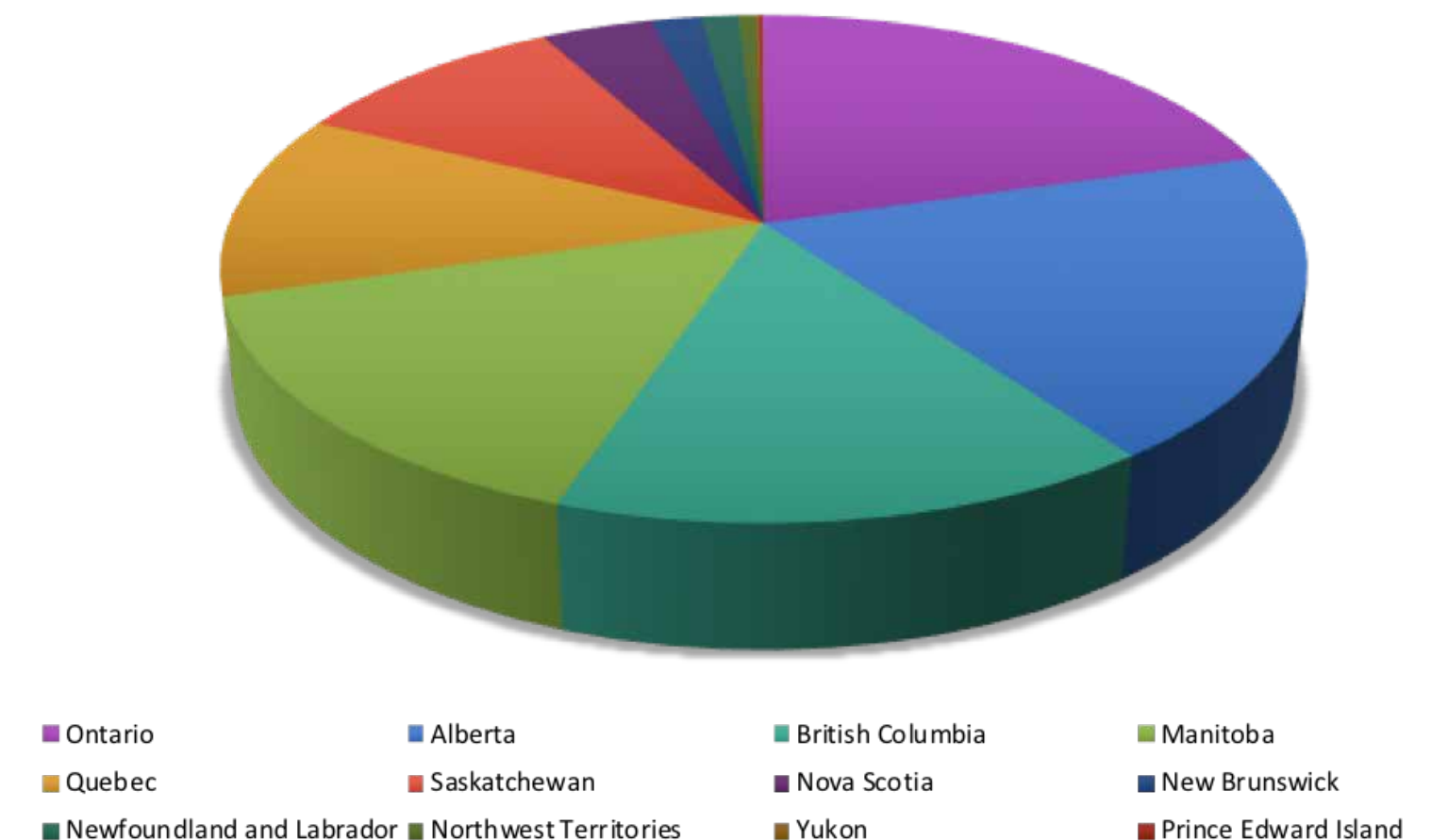
Métis

The Métis belong to a distinct Nation with its own culture, language (Michif), political organizations, and economic practices (Métis National Council, 2018). While Métis identity tends to be defined racially, as “mixedness,” by government bodies such as Statistics Canada, Andersen (2008) argues that this threatens to misrepresent who the Métis are and erase the history and existence of the Métis Nation, a political entity with a homeland that includes Manitoba, Saskatchewan, Alberta, parts of Ontario, British Columbia, the Northwest Territories, and the northern United States (Métis National Council, 2018). With this caveat in mind, the following statistics have been provided from the 2016 census.

In 2016, Statistics Canada reported that the Métis population was 587,545, amounting to approximately 1.7 percent of the national population, a 30-percent increase from 2011. Most Métis live in urban

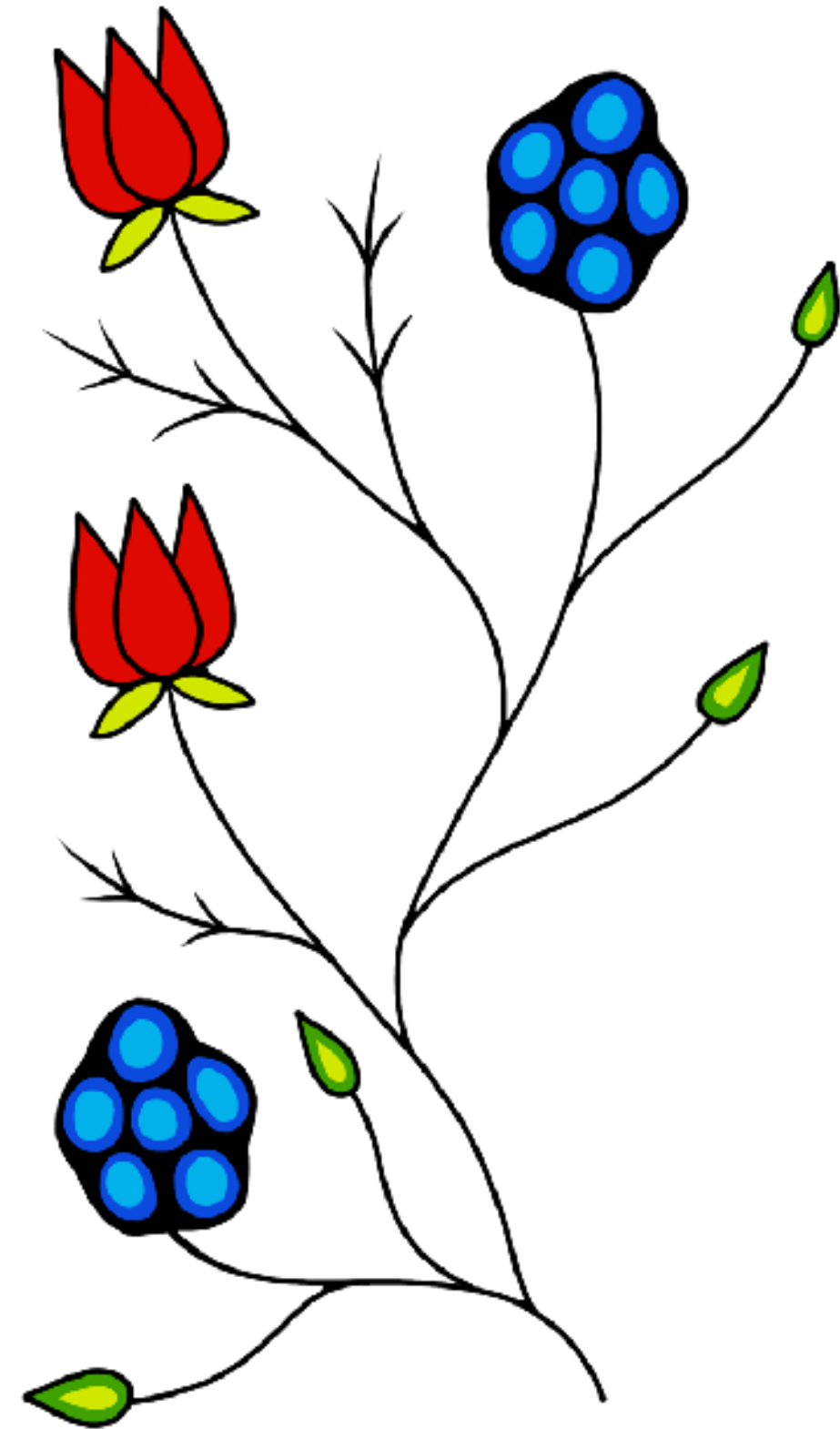
centres (62 percent); however, about 40 percent of these people live in smaller urban centres (Statistics Canada, 2016; Métis National Council, 2018). Provincially, Ontario with a Métis population of 120,585, is home to a majority of Métis; however, the Northwest Territories (at 8.2 percent of total population) and Manitoba (at 7.2 percent of total population) have proportionally larger Métis communities (Statistics Canada, 2016). Some rural areas, specifically in northwestern Ontario and north-central prairie communities like Île-à-la-Crosse, Buffalo Narrows, and the eight Métis settlements in northern Alberta, have communities where Métis are in the majority (Métis National Council, 2018).

Figure 5.3 Métis Population By Provinces And Territories in Canada, 2016



Inuit

INAC defines Inuit as the Indigenous Peoples of the Arctic. However, Inuit live in a large area that encompasses a significant 35 percent of Canada's land mass and about 50 percent of its coastline. Inuit means "the people" in the Inuit language of Inuktitut. Inuit live in more than 53 communities across the northern region that they call Inuit Nunangat ("The place where the people live") (Inuit Tapiriit Kanatami, n.d.). Nunangat comprises Inuvialuit (NWT and Yukon), Nunavik (northern Quebec), Nunatsiavut (Labrador), and Nunavut. In 2016 the Inuit population was 65,125 and accounted for 3.9 percent of the total Indigenous population. About 30,140 (approximately 64 percent) lived in Nunangat, and approximately 25 percent lived in Nunavik. Most Inuit outside of Inuit Nunangat live in urban areas, with the most significant percentage in Ottawa, Edmonton, and Montreal. Between 2006 and 2016, the Inuit population increased by 29.1 percent, a smaller increase than that experienced by the Métis and First Nations, but still significantly more than the non-Indigenous Canadian population. About 1,335 Inuit live on reserve lands, compared to 63,790 who live off-reserve (Statistics Canada, 2016, 2017a).



Gender Identities

This chapter focuses on three main areas of gender realities within Indigenous communities: specifically, Two-Spirit identities, Indigenous masculinities, and women's issues. It is important to note that the distinction and separation between these different areas is in many ways arbitrary. Understanding any one of these topics requires an understanding of all of them, particularly because they do not and should

not exist in the same binary framework that is often understood to underpin Euro-Western notions of gender.

For this reason, we will begin like many discussions of gender issues within Indigenous communities: with an exploration of Two-Spirit identities. This is an area that is particularly ignored in literature focused on gender issues, even within Indigenous writing, because of cissexism, but offers some key understandings of how gender functions within Indigenous Nations.



Two-Spirit Identities

Gallery 5.4 Two-Spirit photographs



Portrait of Crow two-spirit partners.



Historically

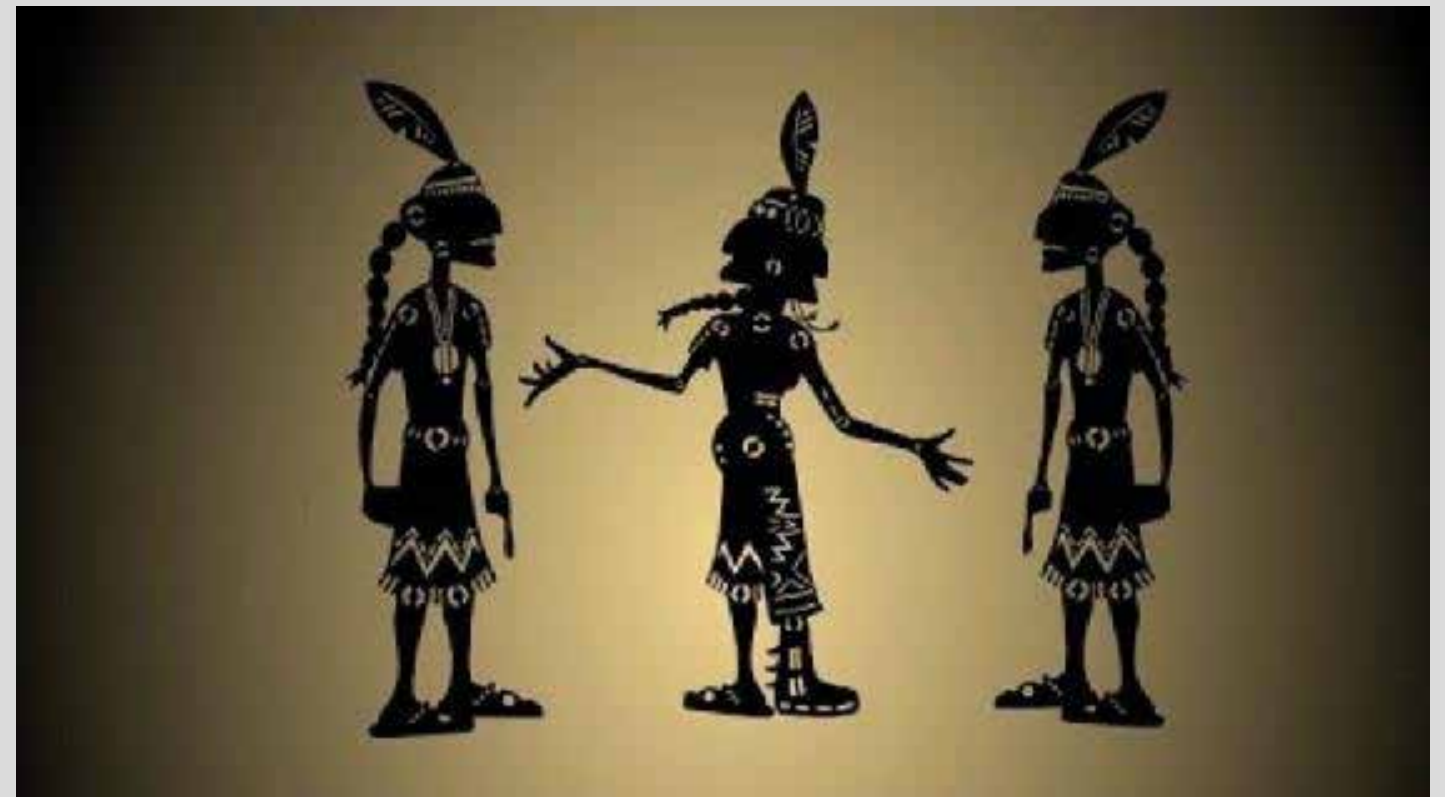
“Two-Spirit” (which is represented by the acronym 2S or 2SQ – the “Q” stands for queer) is a community-derived term that has been used to describe the Indigenous gay, lesbian, bisexual, transgender, queer community (GLBTQ) and was originally coined as a way to reassert “belonging to cultural traditions by displacing anthropological terms – notably berdache – thereby setting a new basis for Indigenous knowledge” (Driskill,

Finley, Gilley, & Morgenson, 2011, p. 10). This was important for several reasons, not the least of which was that “as a critique of anthropological writing based in colonial and western notions of gender and sexuality, the category Two-Spirit creates a distinct link between histories of diversity and Indigenous GLBTQ2S people today” (p. 11).

These histories, and particularly the anthropological analysis of them, are important because as Brian Joseph Gilley (2011) notes, “Native heter-

onormativity is an accommodation to colonial heteronormativity – because it adapted traditional sex segregation to colonial sexual logics, in order that colonial projects would seem to be compatible with how Native people lived gender and sexuality” (p. 130). This rigid reinforcement of gender, rooted in cissexism and heterosexist binaries, also occurred in places such as residential schools where those attending were separated

Interactive 5.5 Injunuity: “Two Spirit”



Two-Spirit: A person of First Nations or Native American descent possessing both a male and female spirit. An umbrella term used to describe the fluidity of First Nations/Native American gender identity and sexuality with respect to traditional tribal roles. Featuring: Mica Valdez (Mexica), Nazbah Tom (Navajo/Diné), Arlando Teller (Navajo/Diné), Charlie Ballard (Anishinaabe, Sac & fox), Esther Lucero (Navajo/Diné).

into colonial heteronormative gender roles, which were reinforced by the ways labour was divided (such as teaching boys trades and teaching girls domestic and craft skills), and by dress and styling (Morgensen, 2015, p. 48; Simpson, 2017, p. 125). As Leanne Simpson (2017) notes in *As We Have Always Done*, “2SQ Indigenous peoples flourished in many Indigenous nations and were highly visible to the first European ‘explorers’. The archival and Western historical record sets down this visibility and the anti-queerness of these explorers, translators, traders, and missionaries in the 1600s and 1700s” (p. 124).

Indigenous Sovereignty and Two-Spirit Identities

The politics of and theory behind Two-Spirit identities must be tied to notions of both personal sovereignty and sovereignty within Indigenous Nations and cultures – which means discussions must reach beyond the normal discourse on LGBTQ+ issues. More specifically this requires these conversations to be generated and led by Two-Spirit folx within the cultures they come from.

The term and concept of Two-Spirit identity are not pan-Indigenous; each individual who identifies with the term will have their own understanding of it. This is expanded on at some length in June Schudeler’s analysis of the work of Métis poet Gregory Scofield who talks about the fact that “one’s sacredness, one’s pawatew, like sexual identity is not easy to define” (Schudeler, 2011, p. 197).

In this way “Two-Spiritedness is described as ‘cultural constructions of multiple genders (i.e. more than two) and the opportunity for individuals to change gender roles over the course of their lifetimes” (p. 198) and further “for Indigenous nations that practised gender variance, gender was remarkably fluid. For some of the nations that practised

Interactive 5.6 Ma-Nee Chacaby on Two-Spirit identities



Author and Indigenous elder Ma-Nee Chacaby talks about Two-Spirit identities.

gender variance, Two-Spirits were able to decide their gender roles and change them over a lifetime” (p. 198), which is set up in opposition to “western conceptions of gender” (p. 198).

Discrimination Against Two-Spirit Peoples

Indigenous Two-Spirit people face discrimination from many different groups. They are “discriminated against by gay white male society but also by other Aboriginal peoples. However, discrimination within Aboriginal communities can be even worse. A legacy of colonization is that many Native peoples have lost touch with their Two-Spirit traditions, prompting many people to leave the reserve” (Schudeler, 2011,

p. 205). This is something Simpson (2017) speaks about at length in her chapter on “Indigenous Queer Normativity” in which she references important work by scholars and community members such as Alex Wilson, Ma-Nee Chicaby, Waawaate Fobister, Louise Erdrich, Dana Wesley, and Billy-Ray Belcourt, and the work of community groups such as the Native Youth Sexual Health Network and Women’s Earth Alliance who are focusing on how to reinterpret and understand colonial notions of gender and what it means to exist both contemporarily and historically as 2SQ in Indigenous communities.

There is an urgent need to discuss and promote understanding around Two-Spirit identities. Statistics on HIV/AIDS, suicide, and interactions with the justice system clearly show that Indigenous Peoples have higher levels of negative outcomes in these areas. This is particularly acute for Two-Spirit individuals (Driskill et al., 2011, p. 211-212). As Driskill et al. (2011) note, “queer Indigenous people experience multilayered oppression that profoundly impacts our safety, health, and survival” (p. 212).

To be Two-Spirit, however, can also be seen as empowering. As Louis Esme Cruz notes in “Medicine Bundle of Contradictions” (2011):

A few things Two-Spirit people from all Native Nations have in common are that we can embody, literally, masculinity and femininity roles with strength: we can play with our genders, sexes, and sexualities to point out how serious all of us can be; we’re sexy, hot, and fierce; and unfortunately, we have had our experiences appropriated, misunderstood, categorized, diagnosed, institutionalized, neglected and hated simply because we exist. The things that bind us are not separate from each other. Of course we have always been fabulous, but we’ve become ul-

Interactive 5.7 2017 San Manuel Powwow – Sweethearts Couple, Two-Spirit



Meet Sean Synder (Navajo & Southern Ute) and Adrian Matthias Stevens (Shoshone Bannock, Ute, Apache), who entertained the crowd at the San Manuel Powwow during the sweethearts couple performance.

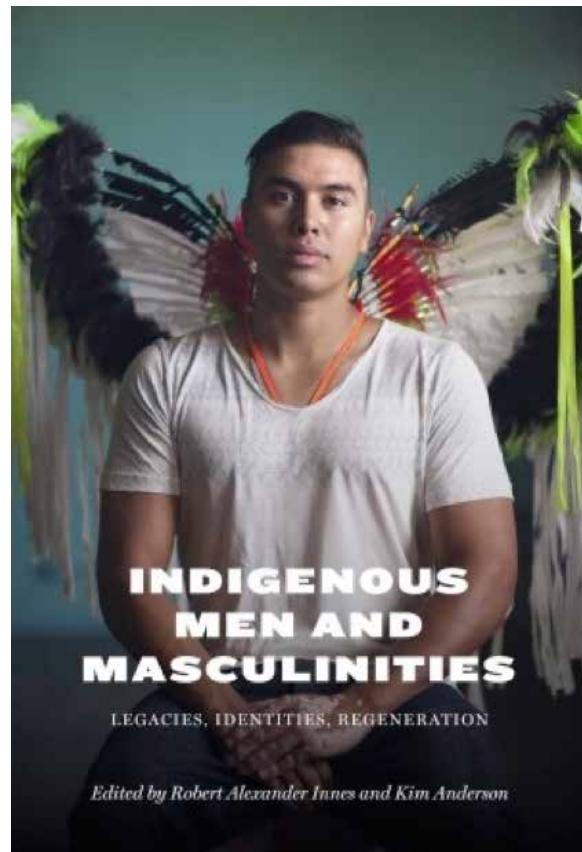
tra-fierce since having to deal with being hated by our families and living in cities with our new families. (p. 54)

This understanding of Two-Spirit identities and the flexibility that was formerly given to individuals within Indigenous cultures to define their gender and work as best suited them also extends to how both Indigenous masculinities and the role of women within Indigenous communities have changed since colonization and how those changes have been reinforced through community structures and legal frameworks.

Indigenous Masculinities

As Scott Morgensen imparts in his essay “Cutting to the Roots of Colonial Masculinity” contained in the groundbreaking work *Indigenous Men and Masculinities: Legacies, Identities, Regeneration* (2015), one of the most

Figure 5.4 Indigenous Men and Masculinities (book cover)



important things to understand about Indigenous masculinities is that they have been impacted by colonial masculinities that “arose to violently control and replace distinctive gender systems among Indigenous peoples” (p. 37). Colonial understandings of gender imposed a rigid binary system on Indigenous Nations that discounted and disadvantaged the cultural role of women and did not allow for systems outside of heteropatriarchy to exist (p. 38).

The role of Indigenous masculinity cannot be understood without an acute understanding of the history and ways that women and Two-Spirit folx have been subjected to violence (both interpersonally and state sponsored) under legislation and

culture stretching all the way back to the Indian Act.

Gendered Impacts of Colonization

When Indigenous Peoples and Europeans first encountered each other, they had very different understandings of gender that affected their societal roles, political systems, and world view. Europeans found the

non-binary, non-patriarchal Indigenous understanding threatening to their colonial project. As Morgensen (2015) notes:

Indigenous feminist and Two-Spirit critics demonstrate that Indigenous gender systems appeared to Europeans to be ambiguous or aberrant. Indigenous scholars show that when Europeans encountered the complementarity of Indigenous women’s and men’s authority and leadership, they perceived it as a barrier or threat to imposing heteropatriarchal rule via economic, political or religious means. (p. 42)

One of the reasons that the Indian Act created the Chief and Council system was to destabilize Indigenous leadership structures and reinforce men’s leadership in communities. With this change came the introduction to Indigenous culture of the same sort of toxic masculinity that infused colonial narratives (Morgensen, 2015) and sustains the patriarchal system – masculinity closely associated with violence. This is reflected in the rates of murder for Indigenous men (Morgensen, 2015). Acknowledging the violent masculinity sometimes found in Indigenous communities is not to ignore the fact that Indigenous men also experienced violence under the colonial system, and often that violence was gendered, particularly for individuals who did not live up to European standards of masculinity (p. 43). Furthermore, Indigenous men continue to bear the brunt of machinations of colonialism that make them both perpetrator and victim of their violent acts (see the section on Indigenous Over-Representation in the Criminal Justice System).

Nevertheless, the logic of the patriarchal system that was put into place with colonialism has had devastating effects on women, who often struggle to find justice: “colonial masculinity sustains both colonial and

heteropatriarchal power by presenting its victims as the cause and proper recipients of its own violations” (Morgensen, 2015, p. 55).

A Historical Example: The nehîyaw Culture

To understand the gender roles within an Indigenous community, we might consider the nehîyaw (originally a Woodlands community). The nehîyaw were influenced by other nearby Plains cultures (likely through inter-marriage and trade) and came to adapt some aspects of their warrior societies, including their leadership structures. However, they maintained some of their own cultural practices like women owning and being responsible for the *migiwap* (tipi or lodge). The role of each gender in nehîyaw culture has been preserved in cultural artifacts like stories, as Gregory Scofield references in a post celebrating International Women’s Day on social media in March 2018:

On International Women’s Day. I woke up thinking about a teaching I’d been given a number of years ago. The teaching was simple. It referred to a time before The Great Colonial Flood when women owned everything in the lodge — everything except for their husband’s medicines and weapons. Women made every decision in the lodge, including whether they wished for their husband to take another wife. In fact women were so powerful they had the power to kill their husbands by simply stepping over them during their sacred moon time. I woke up thinking about the lodges of old and the thousands of women — before the Great Colonial Flood — who owned every pole, every sleeping robe, every dish, every utensil, everything except for their husband’s medicines and weapons. I woke up thinking this was a time before

our sisters went missing, before our sisters were stolen. But I also woke up thinking about all of the iskwewak I know, both young and old, who continue to swim above the Great Colonial Flood. kinanâskomtinawâw to all my sisters, who are swimming while holding onto their power. (Scofield, 2018)

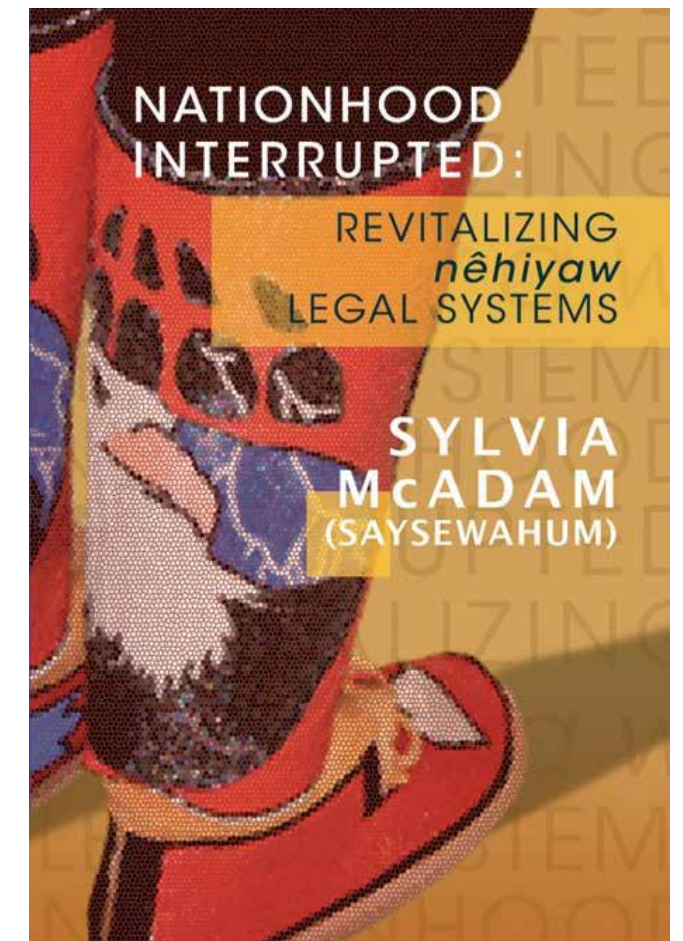
These understandings of the roles of women within nehîyaw society are echoed by Sylvia McAdams in her work *Nationhood Interrupted: Revitalizing nêhiyaw Legal Systems*, which references the role of nêhiyaw women as lawkeepers (p. 28).

This is just one example of how men, women, and Two-Spirit peoples would have fit into one Nation. There are many resources available that describe how Indigenous Nations within Turtle Island and beyond organized their societies and incorporated diverse understandings of gender – based on cultural structures rooted in place.

Reclaiming Indigenous Masculinity

There has been an emergence of scholarship on Indigenous masculinity led by academics such as Robert Innes, Brendan Hokowhitu, Kim Anderson, and others, partly as a response to the prevalence of work around Indigenous women’s identities that has been developed by femi-

Figure 5.5 Nationhood Interrupted: Revitalizing nehîyaw Legal Systems (book cover)



nist and Two-Spirit scholars in the fields of Women and Gender Studies as well as Indigenous Studies. These scholars seek to reclaim Indigenous masculinity from colonial definitions and understandings. The Biidwidam Indigenous Masculinities (BIM) project, which is a collaboration between Indigenous scholars, universities, the Ontario Federation of Indian Friendship Centres, and the Native Youth Sexual Health Network, is working to explore and develop new narratives for Indigenous masculinities, and develop policy recommendations and research priorities in this area.

Women's Issues

In her landmark work *A Recognition of Being: Reconstructing Native Womanhood*, Kim Anderson (2000) posits that colonialism dismantled the protections for women that originally existed in Indigenous cultures.

There are considerable differences between the Indigenous nations of the Americas. Nonetheless the values, lifestyles, and systems that existed in our communities prior to the arrival of Europeans generally secured the status of Native women. Many Native cultures, values and practises safeguarded against the kinds of abuses permitted and often encouraged by western patriarchy. We had ways that protected us against the “isms” – sexism, racism, ageism, heterosexism. (p. 57)

Indeed, as Anderson references throughout her work and is confirmed by the many Indigenous women she interviewed for the book, the lives of Indigenous women have been consistently impacted by colonization, “a process that began 500 years ago, and [...] continues today. The dismantling of Indigenous womanhood took place all along this path, and

at different times for different peoples” (p. 58).

One part of that dismantling has been dividing gender roles around work in a way that did not originally exist in Indigenous Nations, as Anderson (2000) notes:

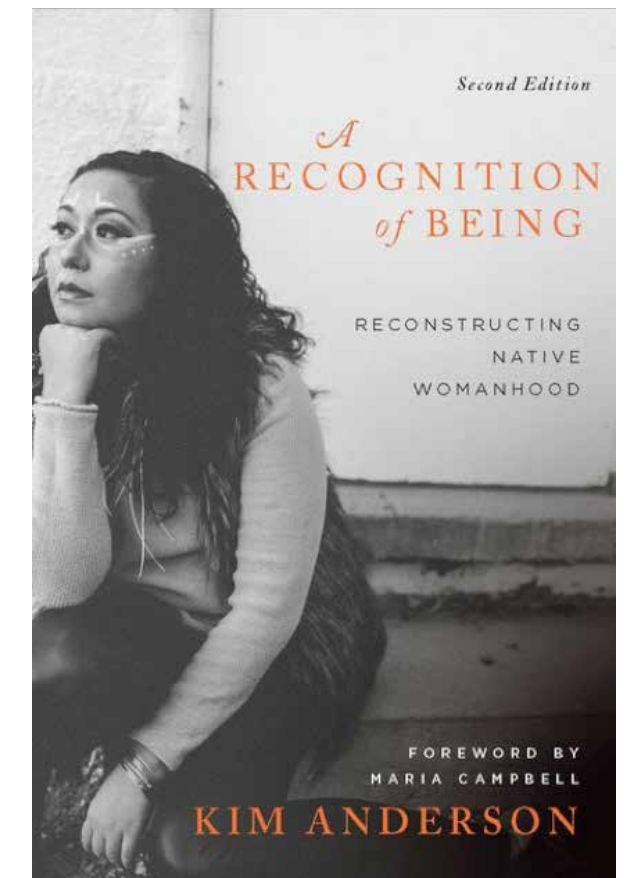
Although men and women had their spheres of work, they were not restricted from engaging in each other's work, if it became necessary... For example there have always been a limited number of Native women warriors in the various nations. In some societies, neither men nor women were restricted from doing each other's work if they felt they were more suited for it, or if it made better use of their abilities. (p. 59)

This kind of flexibility is key to understanding both how the roles of men and Indigenous masculinity have changed, as explored previously, but also how colonization and white supremacy has impacted the freedom and roles of women within Indigenous cultures across the world.

Missing and Murdered Indigenous Women, Girls, and Two-Spirit Peoples

The issue of missing and murdered Indigenous women, girls, and Two-Spirit peoples (MMIWG2S) has been documented at length

Figure 5.6 A Recognition of Being (book cover)



through the Sisters in Spirit campaign, which worked with the Native Women's Association of Canada to research and report, as well as apply pressure to governments and the RCMP to take action, on the ways that Indigenous women, girls, and Two-Spirit folx are targeted for violence. As Emma LaRocque asserts, “the dehumanizing portrayal of the squaw and the over-sexualisation of Native females such as Disney's Pocahontas surely render all Native females vulnerable” (Anderson, 2000, p. 108). Anderson explains that these negative portrayals of Indigenous women have created structural barriers that make them more likely to be abused and less likely to be supported and helped (p. 111). One such structural barrier is the way that violence against Indigenous women is often minimized or dismissed both within and outside of Indigenous communities. In particular, the justice system has been slow to recognize the disproportionate incidence of violence experienced by Indigenous women – as evidenced by the sheer number of missing and murdered Indigenous women and girls. Groups like the Native Women's Association and Sisters in Spirit have worked for decades to get the RCMP to acknowledge the MMIWG2S, work that eventually led to the national inquiry (Indigenous and Northern Affairs Canada, 2016). The inclusion of Two-Spirit people in this discussion is newer and an important addition given what was covered previously.

Gender Discrimination in the Indian Act

Scholars and community members such as Lynn Gehl have extensively documented the ways that Indigenous women have been impacted by the Indian Act – building on the work of Mary Two-Axe Early, Jeanette Lavell, Yvonne Bedard, and Sandra Lovelace (p. 64) who addressed the gender bias inherent in the Indian Act and in many cases legally

Interactive 5.8 Julia Candlish discusses C-31 and Indian Act status.



Julia Candlish discusses Indian Act status and how it impacted her family.

challenged Canada at the level of the Supreme Court in order to enact changes to make the Indian Act more equitable regardless of gender under law.

As Gehl (2016) notes, “the oppression of Aboriginal women is of a particular nature as their cultural identities are entangled with legislation” (p. 64). What she is referring to here is how the Indian Act reinforced not only a gender binary, but the practise of “patrilineage,” which meant that “Indianness was defined as any person whose ‘father or husband was a registered Indian”” (p. 64). This practice also occurred with the Métis; the government designated men to be the heads of households

and would only grant them scrip (Devine, 2014, pp. 142-143). The government also insisted that men be in charge of decisions regarding their children – which was contrary to the types of kinship structures that were in place prior to the policy.

As a result, women faced paternalism and discrimination, and were disenfranchised within their communities, a situation that has been spoken about at length by Bonita Lawrence (2004), Kim Anderson (2000), Leanne Simpson (2011, 2017), Brenda Child (2012), Sylvia McAdam (2015), and many others. Even the policies of the Indian Act that have since been revised retain their sexist roots, including the landmark revisions of 1985 to bring the Act in line with the Charter of Rights and Freedoms (Bill C-31 amendment). For example, in her work, Gehl (2000, 2016) explores the issue of unstated paternity. This was a policy that assumed any children with unstated paternity were from non-status fathers. In contrast, “an Indian man was allowed to retain his status and pass it to his non-Native wife. This inequity prevented Indian women from passing Indian status on to their children (in their own right), while permitting Indian men to do so” (Gehl, 2016, p. 65). Bill C-31 attempted to address this discrimination based on sex but did not entirely solve the problem – it created a more complicated registration process by implementing two tiered statuses under Section 6 (6(1) and 6(2) respectively) (p. 67).

While the Canadian government has acknowledged the impact of the Indian Residential School system, and to a lesser extent the Sixties Scoop, there is still little to no acknowledgement of how devastating its discriminatory policies have been on the lives of Indigenous women and children over the last 150 years or the irreparable damage that has

been done to kinship networks and communities (Lawrence, 2004).

Conclusion

This chapter has attempted to summarize some of the ways colonization has affected gender roles in Indigenous communities, but it is also important to acknowledge the limitations of this overview. Analysis of the ways that gender in Indigenous communities has been interpreted historically and the ways that it has been affected by heteronormativity, cissexism, patriarchy, capitalism, and white supremacy, and the systems that are upheld by them, is work that continues.

This chapter is not meant to be an exhaustive look at Two-Spirit identities or the way that gender has been impacted by legislation and colonization; rather it should serve as an introduction to an exciting emerging field. There are many brilliant scholars and community members doing important and groundbreaking work in these areas, and students are encouraged to look at the sources provided and do their own research to learn more.





Chapter 6: Treaties

Clarke, Liz
Kwan-Lafond, Dani
Mutamba, Moyo Rainos
Thornhill, Natalie
Winterstein, Shannon

Wampum Belts

Wampum:

Nation-to-Nation Relationships

Wampum beads and wampum belts are a powerful tool for recording, affirming, interpreting, and enshrining events of significance for First Peoples on Turtle Island.

Wampum belts consist of carefully placed strings of knotted wampum beads, which are made from quahog clam, whelk, or cowrie shells (Muller, 2007; Windatt, 2016a). You can see images of these shells and the beads in the gallery below. Whelk and cowrie shells produce the signature white wampum beads; quahog clam shells are used to create the beautiful and vibrant purple wampum beads. The beads are carefully drilled through the centre and strung on threads of bark or deer sinew. Wampum beads are sacred to Indigenous Peoples, and the process of knotting wampum beads in string or belt form is considered spiritual and done with meaning (Johansen & Mann, 2000).



Meaning of Wampum

Wampum belts and strings of wampum were developed by First Peoples to assist community members and Nations in recalling and recording events (Johansen & Mann, 2000; Muller, 2007). The information embedded in the belts and strings – carefully selected symbols, patterns, letters, and images – also enabled Indigenous Peoples to relay complex messages, intention, and promise through the giving and acceptance of wampum. Wampum could act as a pledge during marriage ceremonies, or be given as a token of respect across council fires or in times of mourning. Wampum belts were traditionally worn across the body like a sash, and could, if the creator wanted, carry two meanings: one on the front and one on the back (CRFN, 2015; Johansen & Mann, 2000; Muller, 2007; Peskotomuhkati Nation, 2018).

Indigenous communities all over Turtle Island, from the East Coast to the Great Lakes, and through the Great Plains, utilized wampum beads and belts. For example, the Anishinaabe and Haudenosaunee would exchange wampum belts as a peace symbol after a period of war. Similarly, Nations at peace would attach a wampum belt to their canoe when travelling through another Nation's territory, outlining and reminding them of a specific peace agreement. All who read the wampum would recognize the meaning and allow the visitors safe passage under the wampum covenant (Chippewas of Rama First Nation, 2015).

Reading Wampum

Wampum that were gifted or created to record events were meant to be taken out annually to be read by wampum keepers. These were people skilled at reading wampum belts and sharing or interpreting their

Gallery 6.1 Wampum belt beads



Quahog clamshell

The underside of a quahog clamshell. The purple edge of the shell was cut out to create a bead. It is thought that the piece was cut out in a square shape, drilled through carefully with a bone or metal tool, and then strung on sinew. Rows of beads were then rolled over a stone to smooth them into a cylindrical shape. The beads that resulted were about 1/4" long and 1/8" in diameter (Haudenosaunee Confederacy, n.d.).



Gallery 6.2 Wampum belts



Wampum belts from the Smithsonian Institution

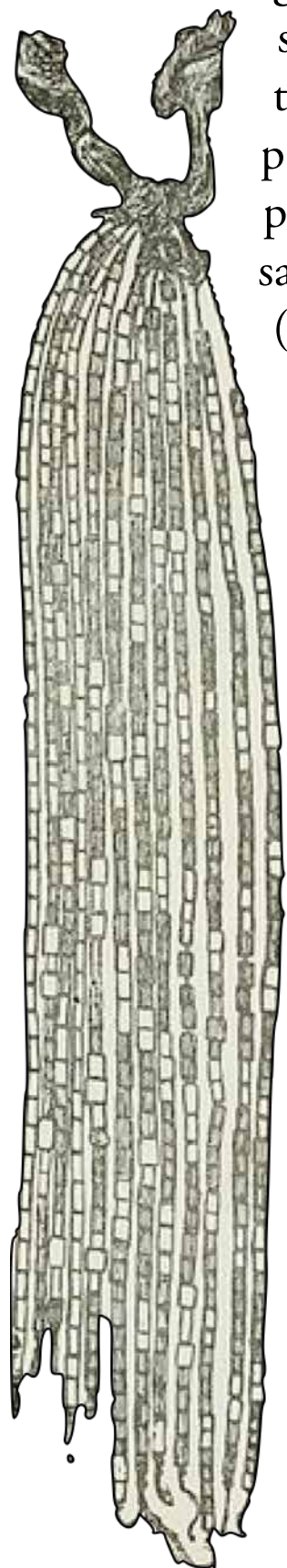
(Bureau of American Ethnology, 1897-1965). Dated circa 1871 to circa 1907. Unknown or undocumented interpretations.



meaning for community members and visitors. Revisiting the wampum on a regular basis was meant to remind participants of their presence and keep alive the purpose and significance of their meaning. In this sense, wampum belts, when given for an event or to commemorate

an agreement, acted as a covenant, in much the same way that legally binding contracts did for Euro-Canadians (CRFN, 2015).

The imagery on wampum belts is best described as wampum writing. Traditionally, many Indigenous Nations did not speak the same lan-



guage, but they all possessed knowledge of the standard symbols, patterns, and colours of the wampum, allowing them to generate the same interpretation of the message presented (Johansen & Mann, 2000). For example, red paint on a belt was understood by all to indicate a message of war, and it was washed away once peace returned (CRFN, 2015; Muller, 2007; Peskotomuhkati Nation, 2018). The responsibility of passing this knowledge on to future generations was entrusted to wampum keepers in each Nation (CRFN, 2015; Johansen & Mann, 2000; Muller, 2007). Today, some communities still have wampum keepers who can “read” the wampum; other communities rely on memorized wampum meanings passed down from previous generations (Muller, 2007).

Monetizing Wampum: A Misconception

Because Europeans recognized the value of wampum to First Peoples, they sought to monetize wampum for use in trade. The Dutch, French, and English engaged in the construction and trading of wampum strings and belts in their political and commercial interactions with Indigenous communities for over 250 years (CRFN, 2015; Johansen & Mann, 2000; Keagle, 2013; Windatt, 2016b). Today, beads and belts are often erroneously described as a form of currency. This was

not true for the Indigenous communities who created the wampum. This misconception, however, can be traced back to a decision made by the Dutch around 1610 to manufacture wampum beads on their own from conch shells. These reproductions flooded the market, lowering the perceived value of beads manufactured by Indigenous communities (Johansen & Mann, 2000). By the eighteenth century, the British had monetarily quantified the wampum bead, valuing the purple shell to the white shell at a 2:1 ratio and establishing exchange rates for wampum based on European money and the value of animal skins (Johansen & Mann, 2000).

Honouring Wampum

Today, many of the wampum belts that were created and gifted during the colonial era on Turtle Island have been lost, sold to private collections, buried in special ceremonies for the dead, or placed into museums (CRFN, 2015; Muller, 2007). However, there are still some famous and culturally significant belts that have been recorded and even repatriated to the communities and Nations to whom they belong. The gallery in this section will help you better understand the nature of wampum belts, teaching you to recognize key symbols and identify the meaning and importance of some of the associated historical and spiritual agreements. These agreements are important to both Indigenous Peoples and non-Indigenous people on Turtle Island as they enshrine and re-affirm nation-to-nation relationships established long ago.



Introduction to Treaties

Understanding Treaties

This section will explain what the treaties between First Nations and colonial governments (later, the Canadian state) said, what went wrong over time, and how Indigenous and non-Indigenous people are working to resolve treaty issues today.

Most Canadians know that a treaty is some kind of legal document – but what makes it different from other laws, and why are Indigenous Peoples so concerned about texts written long ago?

A treaty is a legal agreement between nations; in this case, between the nation of Canada and Indigenous Nations living on Turtle Island. This means that treaties are international law; they are recognized by the highest levels of governments and by international organizations like the United Nations. This is why Indigenous Peoples continue to insist that the Canadian government

honour the terms of the treaties that were signed.

Treaties should be respected because they are laws and because these laws are responsible for Canada as we know it today. Where do you live or go to school? Who lived there 200, 300, or 400 years ago? These people had to be moved so that Canada could change and develop, and treaties were the agreements made to determine how people would share the land and resources, as well as what kind of access to land and resources they would have in the future. Treaties also laid out compensation or payment plans from the governments (or the Crown) to First Nations; for example, some communities were promised flour and/or small sums of money (\$5) as a yearly payment. In some communities, Treaty Day is still celebrated, and government representatives come and hand out \$5 to each band member.



Interactive 6.1 Honor the Treaties documentary



A portrait of photographer Aaron Huey's work on the Pine Ridge Reservation. Featuring Shepard Fairey.

Land Acknowledgment

As people living on Turtle Island, we should all know on whose land we live, work, and go to school. For a long time, institutions in Canada did not acknowledge the original keepers and residents of this land. Today, land acknowledgements are increasingly common at conferences, at public events, and in schools as part of morning announcements. To make a land acknowledgement, you first need to know whose land you are on, and what treaties or other legal agreements were made so that non-Indigenous people could have control of the land. There are places in Canada where no treaties have been signed; these are called unceded

territories. Much of Coast Salish territory (in what is called British Columbia today) is not covered by any treaty. In Ontario, Manitoulin Island (Anishinabek territory) and parts of the Ottawa region (Algonquin territory) are still unceded.

The website 'Native-land.ca' shows the original territories, languages, and treaties that were signed for land on Turtle Island.

Interactive 6.2 Native-land.ca



Click to visit the website Native-land.ca and learn more about the land you are on.

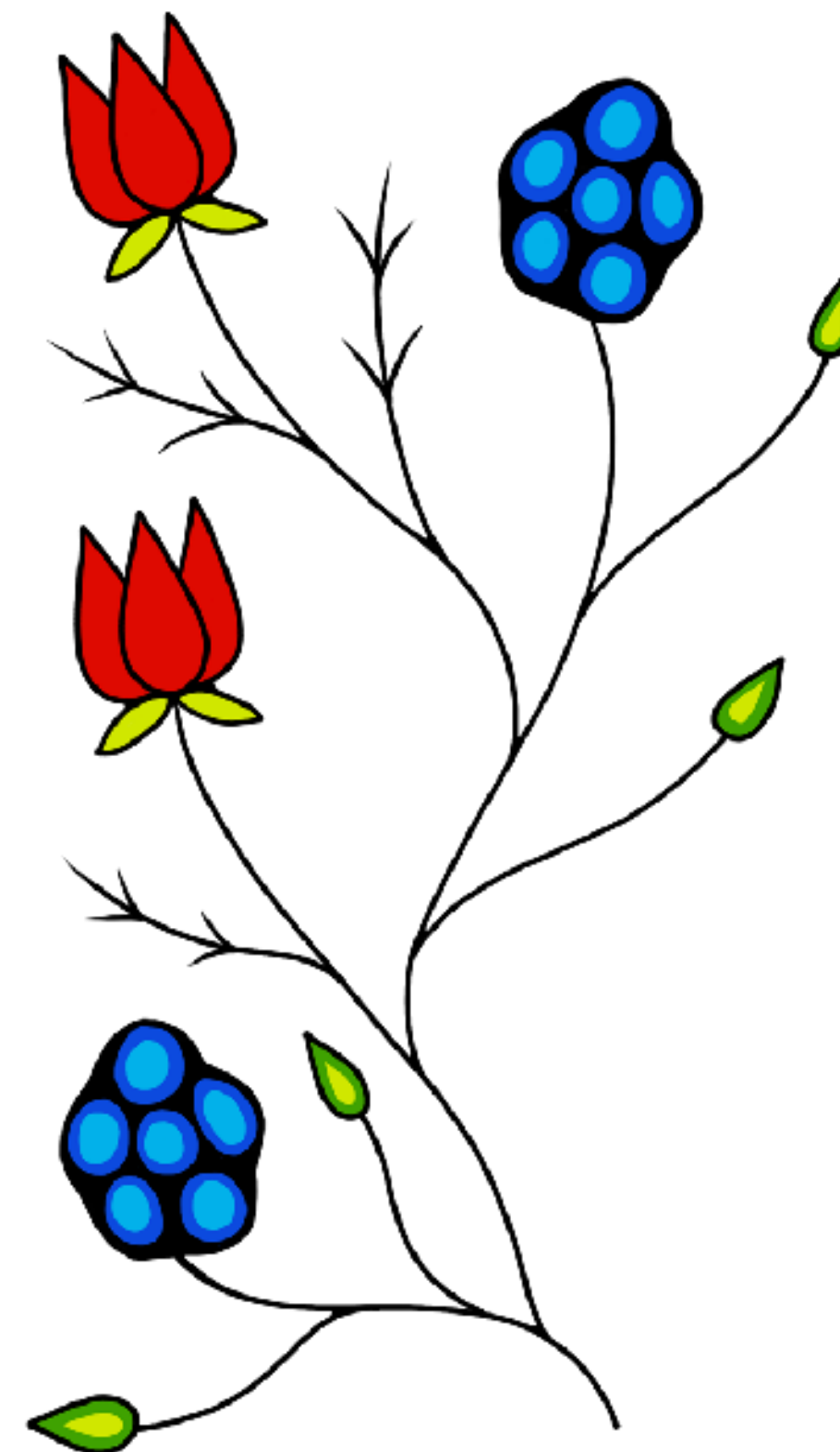
You may notice that the website shows that Indigenous Nations often had overlapping territories and that sometimes more than one group occupied the same geographical region. This is because after first contact, many Indigenous groups resettled, moved, or dispersed to regions they didn't live in during previous centuries. For example, the Greater Toronto Area (or GTA) is the traditional territory of the Anishinabek

Nation (going back thousands of years). However, for a few hundred years, the Haudenosaunee, Métis, and Wendat have also had an enduring presence in this region.

Here are examples of land acknowledgements in Toronto and in Vancouver – note that each one acknowledges the specific First Peoples who are the keepers of that land/territory, as well as the treaty (or unceded status) of the place:

We [I] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Anishinabek Nation, and more specifically, this is the territory of the Mississaugas of the New Credit First Nation. We [I] also recognize that the Haudenosaunee, Wendat, and Métis have been an enduring presence in this place. This territory was the subject of the Dish with One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy and the Ojibwe, and allied Nations, to peaceably share and care for the resources around the Great Lakes. This territory is also covered by the Upper Canada Treaties. Today, the meeting place of Toronto (from the Haudenosaunee word Tkaronto) is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work/present/live in this territory.

We [I] would like to begin by acknowledging that the land on which we gather is the unceded territory of the Coast Salish Peoples, including the territories of the Musqueam, Squamish, Stó:lō, and Tsleil-Waututh Nations.



Legislation Timelines

1763
TREATY OF PARIS

The Treaty of Paris ended the Seven Years War between Britain, France, and Spain that lasted from 1756-1763. Signed February 10, 1763, the agreement had France cede Canada (Quebec), Ile Royal (Cape Breton Island), and the Great Lakes Basin to Britain.

Library and Archives Canada

After the Treaty of Paris, an Indian Department was established with Sir William Johnson as the first superintendent general.

THE ROYAL PROCLAMATION

Timeline axis showing years from 1600 to 1960. Key events marked include: The Royal Proclamation (1763), The Indian Act (1876), and the Constitution Act (1870).

Click to explore legislation that has impacted the First Peoples residing in what is currently Canada

Early Treaties



Numbered Treaties

Introduction

The Numbered Treaties are a series of treaties signed between First Nations and the Canadian government between 1871 and 1921. After Confederation, Canada experienced a surge in immigration and decided an expansion in landownership west and north would be necessary. Land that is covered in the Numbered Treaties is considered to be ceded to the federal government by First Nations.



Numbered Treaties 1-5



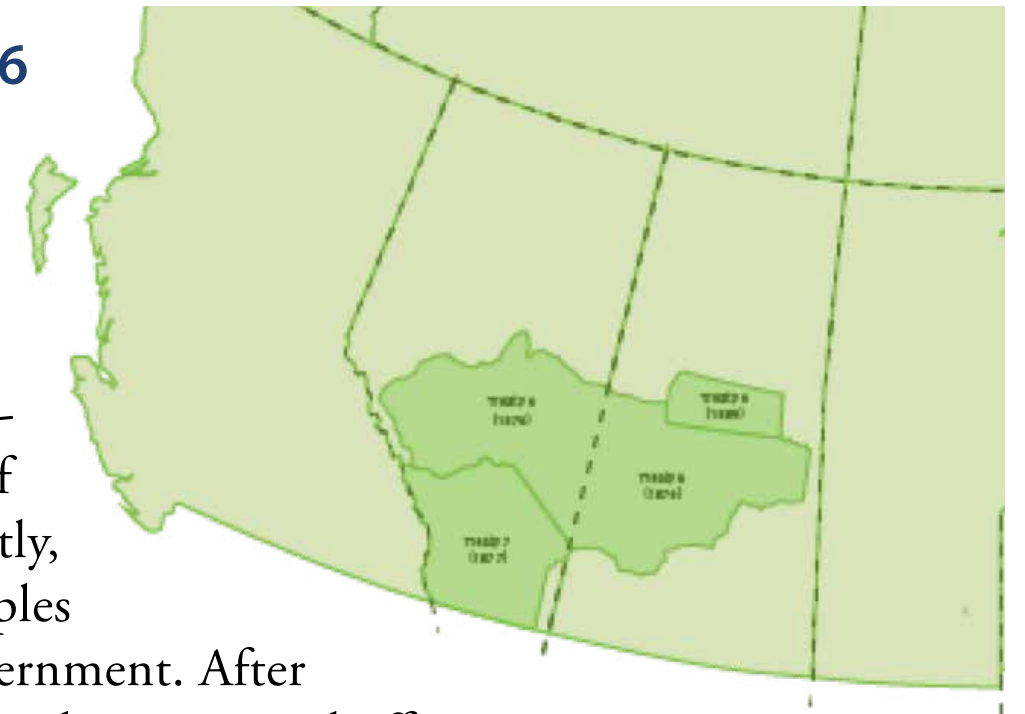
Commonly referred to as the First Five, Numbered Treaties 1-5 were the first treaties signed post-Confederation and established the groundwork for treaties to this day. Treaties 1-5 were signed between 1871 and 1875, and at the time, these treaties covered land in what was the North-West

found then known as Manitoba and Territories; this area is now known as northwestern Ontario, southern Manitoba, Saskatchewan, and Alberta. Please see the maps for a better understanding of how Canada's provincial boundaries have shifted since the treaties were signed. These treaties were meant to permanently transfer land to the Crown for the purpose of European settlement along with agricultural and industrial development. In exchange for ceded lands and rights, First Nations were to receive the following: reserve lands, annuities, allowances for blankets and tools, farming assistance, schools if they wished, annual censuses, and hunting and fishing rights. An exception was built into the treaties stipulating that should the federal government need the lands it could suspend hunting and fishing rights on Crown lands and build infrastructure it deemed crucial. The treaties also required First Nations to keep the

peace, maintain law and order, and adhere to the prohibition of alcohol on reserve lands.

Numbered Treaties 6 and 7

The Indian Act was signed in 1876 and impacted future negotiations and treaty agreements for a multitude of reasons. Most significantly, it made Indigenous Peoples wards of the federal government. After 1876 all Status Indians wishing to travel off reserve were required to carry identification in the form of an ID card. It also granted the government ownership of Indigenous lands and took away Indigenous rights to self-government.



Treaty No. 6 was signed in 1876 and covered modern-day central Alberta and central Saskatchewan. Its context and contents differed from the Numbered Treaties 1-5 in two significant ways: First, although the First Nations communities affected were concerned about western expansion and initially resisted efforts by the Crown to force an agreement, they had little choice but to sign. Their population numbers had been affected by outbreaks of small pox, and buffalo and deer were becoming scarce due to over hunting. Second, Treaty No. 6 is the only treaty to include a clause requiring the federal government to provide health care (Taylor, 1985b). Despite this, access to health care was initially denied, but more recently, this clause – known as the medicine

chest clause – has ensured access to full health care, including dental and optical, for First Nations communities.

Treaty No. 7 was signed in 1877 and covers modern-day southern Alberta. For the most part, the parameters are similar to Numbered Treaties 1-5 with two exceptions: First, five different Nations signed this treaty; their different languages and cultures led to conflicting (mis) understandings of the purpose and terms of the treaty. As a result, it remains a very contentious treaty (Tesar, 2016b). Second, some communities were granted more money and supplies than in previous treaties (Tesar, 2016b).

Numbered Treaties 8-11

Known as the last of the Numbered Treaties, these were signed between 1899 and 1921. For the most part, these treaties cover the northwest of Canada, with the exception of Treaty No. 9, which covers northern Ontario and a small portion of Manitoba (Morrison, 1986). After Treaty No. 7 was signed, there was a 22-year gap prior to the negotiations of Numbered Treaties 8-11. This happened for two reasons: The federal government had spent large sums of money to negotiate



the first seven treaties and didn't want to be perceived by new European settlers to be spending funds on First Nations (Canada in the Making, 2004). Second, the federal government had no reason to negotiate for northern lands it saw as having little to no value (Canada in the Making, 2004). The Klondike Gold Rush in 1896 changed the federal government's perspective on the northern regions of Canada, and it began treaty negotiations again.

Treaties No. 1 and No. 2

Treaty No. 1, also known as the Stone Fort Treaty, was signed August 3, 1871, between the Crown and the Anishinabek and Swampy Cree; Treaty No. 2 was signed August 21, 1871, between the Crown and the Anishinaabe of southern Manitoba (Albers, 2015). The government had wished to negotiate these treaties together, but they were ultimately signed in two parts. The treaties cover lands in what is currently southern Manitoba and south-eastern Saskatchewan.

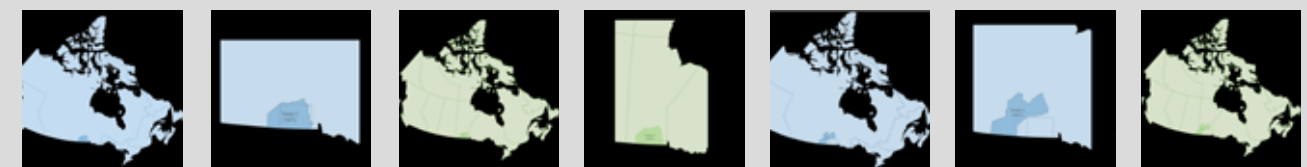
Background

After Confederation in 1867, the Canadian government sought to expand the country's borders by acquiring Rupert's Land and the North-Western Territory from the Hudson's Bay Company (HBC). To facilitate the sale, HBC sold the land to the United Kingdom, who transferred it to the new Dominion of Canada (Daugherty, 1983a). Neither First Nations nor Métis communities were consulted regarding the sale, and they contested it on the grounds that the lands had not been ceded. In response to the sale, the Métis under the leadership of Louis Riel mounted the Red River Resistance, which led to the Manitoba Act, settling some, though not all, matters in question. No settlement was reached with the First Nations communities. Chief Peguis, the most powerful First Nations chief in the area, and son Henry Prince petitioned the Aboriginal Protection Society in the United Kingdom for a mutually beneficial treaty (Albers, 2015). Peguis argued that the First Nations had never ceded the land nor jurisdiction over their communities to HBC and thus the company had no standing to make the sale of land to begin with (Albers, 2015).

Gallery 6.3 Treaty No. 1 and Treaty No. 2 maps



The original allotment for Treaty 2 is shown here in darker blue.



The new Canadian government, under the impression that lands had been ceded to Lord Selkirk in 1817 (in the Selkirk Treaty) and that HBC had the authority to sell the land, sent Adams G. Archibald, the lieutenant-governor for Manitoba, to conduct treaty negotiations in 1870

(Miller, 2009, p. 163). Archibald returned not long after meeting with Chief Peguis and told Secretary of State Joseph Howe that negotiations could not be quickly achieved with the “savages” (Daugherty, 1983a).

By spring of 1871, the First Nations communities were impatient for treaty negotiations to begin again; a sign was posted on a church door in Portage la Prairie that warned settlers to stay off the land until a treaty was established (Daugherty, 1983a). By then, Howe had given the Indian Commissioner, Wemyss Simpson, a great deal of authority to negotiate treaties for land between Thunder Bay and Fort Garry. Simpson, Archibald, and two other government representatives re-opened negotiations with First Nations on July 16, 1871 – again they were unable to reach a settlement (Daugherty, 1983a). Frustrated with the delay and concerned with preserving timber and agricultural developments, the government representatives decided to focus on two separate treaties for land west of Portage la Prairie (Daugherty, 1983a).

On July 18, 1871, an invitation was sent to First Nations to meet at Fort Garry on July 25 to negotiate the terms of the treaty (Daugherty, 1983a). Archibald instructed that no alcohol be sold to any First Nations, and he invited the military and arranged for a feast to be provided to impress the chiefs (Daugherty, 1983a). While Archibald and Simpson arrived on July 24, negotiations did not formally begin until July 27 when all participants had arrived (Daugherty, 1983a).

Negotiations

In his opening remarks, Archibald spoke of the Queen as a shared mother and imparted her good wishes for the treaty negotiations. He explained the concept of reserves and outlined the hunting and fishing rights of First Nations under treaty law (Daugherty, 1983a). To

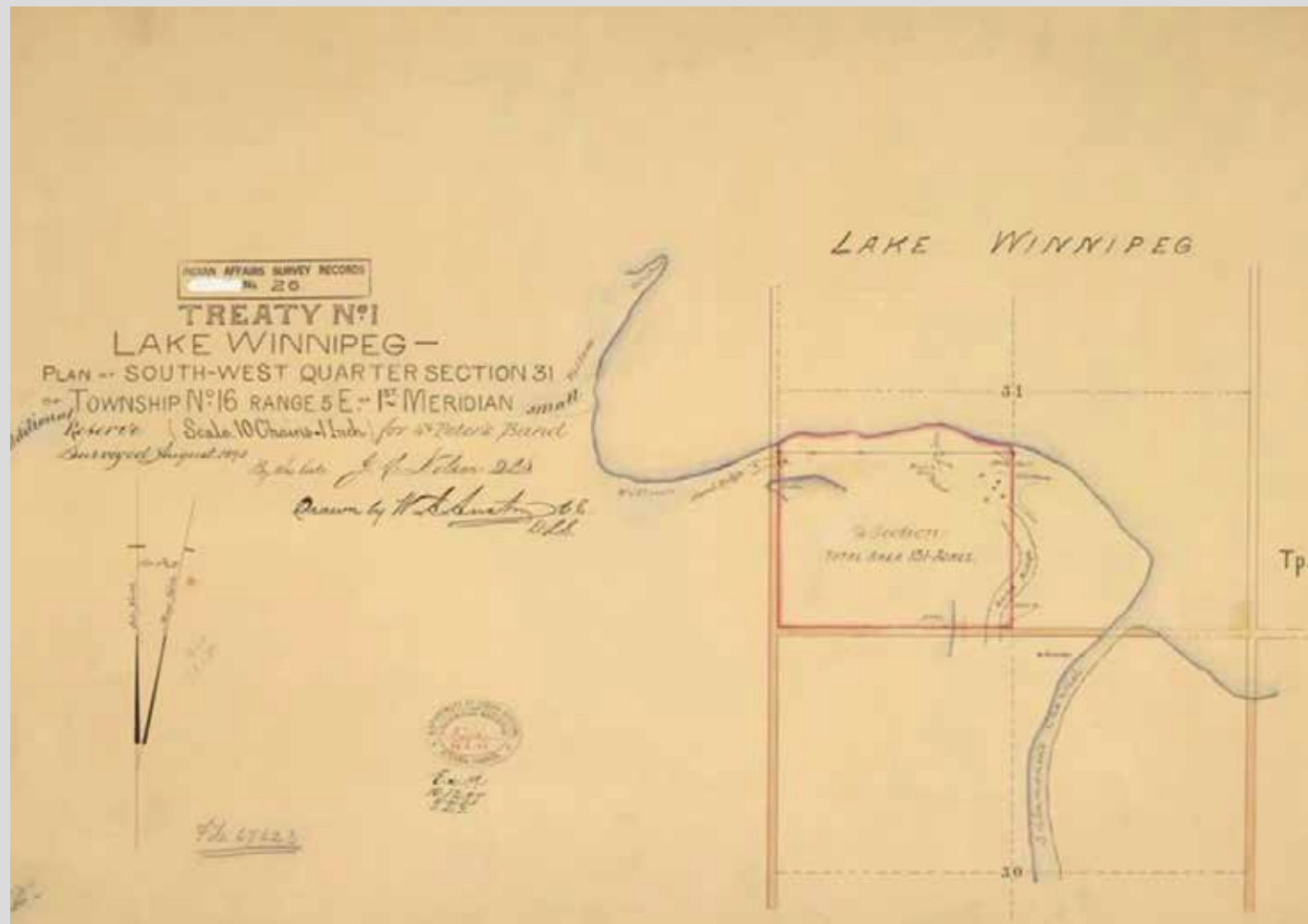
Gallery 6.4 Some people involved in Treaties No. 1 and No. 2



John A. Macdonald.



Gallery 6.5 Illustrations and cartographic material for Treaty No. 1



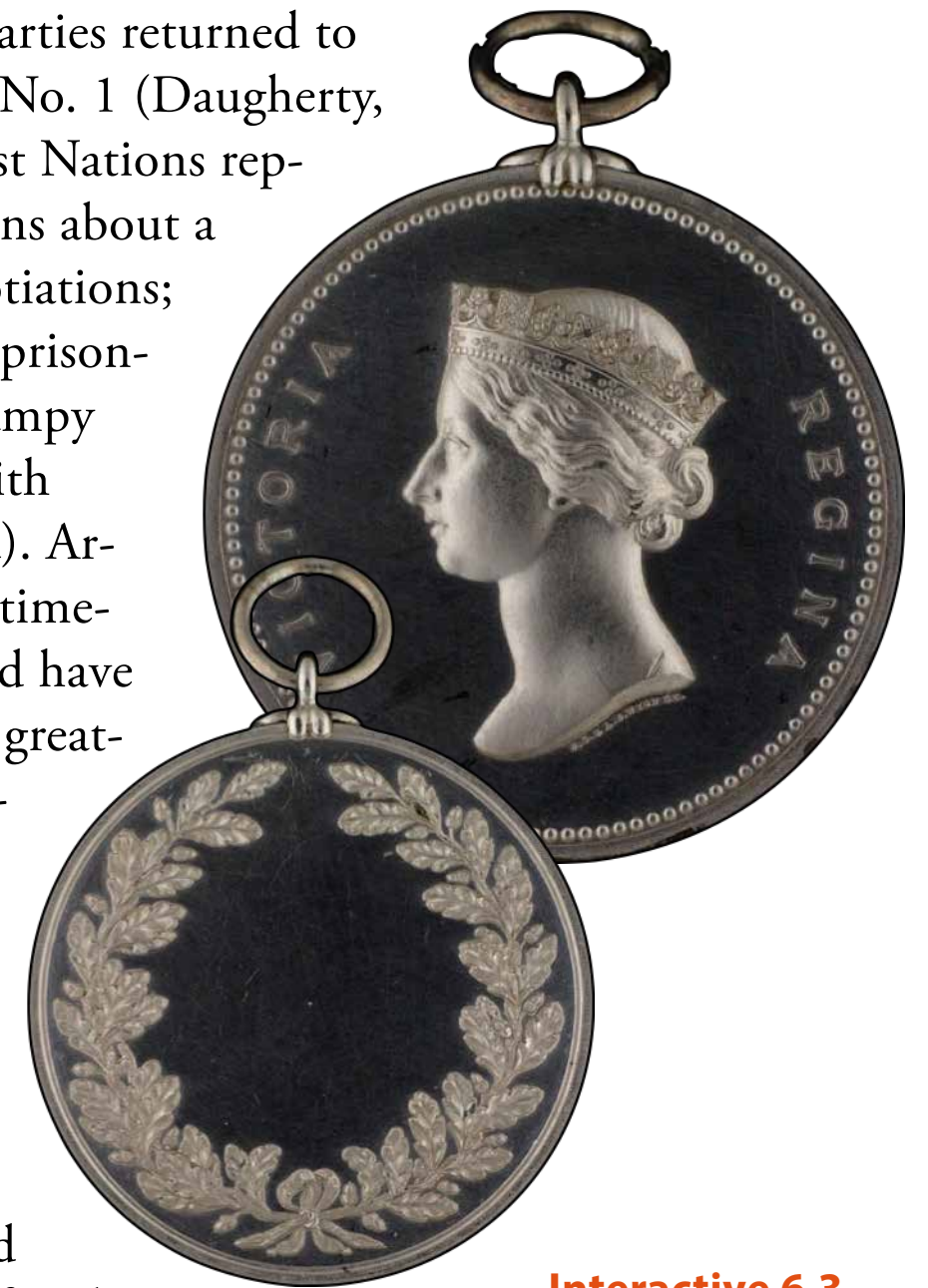
Treaty No. 1: Lake Winnipeg. Plan of south-west quarter section 31 of Township No. 16 Range 5E of 1st Meridian: small additional reserve for St. Peter's Band. Surveyed August 1895 by the late J.C. Nelson, D.L.S. [cartographic material].



avoid claims that the chiefs acted without authority or the consent of their people, as had happened with the Selkirk Treaty, participants were asked to select representatives to negotiate on their behalf. After two

days of deliberations, both parties returned to the table to negotiate Treaty No. 1 (Daugherty, 1983a). Immediately the First Nations representatives expressed concerns about a “dark cloud” impacting negotiations; they were referring to the imprisonment of members of the Swampy Cree as a result of conflict with the HBC (Daugherty, 1983a). Archibald agreed that in a one-time-only act of goodwill he would have them released; arguably, this greatly contributed to the willingness of the First Nations to negotiate. The First Nations’ representatives also asked for a reserve that would equate to roughly three townships per person, a request Simpson and Archibald found foolish. Instead, each family of five was offered 160 acres and an annuity of \$12 (Daugherty, 1983a). This offer was presented as an ultimatum and the First Nations accepted (Daugherty, 1983a).

Treaty No. 1 was signed on August 3, 1871, at Fort Garry (Albers, 2015). On August 21, 1871, Treaty No. 2 was signed at Manitoba Post (Albers, 2015).



Interactive 6.3
Click to read a PDF version of Treaties No. 1 and No. 2



Treaty No. 3

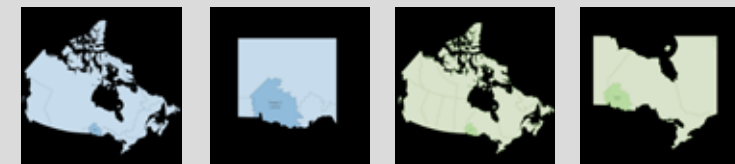
Treaty No. 3, also known as the North-West Angle Treaty, was signed on October 3, 1873 (Talbot, 2009, p. 69). The treaty covers land in north-western Ontario and eastern Manitoba and was required to complete a passage to the West, so the newly formed country of Canada could stretch sea to sea. Three significant factors contributed to the urgency to have Treaty No. 3 signed: First, after the ratification of the British North American Act establishing Canada's independence, the British wanted to leave. It was believed that Canada would be more likely to survive as a new state if it stretched from coast to coast. Second, the Americans had embraced the doctrine of manifest destiny and were aggressively acquiring land westward under the leadership of President Ulysses S. Grant (Daugherty, 1986b). The Government of Canada was concerned that the Americans would move north as they moved west if it did not own the land. Finally, British Columbia had not yet joined the confederacy and would only do so with the establishment of the Canadian Pacific Railway. To confront these factors, Canada needed to negotiate quick, low-conflict solutions with both the Métis and First Nations.

Treaty No. 3 would prove one of the more difficult of the Numbered Treaties to negotiate, taking four years to finalize. The government sought to acquire land that would allow it to use the old fur trade routes established by the First Nations and Métis and used by the North West Company to reach the West. These routes required travel through the unceded territory of the Saulteaux. The Saulteaux were one of four Ojibwe tribes whose territory was divided by the American–Canadian border; the others were the Potawatomi, Ottawa, and Mississauga. Many community members lived on the American side of

Gallery 6.6 Treaty No. 3 maps



Map showing the original territories of Treaty 3, 1873.



the border, contributing to the difficult negotiations that would follow (Daugherty, 1986b).

Simon J. Dawson, chief engineer on the project, was concerned about the Métis and the Red River Rebellion affecting the negotiations. In

a letter to Ottawa, Dawson requested that Robert Pither of the HBC become the Indian Agent for the “expressed purpose” of keeping the Saulteaux happy with the government during negotiations; he was familiar to the Saulteaux and had spent time among them. Secretary of State Joseph Howe approved Pither and a Métis assistant.

Background

On June 7, 1870, Howe instructed Simpson, along with Algoma MP Lindsay Russell, to establish a right-of-way agreement (Daugherty, 1986b). Simpson thought poorly of the Saulteaux. Because they had refused Christianity, he thought them filthy and incapable of gratitude (Talbot, 2009, p. 70). Still, he warned that they could successfully prevent or seriously delay north-west expansion.

On June 19, 1870, an estimated 1500 Saulteaux arrived in Fort Francis, approximately 600 of them from the American side of the border. Simpson warned that soon Canadian troops would pass through the area on their way to Red River where the government hoped to assert Canadian sovereignty after the Red River Rebellion, and he offered to hire First Nations as guides and labourers (Daugherty, 1986b). Under the leadership of the Fort Francis band chief, they refused (Talbot, 2009, p. 70). The Saulteaux put forward the following demands in exchange for the right-of-way passage: \$10 for every man, woman, and child on a yearly basis and supplies such as flour, pork, tea, and tobacco for the feast that would accompany the annual pay. In return, the government could build any infrastructure required for the purpose of safe travel through the territory; the payment did not cover settlements for farmers. During negotiations, the Saulteaux refused any gifts from the government as they did not want to be bound by debt to the Crown.

Initially Simpson dismissed the Saulteaux’s demands. However, the Saulteaux pointed out that Dawson had met their requests when negotiating passage through Saulteaux territory in the past (Daugherty, 1986b). Informed of the Saulteaux’s resistance, Howe sought the guidance of Lieutenant Governor Archibald, who felt that Dawson’s previous agreements with the Saulteaux should be taken into consideration during this current round of negotiations. Archibald was not concerned about the annuities demanded, as he was certain that the agricultural potential of these prairie lands would cover these additional costs over time. The lands of the Woodland Saulteaux were an exception, as they were thought to be ill-suited for agricultural development (Daugherty, 1986b). As a result, it was agreed that payments would be calculated based on the value of the trade route. The southern trade routes were of greater value, as they allowed settlers to travel west using American rail lines. In contrast, the northern Dawson Route was a canoe route, which took longer to traverse and was thus less valuable (Daugherty, 1986b).

Simpson and Archibald each submitted reports to the Crown outlining the need to acquire the land and not just a right-of-way passage; Dawson also submitted a report in which he expressed a greater understanding of the First Nations’ point of view and was more sympathetic to their demands (Talbot, 2009, p. 70).

In late June the commissioners, including Simpson, McKay, Dawson, and Pither, met with the Saulteaux in Shebandowan Lake at Fort Francis where negotiations broke down (Filice, 2016b). Simpson noted that they needed more time; most likely the terms of the offer had been rejected by the Saulteaux (Daugherty, 1986b). In addition to the negotiations going poorly, disease had broken out, causing many of the

Gallery 6.7 Some people involved in Treaty No. 3



Frederick Edward Molyneux St. John.



Saulteaux to disperse in order to minimize the spread of the illness. All parties agreed to meet the following year.

1872 Negotiations

In June 1872 Simpson, along with the commissioners, again met with the Saulteaux, although the meeting proved short and unsuccessful. Simpson insisted on a military presence at the negotiations and offered \$3 per head and nothing more. The First Nations argued that the recent discovery of gold in the territory should be taken into consideration and result in a much higher per annum (Daugherty, 1986b). Saulteaux from the American side of the border pointed out that the US government had paid more than what Simpson was proposing. Negotiations broke down, and the parties agreed to meet in the fall at Fort William.

When fall came, Simpson and the commissioners had new terms with which to negotiate. Responding to complaints that had arisen from Treaties No. 1 and No. 2, the government had given the commissioners permission to offer \$25 per year for chiefs and \$15 per year for headmen. However, too few Saulteaux arrived at Fort William for a general council to be called, and negotiations were again put on hold.

Final Negotiations

The Canadian Pacific Railway stretch between Pembina and Red River was set to be completed by December 31, 1874, and the stretch from Lake Superior to Red River by December 31, 1876. The latter required still unceded territory from the Saulteaux (Daugherty, 1986b). Pressure was mounting for Prime Minister John A. Macdonald to complete Treaty No. 3. Dawson advised the government that if it wished to settle this matter, it needed a significantly better offer, one that was on par with American agreements (Daugherty, 1986b). The US government had offered the Saulteaux \$14 per head per annum – \$4 in cash, and \$10 in goods – as well as agricultural implements, schools, and infra-

structure. When compared to Simpson's offer of \$3 a head, it was clear why negotiations repeatedly failed. Dawson recommended that the government offer \$14 per head as a gift for signing the treaty and a maximum annuity of \$10 per head, noting that the Saulteaux would likely accept \$6. He also recommended sending Alexander Morris, the new lieutenant governor of Manitoba and the North-West Territories. Minister of the Interior Alexander Campbell accepted Dawson's suggestions; he sent instructions with Morris that the commission was authorized to offer \$15 per head for the ceding of the land with annuities of \$7 per head and one square mile for each family (or a proportion of that dependent on the size of the family). Morris was encouraged by the federal government to not use the maximum amount available as the terms of this treaty would impact negotiations for future treaties.

The deputy superintendent general of Indian Affairs, William Spragge, was sent by the Canadian government to investigate the terms of the American treaty with the Saulteaux, which they had held up as an example in negotiations. Spragge discovered that the terms were significantly different; the Canadian annuity being offered was higher and for an indefinite period of time. Campbell urgently wrote to Morris advising him not to offer anything close to the approved amounts. Meanwhile Dawson urged the government to secure a military escort for the commissioners to the treaty negotiations, believing that this would be viewed favourably by the Indian leadership and signify that the Crown was acknowledging the significance of the negotiations.

On September 23, 1873, Lt.-Gov. Morris arrived in North-West Angle, accompanied by a military escort, to meet the other commissioners. These included Dawson, who had taken the place of Russell after being recently elected to a parliament seat, and the newly appointed commissioner of In-

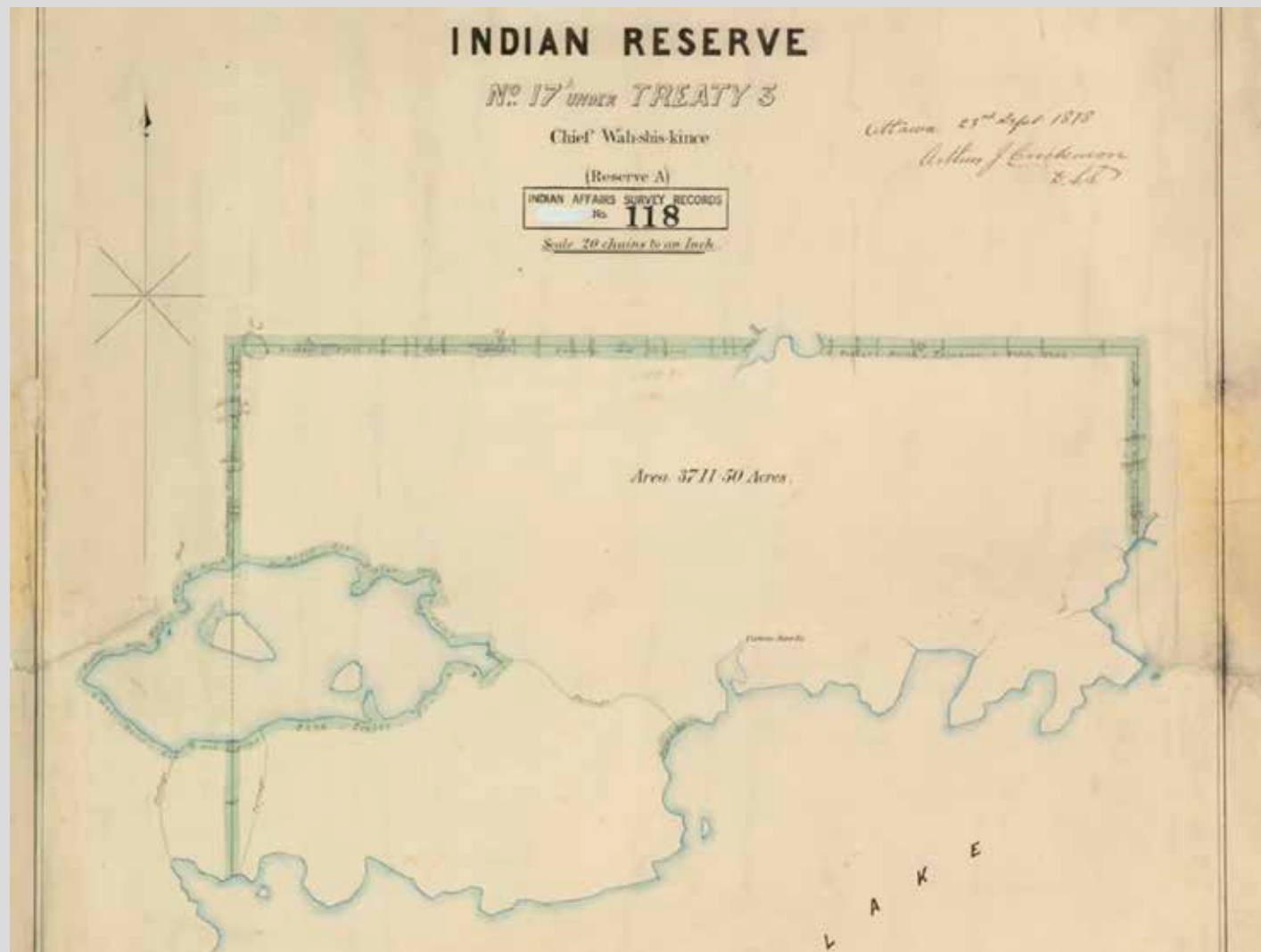
dian Affairs, Lt.-Col. J.A.N. Provencher (Talbot, 2009, p. 71). James McKay, Robert Pither, and Molyneux St. John were also present.

The Saulteaux had initially requested to meet in Fort Francis on September 10, 1873; perceiving this to be a test of wills, Morris refused and set the meeting in North-West Angle (Daugherty, 1986b). Over 1400 Saulteaux attended, with more than 11 bands represented (Daugherty, 1986b). Morris was forced to put off the start of negotiations while the bands organized themselves and resolved outstanding business within their group. Negotiations finally began on October 1, 1873, after Morris threatened to break camp if they were put off any longer (Miller, 2009, p. 168).

Taking up the tone set by Morris's ultimatum, the Saulteaux opened negotiations by demanding that their grievances rising from settler use of their land and resources be resolved. Dawson countered that the Saulteaux had always been compensated for use of their land. Morris redirected the conversation to the purpose of the meeting, outlining the Crown's offer: land for farms, reserves in the ratio of one square mile per family (proportionately), use of lands for hunting and fishing, schools at the request of the bands, and sums of money as follows: \$10 per head for the current year, with annuities of \$5 per person, and finally gifts of provisions. At some point the commissioners had decided to offer less than had been authorized. Camp broke to allow the Saulteaux to discuss the offer.

On October 2, 1873, the Saulteaux leadership presented their counter offer. Chief Ma-We-Do-Pe-Nais opened the meeting by speaking of sovereignty (Miller, 2009, p. 167), then the Saulteaux presented their demands in writing: \$15 per head for the current year with annuities of

Gallery 6.8 Cartographic material related to Treaty No. 3



Indian reserve No. 17A under Treaty 3: Chief Wah-shis-kinee (Reserve A).



\$10 per head, \$50 annuities for the chief, and \$20 annuities for each council member (Filice, 2016b). The Saulteaux also asked for agricul-

tural provisions that included agricultural tools, livestock, tools, and seeds (Filice, 2016b). These demands, though more significant than what the Crown was prepared to offer, had not changed since the first negotiations in 1869. Both Morris and Chief Ma-We-Do-Pe-Nais refused to move on their offers.

At this point, the chief representing Lac Seul and English River, Chief Ka-Katche-way, decided to break

Treaty No. 3 medal



pressed
ident-
s move,
gave the com-

missioners the upper hand in negotiations as they were able to express their wish to not divide the Saulteaux and reach a settlement with the whole Nation. Morris encouraged the Saulteaux to take the night to discuss and reconsider; the motion was supported by Chief Blackstone (Daugherty, 1986b).



That evening Saulteaux leadership was joined by four Métis: James McKay, Pierre Leveillé, Charles Nolin, and Mr. Genton (Filice, 2016b). There are conflicting reports as to who invited the Métis to join the council, whether it was the wish of the Saulteaux or the government representatives; nevertheless, they were part of the discussions in which the Saulteaux decided to return to the

bargaining table (Miller, 2009, p. 168). At the same time, the commissioners met and agreed to increase the one-time payment from \$10 to \$12 per family of five and to provide some of the agricultural provisions requested (Daugherty, 1986b).

On October 3, 1873, Treaty No. 3 was signed. The Saulteaux requested that community members on the American side of the border and the Métis families living with them be included in the treaty (Daugherty, 1986b). Morris stated that the treaty was for British Indians only; however, those Saulteaux living in the US could return to Treaty No. 3 lands if they did so within two years (Daugherty, 1986b). He did not allow the Métis families to be included in the treaty.

Following the close of negotiations, Dawson travelled to Shebandowan Lake to secure the adhesion of two more bands (October 13, 1873), and Pither secured the adhesion of the Saulteaux living in Lac Seul (June 9, 1874) (Daugherty, 1986b).

Interactive 6.4

Click to read a PDF version of Treaties No. 3



Treaty No. 4

Treaty No. 4, also known as the Qu'Appelle Treaty, was signed September 15, 1874, in Fort Qu'Appelle, Saskatchewan (Filice, 2016a). The treaty was between the Crown, the Cree, Saulteaux bands of the Ojibwa, and the Assiniboine (Filice, 2016a). The treaty covers modern-day southern Saskatchewan, land that had been previously under HBC control (Taylor, 1985a).

Background

After signing Treaties No. 1, No. 2, and No. 3, the Canadian government lost interest, at least temporarily, in negotiating further treaties. Lt.-Gov. Morris, however, believed that establishing treaties with First Nations would encourage stability in the West and encouraged the government to continue negotiations (Taylor, 1985a). The buffalo population had declined so significantly that the First Nations faced starvation and, as a result, were in conflict with one another (Talbot, 2009, p. 80). In addition, they faced the pressure of encroaching settler and Métis populations (the Métis had been forced west after not being included in treaties), illegal traders (of arms and alcohol) from America, and surveyors from both Canadian and American governments (Taylor, 1985a). First Nations viewed treaties as a way of potentially resolving these issues and as the Queen's promise to protect the land (Taylor, 1985a), while the government was only interested in negotiating treaties when it needed access to the land for some purpose.

Morris tried on multiple occasions to gain government approval to negotiate treaties west of Treaty No. 2. The conflict between the Blood Indians and some Cree had already resulted in considerable loss of life,

Gallery 6.9 Treaty No. 4 maps



Map showing the original territories for Treaty 4, 1874.



and Morris was certain the situation would worsen without a treaty (Taylor, 1985a). After the Macdonald government fell and was replaced by Alexander Mackenzie and his Liberal government, Morris wrote to David Laird, Minister of the Interior, and earned the confidence of the government to begin negotiations (Taylor, 1985a). Morris disagreed,

however, with the appointment of HBC's William J. Christie as a commissioner and urged the government to create a distinction between the new Government of Canada and the old HBC (Taylor, 1985a). Despite Morris's opposition, Laird and Christie were appointed commissioners under his lead, and they set out to meet with the Cree, Saulteaux, and Assiniboine in the fall of 1874 (Filice, 2016a).

Negotiations

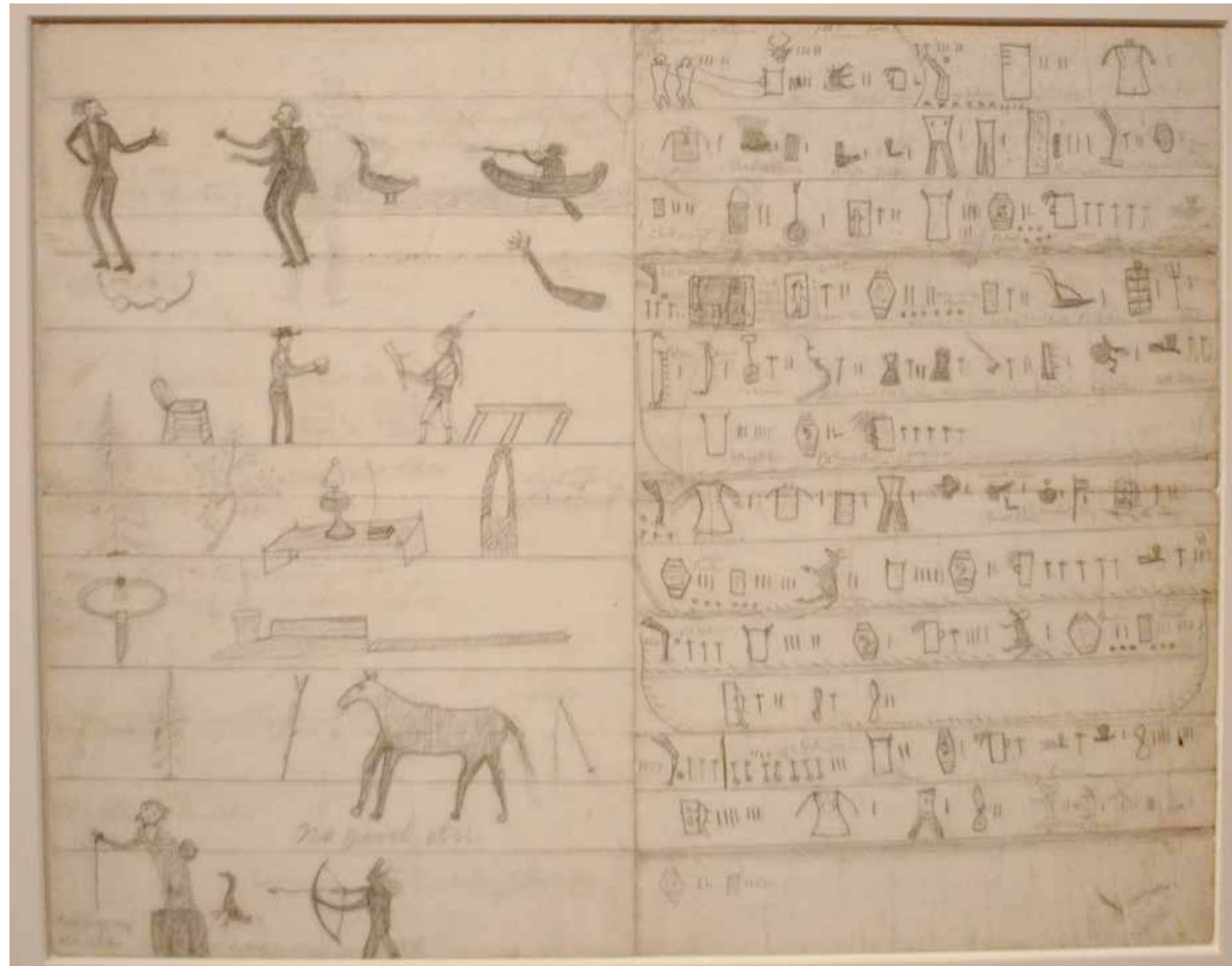
On September 8, 1874, negotiations got off to an inauspicious start. Otakaonan (The Gambler), who was representing the Saulteaux in place of Chief Cote, expressed skepticism of the government and the negotiations, although Chief Kakuishmay (Loud Voice), representing the Plains Cree, was more optimistic (Talbot, 2009, p. 86). In addition to this wide difference of opinion between the Indigenous representatives, few First Nations people were present to negotiate because many were participating in the buffalo hunt. Morris agreed to postpone negotiations for three days until September 11 to ensure greater participation (Filice, 2016a).

On September 11, all parties were prepared for negotiations; however, the Saulteaux demanded that the site be moved to their camp: the commissioners' camp was on HBC reserve land and they argued that that would negatively impact the negotiations (Taylor, 1985a). Initially, the commissioners refused to move, but tensions were so high that eventually it was decided to move closer to the Saulteaux camp (Filice, 2016a).

Talks resumed at the new meeting place on September 13, but they broke down again quickly (Taylor, 1985a). Chief Pasqua expressed confusion and anger that the government had purchased HBC lands that the original Indigenous owners had not been compensated for (Filice,

2016a). Concerned that these digressions would force negotiations to be called off, Chief Kakuishmay asked the First Nations leaders to work together in “unity”; Morris echoed this sentiment and warned that if negotiations were not successful now, the government would likely not negotiate again in the near future (Talbot, 2009, pp. 86-87).

Figure 6.1 Chief Paskwa’s pictograph of Treaty No. 4



Chief Paskwa’s pictograph of Treaty No. 4 was written eight years after the treaty was signed when he began to realize that the promises made were not being fulfilled. This is the only known document depicting treaty relations between the Crown and the First Nations from a First Nations perspective.

Gallery 6.10 Some People Involved in Treaty No. 4



Ometoway “The Gambler” Saulteaux.



September 14, 1874, would be the last day of negotiations. The Nations initially requested \$15 per person and that the Crown settle their debts with the HBC, but the commissioners refused (Filice, 2016a). The chiefs also requested that the Métis be included and allowed hunting rights; the commissioners gave assurances that the Métis would be treated fairly, but they were not mentioned in the treaty (Taylor, 1985a). In the end, the Nations agreed to the same terms as Treaty No. 3; after the terms were translated and explained to the people, the treaty was signed on September 15, 1874 (Filice, 2016a).

Adhesions

After the treaty was signed, Morris and Laird travelled to Fort Ellice to secure the adhesion of the Saulteaux there. Their land bordered the territories covered by both Treaties No. 2 and 4. Because the Saulteaux of the area never joined Treaty No. 2, they were now given the choice of which treaty to join. The terms of Treaty No. 4 were perceived to be better, so the Saulteaux of the area chose to join it (Filice, 2016a). The following year Christie and M. G. Dickieson, Laird's secretary, travelled to pay the annuities promised in Treaty No. 4, and they secured the adhesion of six more Nations, mostly Cree and Assiniboine (Taylor, 1985a).

Interactive 6.5

Click to read a PDF version of Treaties No. 4



Treaty No. 5

Treaty No. 5, also known as the Winnipeg Treaty, was signed between 1875 and 1876 (Coates & Morrison, 2010). The treaty was signed between the Government of Canada and the Ojibwa and Cree, and covers the land in present-day central and northern Manitoba, and portions of Saskatchewan and Ontario (Filice, 2016c).

Background

During previous negotiations for a treaty, many of the First Nations in this area and their representatives had been unable to travel the long distances to reach Stone Fort and Manitoba House, where treaty negotiations were held, but the lack of attendance at these negotiations was not representative of a lack of interest in treaties (Coates & Morrison, 2010). Using Reverend E. R. Young as an intermediary, the Nations of the area informed the government that they wished to negotiate a treaty (Coates & Morrison, 2010). Norway House Nation in particular was eager to reach an agreement with the government that would relocate the Nation to land more suitable for farming (Filice, 2016c). Norway House initially sent its petition to the Manitoba Free Press outlining the dire situation it was facing. Due to HBC trade route changes, many community members were without work (Miller, 2009, p. 173). Furthermore, the Nation had been impacted by the presence of settlers and the same political and environmental factors that had led to the signing of Treaties No. 3 and No. 4. Put simply, the people of Norway House were facing starvation (Miller, 2009, p. 90). Chief Henry Prince (Mis-Koo-Ke-New) informed the Council of the North-West Territories of the situation, bringing matters directly to the attention of Alexander Morris, Lt.-Gov. of Manitoba (Coates & Morrison, 2010).

Gallery 6.11 Treaty 5 maps



Map of Treaty 5 territory in 1875.



David Laird, Minister of the Interior, was not interested in negotiating any new treaties and suggested communities that wanted a treaty could join Treaty No. 1 (Miller, 2009, p. 90). However, the government did agree that Norway House should be moved (Filice, 2016c). Morris ar-

gued that factors such as the new HBC trading routes, discovery of minerals, new lumbering initiatives, and the agreement to relocate Norway House required a new and different treaty than those that had been previously negotiated (Coates & Morrison, 2010). On July 2, 1875, the government approved Morris's proposal to negotiate a new treaty, although he was not permitted to negotiate any deals with Nations north of Lake Winnipeg other than Norway House (Filice, 2016c).

Negotiations

In the fall of 1875 Morris, along with James McKay, set out to negotiate Treaty No. 5 with the Nations around Lake Winnipeg. The commissioners were permitted to offer the following: a one-time payment of \$5 per person for signing the treaty; and annuities of \$25 for the chief, \$15 for the headmen, and \$5 for each community member (Coates & Morrison, 2010). As well, the offer included: 160 acres per family (less than was offered in Treaties No. 3 and No. 4 but equal to Treaties No. 1 and No. 2); provisions for schools; control of liquor; and other provisions similar to those found in previous treaties (Filice, 2016c). As in other Numbered Treaties, the Nations received reserve lands that could be reclaimed by the government for development or public works; in such a case, compensation would be provided to the Nations. These reserve lands were to be selected and agreed upon as soon as the treaty was signed, the first time this occurred (Talbot, 2009, pp. 89-90).

The signing of the Treaty No. 5 took place over two trips. The first trip, made by Morris and McKay in the fall of 1875, included both negotiations and the signing of the treaty (Coates & Morrison, 2010). The second trip took place the following year and was made by Thomas Howard and John Lestock Reid who had been appointed by Morris to

collect outstanding signatures (Filice, 2016c).

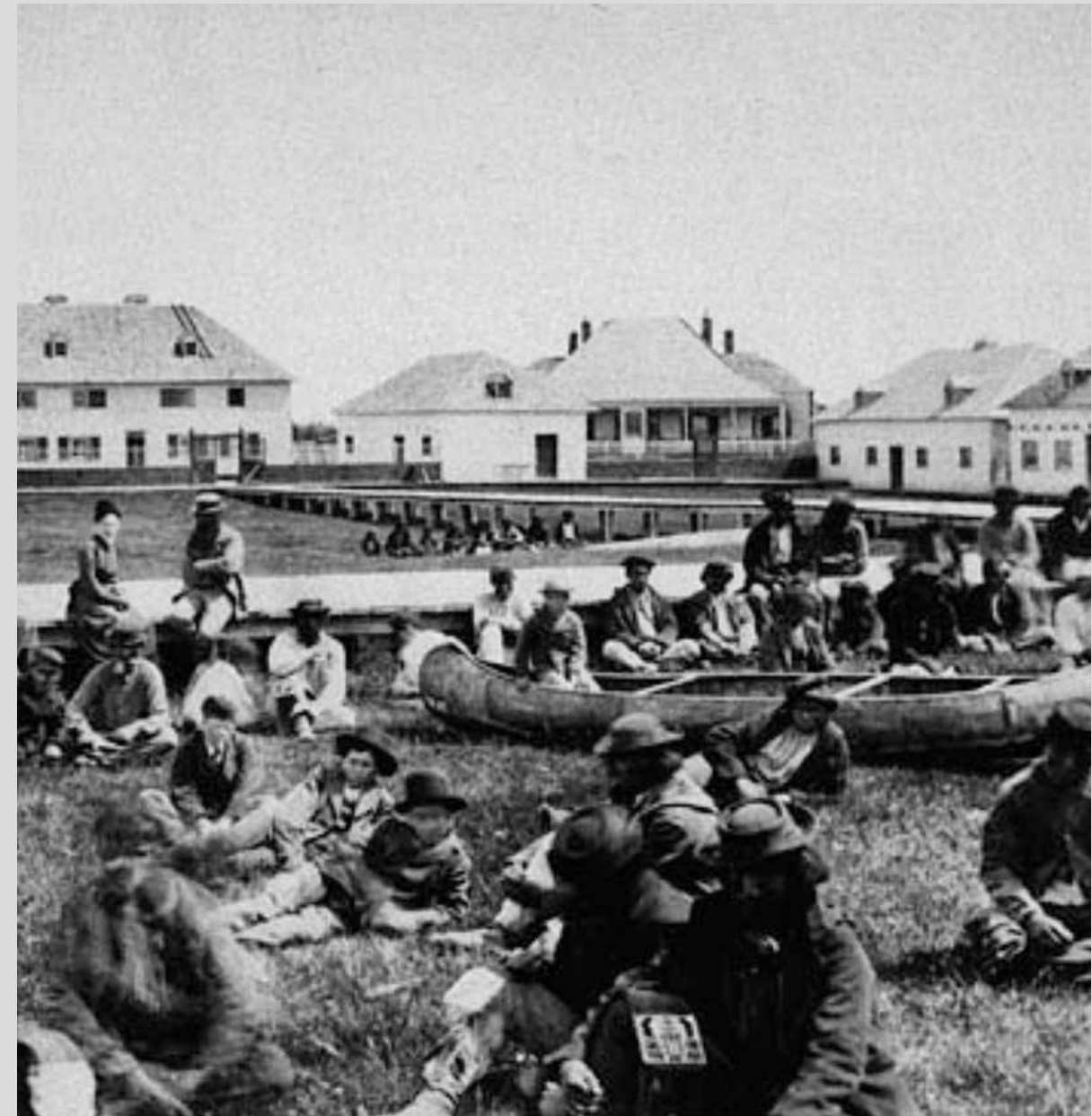
On September 20, 1875, Morris and McKay met with the Berens River Band at the Wesleyan Mission School House (Filice, 2016c). While some details of the negotiations took time to resolve, the Nation accepted the terms rather quickly and the commissioners headed to Norway House the next day (Filice, 2016c).

On September 24, 1875, Morris and McKay arrived at Norway House to negotiate Treaty No. 5 (Filice, 2016c). The Cree of the area were divided into two groups – those who identified as Christians (Norway House) and wished to relocate to Fisher River and those who did not identify as Christians (Wood Band) and wished to stay at Cross Lake (Filice, 2016c). The commissioners agreed that reserves would be set up at Fisher River and Cross Lake (Filice, 2016c).

On September 28, 1875, Morris and McKay met Thickfoot, a member of the Jack Head Point peoples of Big Island, and members of Big Island, Black Island, Wapang, and other island communities. They expressed their interest in joining treaty negotiations (Filice, 2016c). Thickfoot asked for reserve lands that would allow for farming and fishing; the commissioners agreed, offered land at Fisher River, and told Thickfoot and the other community members to meet next summer at Dog Head Point to pick reserve lands (Filice, 2016c).

Prior to returning to Winnipeg, Morris and McKay decided to extend the treaty boundary to include the Swampy Cree living in The Pas (Wahpahpuha) on the Saskatchewan River (Filice, 2016c). The new method of assigning reserves at treaty signings was successful; the commissioners were able to secure agreement from the Swampy Cree then

Gallery 6.12 Some People Involved in Treaty No. 5



Hudson's Bay post at Norway House, 1878.



negotiate to move their reserve lands. The commissioners agreed to pay the Swampy Cree \$500 to move to the other side of the river, thereby preventing Indigenous Nations from controlling both banks (Miller, 2009, pp. 74-75). Despite the successful negotiations and the inclusion of many Nations in the treaty, Morris appointed Howard and Reid to ensure adhesion of outstanding bands the following year when they delivered the first annuities (Coates & Morrison, 2010).

Adhesions

The following year, on July 24, 1876, Howard and Reid visited Lake Winnipeg to secure signatures from Bloodvein, Big Island, Sandy Bar, St. Peter's, and Jack Fish Head (Filice, 2016c). Initially, matters did not go well. Thickfoot believed his dealings with Morris and McKay made him chief among his people, but others did not hold the same view and were upset with the leadership selection process (Coates & Morrison, 2010). Further, many members had been away the previous fall hunting or working for the HBC and did not know they too would be bound by the treaty (Coates & Morrison, 2010). To resolve the issue, Reverend Henry Cochrane, who was known to the community and working as a translator for the commission, convinced the First Nations to select one chief to represent all bands as well as one councillor from each band. To do this, they used a majority ballot system, a significant shift from traditional ways of selecting leaders (Coates & Morrison, 2010). Chief Sa-ha-cha-way was selected, and the bands signed on to the treaty.

On August 4, 1875, Howard and Reid secured outstanding signatures in Berens River; they then separated and travelled separately to secure the remaining signatures (Filice, 2016c). Howard went to Grand River

to pay the \$500 fee negotiated by Morris and McKay the previous fall. There he was surprised to find that some chiefs believed the negotiations were ongoing and had new demands (Filice, 2016c). Eventually he was able to convince them that he had no authority to negotiate matters further, and the chiefs signed the treaty though they made it clear they believed they had been misled by the commissioners. Howard also successfully collected signatures from The Pas, Moose Lake, and Cumberland House (Filice, 2016c).

Reid meanwhile travelled from Berens River to Norway House to plan the band's move to Fisher River (Filice, 2016c). During this journey, he was met by the chief and council from Oxford House (Bunibonibee Cree) who expressed their interest in joining the treaty. He was not authorized to add First Nations from northern Manitoba, but he assured them he would notify the government of their desire to negotiate (Filice, 2016c).

Almost immediately upon the completion of the negotiations and signing of Treaty No. 5, discrepancies between what the parties understood the treaty to mean arose; the approach used and the speed at which Treaty No. 5 had been established left many communities and members confused and dissatisfied (Coates & Morrison, 2010).

Interactive 6.6
Click to read a PDF
version of Treaties
No. 5



Treaty No. 6

Treaty No. 6 was signed on August 23, 1876, in Fort Carlton and on September 9, 1876, in Fort Pitt, Saskatchewan, between the Government of Canada and the Cree, Assiniboine, and Ojibwe leaders of the area (Filice, 2016d). The treaty covers land in the central area of present-day Alberta and Saskatchewan (Filice, 2016d).

Background

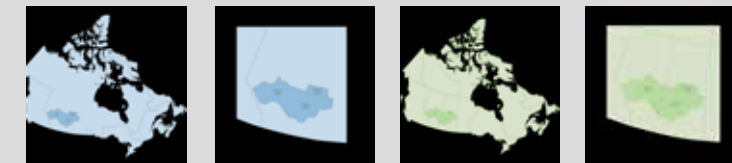
There are reports suggesting that the First Nations of this area had been seeking to negotiate treaties with the Government of Canada as early as 1871 (Taylor, 1985b). W. J. Christie, Officer of the Saskatchewan HBC post, wrote to Lt.-Gov. Archibald discussing a meeting he had with Cree chiefs of the area in which they expressed that they were seeking a treaty due to concerns with the declining buffalo population and settler diseases, such as small pox, threatening their communities (Taylor, 1985b). The Métis were also lobbying for a treaty, citing similar concerns to the First Nations (Talbot, 2009, p. 95). Morris forwarded a letter his office had received from a Charlie N. Bell on March 23, 1874, which outlined the following concerns: That the settlers would come with or without a treaty, that HBC surveyors had been on their lands without a treaty, and that the communities were facing starvation (Talbot, 2009, p. 95). Alfred Selwyn, head of the Geological Survey of Canada, echoed the concerns of Christie and Bell (Taylor, 1985b). Morris recommended that the government send Rev. George McDougall, a Methodist missionary who had worked in the prairies, to promise negotiations would commence the following year (Talbot, 2009, p. 96).

In July 1875 Lawrence Clarke, HBC manager at Fort Carlton, wrote a

Gallery 6.13 Treaty No. 6 maps



Treaty 6 territories in 1876, with provincial and territorial boundaries as they were at the time.



letter to the government saying that the Cree planned to prevent telegraph workers from establishing a line from Winnipeg to Edmonton (Talbot, 2009, pp. 95-96). The North-West Mounted Police (NWMP) were dispatched to maintain order (Filice, 2016d). Edward Selby Smyth,

major general commanding officer of the Canadian Militia who was out West inspecting the NWMP, wrote a letter to the government expressing that these tensions could be resolved with a treaty (Taylor, 1985b). Eventually, the Government of Canada agreed to treaty negotiations, although for the first time, it did not provide Morris with much instruction beyond that he had the confidence of his superiors (Taylor, 1985b).

Negotiations

On July 26, 1876, Morris, accompanied by W. J. Christie as commissioner; Dr. Jackes, M.D., as secretary; interpreters; and a NWMP escort, headed to Fort Carlton for the first round of negotiations (Taylor, 1985b). They were met there by James McKay, another commissioner (Taylor, 1985b).

On August 15, 1876, Morris met with the head chiefs of the Carlton Cree, Chief Mistawâsis (Big Child) and Chief Atâhkakohp (Star Blanket), prior to the rest of the Cree arriving (Filice, 2016d). By August 18, the assembly at Fort Carlton had grown to about 250 lodges with an estimated population of 2000 people (Taylor, 1985b). Prior to beginning the negotiations, the Cree performed a sacred pipe ceremony in which the commissioners participated (Taylor, 1985b).

On August 19, 1876, Morris met with the chiefs, with the exception of the chief of Duck Lake Band who had sent a messenger in his place (Filice, 2016d). To those in attendance, Morris explained reserves and the offer of provisions for farming; however, he did not explain land cession (Filice, 2016d). Immediately following Morris's presentation, Chief Pitikwahanapiwiyin (Poundmaker) angrily objected, pointing out that the government wanted to assign land to the Cree in the form of reserves that already belonged to their people (Filice, 2016d).

Gallery 6.14 Some People Involved in Treaty No. 6



Chief Mistawâsis (Big Bear) taken after his arrest for treason (after Treaty No. 6 negotiations).



The First Nations had brought their own Métis interpreter to the negotiations, Peter Erasmus. Chief Mistawâsis instructed Erasmus to write everything down – a sign that the Nations did not trust the commissioners (Talbot, 2009, p. 99). Erasmus noted in his account that Morris was visibly shaken by the disturbance Poundmaker ignited (Taylor, 1985b). Morris, likely playing on the fears of his audience, warned the group that should they chose not to negotiate they would soon be crowded out by settlers (Filice, 2016d). Mistawâsis and Atâhkakohp, who had significant political standing with their people, stepped in to silence Poundmaker, believing their people would suffer if they did not reach a treaty agreement (Filice, 2016d). (At some time during the negotiations, Erasmus came under the pay of the commission and it later became clear that he believed that the government’s efforts to assist the Cree was the only chance they had of survival, a belief shared by Chief Atâhkakohp and Chief Mistawâsis (Taylor, 1985b).)

On August 20, 1876, no negotiations nor council were held; the people discussed matters among themselves. They held a council meeting the following day (Taylor, 1985b). On August 22, the chiefs and commissioners met to discuss food scarcity, the only topic of discussion that day (Taylor, 1985b).

On August 23, 1876, the chiefs and commissioners negotiated the final terms of the treaty and it was signed (Filice, 2016d). The treaty terms were similar to Treaties 1-5 with three notable additions: The parties were to receive more agricultural provisions than past treaty signatories had; a medicine chest was to be stored at the Indian Agent’s house; and a clause was included that provided assurances that the government would assist in times of “famine and pestilence” (Taylor, 1985b).

Sidebar

Métis Scrip



For over 30 years, from 1885-1923, Métis were part of land negotiations that took the form of “scrip.” Although Métis were left out of treaties, these negotiations involving scrip are significant in that they show that the government dealt with the Métis as a distinct group after 1870 (because in 1870, the Manitoba Act laid out the requirement that Métis land claims be addressed). Métis scrip was a certificate for land: 240 acres (or \$240 in hand in...

CONTINUE

Gallery 6.15 Some of the people involved in Treaty 6 negotiations.



“Old Generation, File Hills Indian Agency”

The image includes (back row, from left) Mrs. Keewaydin, Mrs. Jack Fisher, Mrs. Miss-ta-tik, Mrs. Buffalo Bow, Day Walker, Mrs. Yellow Belly, Mrs. Pimotatt, and Mrs. Playful Child (Tuckanow); (front row) Chief Hawke, Crooked Nose, Chief Star Blanket, Pointed Cap (Cheepoostatin), Buffalo Bow, Miss-ta-tik, and Kuinness (Cree).



On August 28, 1876, the commissioners met with Duck Land Band to secure its adhesion (Filice, 2016d). Chief Kamiscowesit (Beardy) expressed his desire for the government to ensure protection of the buffalo; while Morris promised to have the government review the matter, it was not added to Treaty No. 6 when signed (Taylor, 1985b).

After completing negotiations at Fort Carlton, the commissioners headed to Fort Pitt to complete negotiations with Nations in the area; they arrived on September 5, 1876 (Filice, 2016d). Approximately 100 lodges were set up to join the negotiations, but many were not present: notably, the 65 lodges commanded by Chief Mistahimaskwa (Big Bear) and the 25 lodges commanded by Chief Minahikosis (Little Pine). This meant that the majority of the Fort Pitt Cree population was not present (Taylor, 1985b). After Morris promised the same terms as in Fort Carlton, Chief Weekaskookwasayin (Sweet Grass) allowed him to present (Filice, 2016d).

After two days in council, the parties met on September 9, 1876, to sign the treaty presented by Morris (Filice, 2016d). The terms were as follows: a \$25 annuity for the chief, \$15 annuity for the headman, and \$5 annuity for each band member, and a one-time payment of \$12 per band member for signing the treaty (Filice, 2016d). As in past treaties, provisions for schools, hunting, fishing, trapping, and agricultural support were included. However, for the first time, annuities of \$1500 for twine and ammunition were added, as well as a three-year payment of \$1000 for agricultural provisions (Filice, 2016d). Finally, the treaty included the provisions for a medicine chest in the Indian Agent’s home and “famine and pestilence” protection (Taylor, 1985b).

When Chief Mistahimakwa returned from the visiting other Nations in the prairies, he warned that promises made in Numbered Treaties 1-5 had not been fulfilled; unfortunately, the treaty had already been signed (Filice, 2016d). Angered that the other chiefs had not waited for him, he declared the treaty “a rope around my neck,” a statement initially interpreted as a death sentence for the commissioners, but later understood to be about his people’s loss of freedom, a concern shared by Chief Poundmaker in Fort Carlton (Talbot, 2009, pp. 180-181).

Adhesions

Treaty No. 6 saw adhesion of many bands up until 1956; the 1889 adhesion of Montreal Lake extended the initial boundary of the treaty (Taylor, 1985b).

Interactive 6.7

Click to read a PDF version of Treaties No. 6



Treaty No. 7

Treaty No. 7, also known as the Blackfoot Treaty, was signed September 22, 1877, at Blackfoot Creek (Dempsey, 1987). The treaty was between the Government of Canada and five First Nations: Siksika (Blackfoot), Pikuni (Peigan), Kainai (Blood), Stoney-Nakoda, and Tsuu T’ina (Sarcee); this was the last of the Numbered Treaties to be signed between the government and the Plains Cree people (Tesar, 2016b).

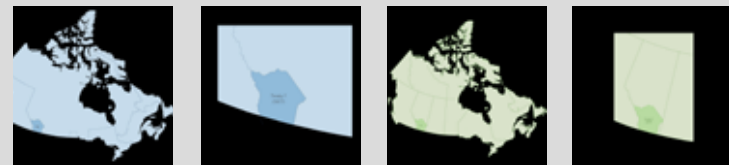
Background

There were a multitude of factors affecting both the government and the First Nations leading up to the negotiations and signing of Treaty No. 7. The Blackfoot Nation was composed of the Siksika, Kainai, and Pikuni; these tribes were allied with the Tsuu T’ina (Dempsey, 1987). The Blackfoot Nation, however, was in conflict with the Stoney-Nakoda; this was a significant factor in the push for a treaty as conflict between these Nations was increasing as a result of the depleting buffalo population (Dempsey, 1987). There were concerns about survival, as these Nations struggled to withstand the increasing pressure on food sources due to encroaching settler, Métis, and Cree populations, along with diseases such as small pox (Tesar, 2016b). Another issue was the whisky forts established by American settlers; the introduction of alcohol was proving to have a detrimental effect on the First Nations communities (Dempsey, 1987). In addition to addressing rising conflict and food scarcity, the government had a vested interest in securing land in what is now Alberta. In 1871 the government had promised British Columbia that a railway would reach the province within 10 years to secure adhesion to the confederacy; the First Nations’ land needed to be ceded in order to fulfill this promise (Dempsey, 1987).

Gallery 6.16 Treaty No. 7 maps



Map of Treaty 7 territories, which sits in modern day Alberta and east of British Columbia.



In 1874 the government sent Col P. Robertson-Ross, adjutant general of the Militia of Canada, to assess the situation in what is now Treaty No. 7 territory (Dempsey, 1987). Robertson-Ross reported that over 10,000 people lived in the area, acknowledged increasing conflict, and

recommended an immediate police presence (Dempsey, 1987). Robertson-Ross's report was a contributing factor in Macdonald establishing the North-West Mounted Police (Dempsey, 1987). In the summer of 1874 the NWMP under the command of Col James Macleod dissolved the whisky forts and reported back to Ottawa that the First Nations wanted to negotiate a treaty (Tesar, 2016b).

In the summer of 1875 Crowfoot, one of the Siksika leaders, spoke with John McDougall, a Methodist missionary who had previously worked for the government, who assured him that treaties were being planned (Tesar, 2016b). Crowfoot also spoke to Edward Selby Smith, major general of the NWMP, about Ottawa's plans; Smith too assured Crowfoot that plans were in the works and that the government would be fair to the First Nations (Dempsey, 1987).

Tired of waiting for the government to take action, the Siksika, Pikuni, and Kainai met in the fall of 1875 and prepared a letter to Morris outlining their concerns (Tesar, 2016b). That same year, the Lakota, who had recently won the Battle of Little Bighorn against the Americans, arrived in Canada along with their chief, Sitting Bull, who met with Crowfoot. This meeting caught Ottawa's attention; the Canadian government had so far negotiated treaties peacefully and was cautious of the Lakota and the threat of war (Tesar, 2016b).

Negotiations

In the fall of 1877 treaty negotiations began. Although this was the first treaty negotiations between the Crown and those within the territory, the Nations had previously negotiated treaties among themselves and some had participated in the 1855 treaty with the US government (Tesar,

2016b). The commissioners were David Laird, Lt.-Gov. of the North-West Territories, and James Macleod of the NWMP (Miller, 2009, p. 182). The Blackfoot did not have a single leader or hierarchical structure so elders were chosen to represent the Nations at the negotiations.

The First Nations understood the treaty they were negotiating to be a Peace and Friendship agreement to share the land in exchange for a series of promises; they did not understand it as a surrendering of the land or their sovereignty (Miller, 2009, pp. 181-182). A contributing factor to this misunderstanding was a fundamental difference in how settler and Indigenous communities perceived their right to land. Also the commissioners' interpreter, Jerry Potts, reportedly did not have a strong grasp of the Indigenous languages spoken nor the English language (Tesar, 2016b).

The negotiations were to take place at Fort Macleod; however, the Siksika asked for them to be moved to Blackfoot Crossing in their territory (Tesar, 2016b). Initially the commissioners refused, but ultimately negotiations were moved. This decision caused the absence of some Nations because the new site was too far from their hunting grounds; the Kainai declined to participate because they wanted the meeting at Fort Macleod (Dempsey, 1987).

By September 16, 1877, the Siksika, Stoney-Nakoda, and Tsuu T'ina had arrived at Blackfoot Crossing for negotiations. The commissioners decided to wait for two days for the Pikuni and Kainai to arrive (Tesar, 2016b). During this time the NWMP searched out those not in attendance and encouraged them to participate in the negotiations (Dempsey, 1987). At the negotiation site, the NWMP attempted to provide rations to the First Nations at camp; Crowfoot and other lead-

Gallery 6.17 Some people involved in Treaty No. 7



Chief Sitting Bull, Lakota.



ers declined, worried about the perception of accepting any gifts before the negotiations were complete (Dempsey, 1987).

On September 19, 1877, the commissioners and some First Nations leaders met to discuss the treaty terms, even though not all leaders were present. In his opening speech, Laird acknowledged the seriousness of the buffalo population decline and stated that the First Nations would need to transition to agriculture and ranching to survive (Tesar, 2016b). Hunting rights, annuities, and schools were also discussed (Tesar, 2016b). However, Crowfoot made it clear that he would not sign an agreement until Red Crow, head chief of the Kainai, had arrived (Tesar, 2016b).

On September 20, 1877, Laird listened to the First Nations' position (Dempsey, 1987). Medicine Calf, war chief of the Blood Tribe, a respected elder who had signed the 1855 treaty with the Americans, opened the discussion (Dempsey, 1987). Medicine Calf rebuffed Laird's statement that the Queen of England owned the land, saying that only the Great Spirit, not the Great Mother (the Queen of England), could be thanked for the land (Dempsey, 1987). Medicine Calf then thanked the NWMP for dealing with the whisky forts (Dempsey, 1987). Finally, he took issue with the declining interest government had shown in honouring its treaty responsibilities; he asked for assurances that any treaty signed would be honoured (Dempsey, 1987). While Laird did listen to Medicine Calf, he also pushed back, saying that the First Nations should pay the government for solving their whisky problem (Dempsey, 1987).

On September 21, 1877, Red Crow of the Kainai arrived at camp (Tesar, 2016b). Because he trusted Macleod, who had previously provided security for the Blackfoot, Red Crow hardly negotiated at all before signing the treaty (Dempsey, 1987). The following day the outstanding

leaders signed the treaty, including Medicine Calf (Dempsey, 1987).

The final terms of Treaty No. 7 dictated that the First Nations living within the boundaries cede roughly 130,000 square kilometres from the Rocky Mountains to Cypress Hills, and the Red Deer River to the American border (Tesar, 2016b). All Nations retained their right to use the land for hunting, fishing, and trapping (Tesar, 2016b). The treaty also dictated that reserve lands would be established with each family of five receiving 2.59 square miles (6.47 square kilometres) (proportionately) (Tesar, 2016b). The Siksika, Tsuu T'ina, and Kainai established reserves along the Bow River; the Pikuni at Crow's Creek; and the Stoney-Nakoda near the Methodist Mission in Morleyville on the recommendation of John McDougall (Tesar, 2016b).

Each person was to receive a one-time payment of \$12 for signing the treaty with annuities of: \$25 per head chief, \$15 per minor chief or councillor, and \$5 per person (Tesar, 2016b). All chiefs and councillors were to receive new suits every three years (Tesar, 2016b), and each chief was to receive a Winchester rifle along with \$2000 for ammunition for the band (Dempsey, 1987). Chiefs were also to receive a bull, and families to receive cattle in proportion to their family size (Tesar, 2016b). Finally, schools were to be established with teachers' salaries paid by the government (Dempsey, 1987).

Interactive 6.8
Click to read a PDF version of Treaties No. 7



Treaty No. 8

Treaty No. 8 was signed on June 21, 1899, between the Crown and the First Nations of what is now the southwest portion of the Northwest Territories, northern Alberta, and northwestern Saskatchewan (Treaty 8 Tribal Association, 2015).

Background

Prior to this treaty, the government had only been interested in negotiating treaties along the Canadian–American border or for agricultural development; it had little interest in the North and its resources. With the decline of the fur trade, however, First Nations communities living in the forested areas of the North were looking to sign treaties that would provide some stability in the changing economic landscape of the late 1800s (Ray, Miller, & Tough, 2008). Until the 1870s the HBC had assumed responsibility for providing social and health services to the First Nations of the area; however, the company, too, had been impacted by the decline in the fur trade and was looking to transfer responsibility to the government (Ray et al., 2008).

In 1890 HBC and Chief Kinosayoo of the Lesser Slave Lake band called on the government to begin treaty negotiations (Madill, 1986). Around this time the Calgary Tribune began to report on the hardships First Nations communities were facing, which had previously been out of the public eye, and pressure increased on the government to respond, but it held the position that HBC was responsible for social services in the area and would not provide assistance (Madill, 1986). In 1891 northern exploration revealed oil and other minerals in the Athabasca–Mackenzie area; again there were calls from HBC and others in

Gallery 6.18 Treaty No. 8 maps



Treaty 8 territories in 1899.



Ottawa to begin treaty negotiations, but nothing would happen until 1897 (Madill, 1986). This sluggish start may be due to the death of John A. Macdonald in 1891 and the political instability that followed

(Madill, 1986). Another factor may have been the declining significance and influence of Indian Affairs under the Wilfrid Laurier government and the fact that it had come to be staffed with inexperienced men with less sympathy for First Nations matters (Madill, 1986).

In 1897 a surge in the number of settlers in the North and the Klondike Gold Rush prompted renewed calls for treaty talks (Tesar, 2016d). James Walker, a retired Indian Agent, wrote to Clifford Sifton, superintendent general of Indian Affairs, in November 1897 to say that it would be easier for the government to negotiate with First Nations before they learned the monetary value of their land (Madill, 1986).

Negotiations

In the summer of 1899 Commissioners David Laird, former Lt.-Gov.; James Andrew Joseph McKenna, a civil servant; and James Hamilton Ross, a politician, set out to negotiate Treaty No. 8 with the Cree, Dene-suline (Chipewyan), Dane-zaa (Beaver), and other First Nations of the area (Tesar, 2016d).

The commissioners set out from Athabasca Landing, accompanied by Father Lacombe, on June 3, 1899 (Tesar, 2016d). Inexperienced in dealing with northern communities, the commissioners were initially mocked by the Northern Cree when they tried to use their knowledge of First Nations in the prairies to establish leverage in early negotiations (Tesar, 2016d). The majority of the details of this treaty were negotiated orally, with significant discussion dedicated to the care of young and elderly members of the community and to medical needs, as well as retaining the rights to hunt, fish, and trap without interference (Tesar, 2016d). Treaty No. 8 was signed on June 21, 1899, at Lesser Slave Lake.

Gallery 6.19 Some people involved in Treaty No. 8



Father Albert Lacombe.



On July 13, 1899, at Fort Chipewyan, James Ross and James McKenna met Nations with similar issues as those in Lesser Slave Lake. They too signed the treaty, although an interpreter for the Denesuline, Pierre (Peter) Mecredi, said later that the treaty they signed had no hunting clause and that one was added in later, which would have represented an act of bad faith on the part of the commissioners (Tesar, 2016d).

Following negotiations at Fort Chipewyan, David Laird went to Peace River, Fort Vermilion, and Fond du Lac, and Ross and McKenna travelled to Fort Dunvegan, Fort Smith, Fort McMurray, and Wabasca (Tesar, 2016d). The commissioners were able to secure signatures from the Denesuline, Cree, and Dene-zaa First Nations – all of whom would eventually agree to the terms negotiated at Lesser Slave Lake (Madill, 1986).

The Terms of Treaty No. 8

Similar to previous Numbered Treaties, reserves were established: 1 square mile (2.6 square kilometres) per family of five (or in proportion). However, the treaty acknowledged that northern societies were structured differently and people generally lived in smaller groups (Madill, 1986). The treaty also dictated that individuals could receive up to 160 acres separate from the reserve (Madill, 1986). The annuities were negotiated as follows: chiefs would each receive one-time payments of \$32 with annuities of \$24; headmen would each receive one-time payments of \$22 with annuities of \$15; and band members would each receive one-time payments of \$12 with annuities of \$5 per person (Madill, 1986). As in past treaties, clauses were included requiring the Crown to cover the costs of schools, teacher salaries, agricultural implements, cattle, ammunition, and twine (Madill, 1986).

Adhesions

February 1900 – J. A. Macrae, Indian Affairs department inspector, negotiated the adhesion of First Nations at Fort St. John and Fort Resolution (Tesar, 2016d). The Dane-zaa band signed at Fort St. John. The Tlicho, T'atsaot'ine, Denesuline, Dehcho, along with the Sturgeon Lake Cree and Upper Hay River, signed at Fort Resolution (Tesar, 2016d).

1909 – Commissioner H. A. Conroy negotiated the adhesion of the Fort Nelson bands, the Dehcho, and some Tsek'ehne (Sekani); they signed August 15, 1910 (Tesar, 2016d).

1911 – Indian Agent Assistant Harold Lair negotiated the adhesion of Fort Nelson bands who had not signed the year prior; they signed on August 4, 1911 (Tesar, 2016d).

1913, 1914, 1915 – First Nations and individual members who had previously not entered the treaty but were from within the originally negotiated boundaries were admitted to the treaty (Tesar, 2016d).

1930s – Several Métis were admitted to the treaty (Tesar, 2016d).

2000 – The Tsek'ehne of McLeod Lake were brought into Treaty No. 8.

Interactive 6.9
Click to read a PDF version of Treaties No. 8



Treaty No. 9

Treaty No. 9, also known as the James Bay Treaty, was signed in two parts, in the summers of 1905 and 1906, between the Cree and Ojibwe First Nations in northern Ontario, the federal government of Canada, and the provincial government of Ontario.

Background

Under John A. Macdonald's National Policy, Canada saw a surge in European immigration, the development of transcontinental railways, and a manufacturing boom – these developments required First Nations to cede a great deal of their land.

As early as the 1880s, reports of Cree and Ojibwe protests against HBC employees working in the James Bay area surfaced (Leslie, 2016). The First Nations were concerned with both Métis and non-Indigenous trappers on their lands; often outside trappers would “strip mine” an area, leaving First Nations communities to starve (Miller, 2009, p. 208). Chief Sahquakegick (Louis Espagnol) wrote to James Phipps of Indian Affairs in December 1884: “All of my people who used to hunt near here are in great need. The trappers have stolen all our beavers, so there is nothing left for them to hunt and they are too old to go anywhere else ... they all join me in asking you to help us” (Miller, 2009, p. 208).

In his response, Phipps noted that only some of those represented by this letter were his responsibility as many lived outside treaty territory and thus were not the concern of Indian Affairs (Morrison, 1986). Chief Sahquakegick's brother had been a signatory to the Robinson-Huron and Robinson-Superior treaties; now Sahquakegick called for treaty negotiations (Morrison, 1986). Other Nations followed suit

Gallery 6.20 Treaty No. 9 maps



Treaty 9 territories in 1906.



as construction on rail lines in the North brought more settlers and geological surveyors (Leslie, 2016).

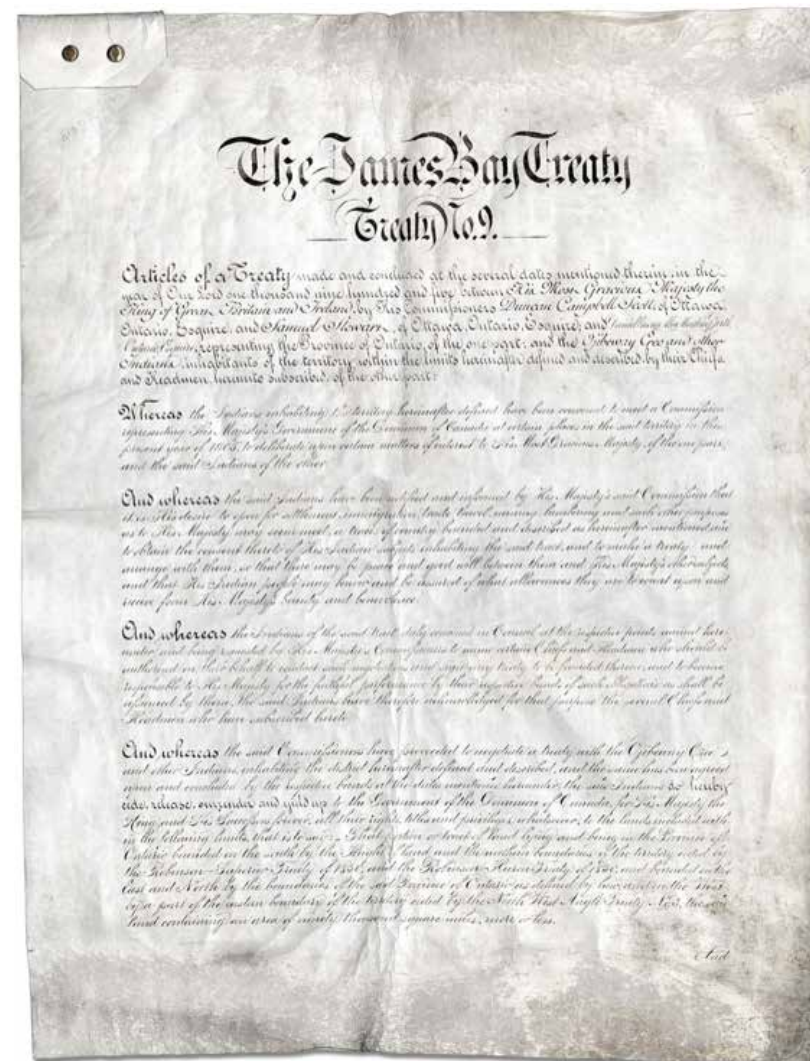
Ottawa, aware that many leaders understood the treaty process and their rights, cautioned that treaty negotiations should “conclude ... before the Indians come into closer contact with white people, as they

are apt to be easily influenced to make extravagant demands” (Miller, 2009, p. 209). In April 1904 Wilfrid Laurier received notice that minerals had been discovered in north-western Ontario on unceded First Nation lands, which acted as a catalyst for moving treaty negotiations forward quickly (Morrison, 1986).

Complicating matters was the fact that the federal government and the provincial government of Ontario had had a conflict over the western boundary of the province. In 1884 the Privy Council had ruled in favour of the provincial government; it took an additional decade to sort out the reserves promised in Treaty No. 3 (Miller, 2009, p. 209). The fallout of this conflict was that the Ontario government now had to be included in any treaty negotiations with First Nations residing within the province’s boundaries (Leslie, 2016).

In order to begin negotiations for Treaty No. 9, the federal government had to agree to four demands from the Province: First, one of three appointed commissioners had to be from Ontario; second, First Nations

Figure 6.2 The James Bay Treaty



could not select their own reserve lands (this would be done by the commissioners); third, annuity payments and any related costs were to be the responsibility of the federal government; and finally, no site suitable for hydro power exceeding 500 horsepower was to be located within a reserve boundary (Leslie, 2016). The Province also had veto power; this ultimately took away any power the First Nations had in negotiations (Leslie, 2016).

On July 3, 1905, an Order-in-Council was approved to negotiate Treaty No. 9 (Leslie, 2016). The lead commissioner was Duncan Campbell Scott, who represented the federal government along with Samuel Steward from Indian Affairs (Leslie, 2016). A mining specialist from Perth, Ontario, Daniel G. MacMartin, was chosen as the provincial representative (Leslie, 2016). The commission was to be accompanied by two Royal Canadian Mounted Police (RCMP) officers and a medical doctor (Miller, 2009, p. 210). Many Indigenous communities had been gravely impacted by the introduction of European diseases, compounded by food scarcity and poor trade conditions; the commission may have felt that the presence of RCMP officers and a medical doctor (a profession that rarely visited Indigenous communities) would attest to its integrity and good intentions when meeting with communities (Miller, 2009, p. 211).

Unlike with previous treaties, the commissioners were not given permission to negotiate the terms of the treaty. This treaty was prewritten, and commissioners travelled only to secure signatures. As in past treaties, the First Nations were to cede their lands in exchange for reserve lands of one square mile per family of five or in that proportion; they were to receive provisions, as well as schools, teacher salaries, and resources as deemed

necessary by the government (Leslie, 2016). The treaty provided for a single payment of \$8 per person for signing, with annuities of \$4 per person (Leslie, 2016).

Negotiations

In the summer of 1905 the commissioners travelled to Cree and Ojibwe communities to explain the treaty (in either Cree or Ojibwe dialects) and secure signatures. At Lac Seul, Chief Missabay expressed concerns that his people would be relocated to reserves and prevented from hunting and fishing, but he ultimately signed, trusting the good intentions of the commissioners (Miller, 2009, p. 210). Chief Moonias questioned why the commissioners were giving his people money they had not asked for, but again ultimately signed (Miller, 2009, p. 211). Each time a community signed the treaty, reserve lands were chosen under the watchful eye of MacMartin (Leslie, 2016). Most requests for lands near water, and all for lands near hydro-producing waterways, were denied (Miller, 2009, p. 213).

In September 1905 the commissioners returned to Ottawa, and on November 6, 1905, Scott submitted his report to the superintendent general of Indian Affairs confirming the signatures of chiefs from Os naburgh, Fort Hope, Marten Falls, English River, Fort Albany, Moose Factory, and New Post (Leslie, 2016). The vast size of the Treaty No. 9 boundaries and the disbursement of the First Nations in the area required the commissioners to make a second trip the following year to secure more signatures.

In the summer of 1906 the commissioner's secretary, Pelham Edgar, was replaced by T. C. Rae, an English professor from the University of Toron-

Gallery 6.21 Some people involved in Treaty No. 9



Artist Edmund Morris painting model Chief Chessequim.



to who was also a friend of Scott's (Leslie, 2016). The commissioners followed a process similar to the year before: meeting with the chosen representatives in each community, explaining the terms but not negotiating

Gallery 6.22 Treaty No. 9 negotiations



Government officials and signatories of Treaty No. 9.

Left to right (seated): K. Bayly, interpreter, and Commissioners Walter C. Cain and H. N. Awrey; (standing): Dr. Bell, Mrs. Garret, and Rev. Garret, and the Indians.



them, securing signatures, and then selecting reserve lands. This process generally ended with a feast. At Fort Abitibi they ran into a complication: First Nations from Quebec had arrived wishing to sign adhesion to the treaty. The commissioners had no authority to work with Nations living on the Quebec side of the border, but said they would convey the request to Ottawa (Long, 2010, p. 84).

On October 5, 1906, Scott and the commissioners sent their report to the superintendent general of Indian Affairs confirming the adhesion of First Nations in Abitibi, Matachewan, Mattagami, Flying Post, Chapleau (Ojibwe), Chapleau (Cree), New Brunswick House, and Long Lake (Leslie, 2016). At this time both governments considered the Treaty No. 9 process to be complete.

Adhesions

In the years that followed, any Cree, Algonquin, or Ojibwe-speaking people who wished to sign adhesions to Treaty No. 9 could do so under federal and provincial supervision (Leslie, 2016).

After 1915 Indian Affairs began to receive petitions from those living farther north who were concerned with high food prices, depleted hunting, and new hunting regulations (Leslie, 2016). However, it was not until 1929 that treaty talks would resume. By the end of the summer of 1930, adhesions had been secured that covered 331,500 square kilometres of land north of the original treaty boundary and brought approximately 2000 more First Nations people under the treaty (Leslie, 2016).

Interactive 6.10
Click to read a PDF version of Treaties No. 9



Treaty No. 10

Treaty No. 10 was signed between 1906 and 1907 between the Government of Canada and the First Nations in northern Saskatchewan and Alberta (Tesar, 2016c). While treaties had been signed with First Nations in these provinces before, they had not been signed with people in the northern regions, which were considered “undesirable” because they were unsuitable for agricultural development (Tesar, 2016c).

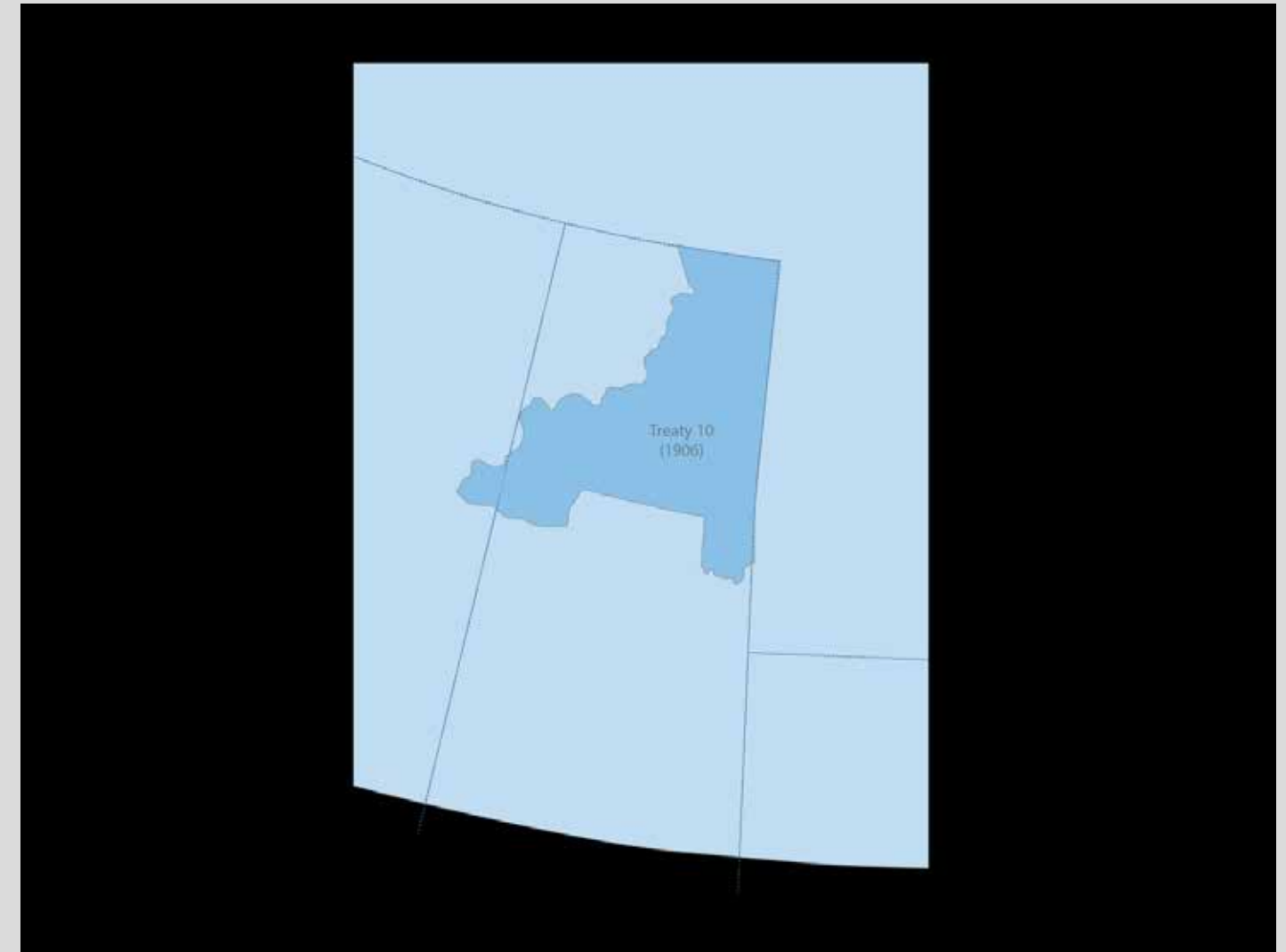
Background

The lead up to negotiations, the negotiations themselves, and the outcomes of Treaty No. 10 are all contentious. The Crown held the position that unless settlers were interested in the lands, it had no interest in establishing any new treaties (Miller, 2009, p. 198). Furthermore, the government had made it known that it considered any matters of First Nations welfare in unceded areas the responsibility of the HBC and the North West Company (Miller, 2009, p. 198). Some people in Ottawa, however, had started to think that the Crown had a paternalistic responsibility to take care of the “primitive” natives, a belief that would foreshadow assimilation efforts to come (Coates & Morrison, 1986a).

In 1879 First Nations from Lac La Ronge, Pelican Narrows, and Stanley Mission asked for a treaty that would address food scarcity and declining fur prices (Tesar, 2016c). The government, maintaining that this was not its responsibility, denied the request (Tesar, 2016c).

In 1881 a proposed rail line connecting Peace River to Churchill, Manitoba, caused the government to reconsider its position of not negotiating treaties in the area (Tesar, 2016c). Chief Red Head of Lac Du Bonnet wrote to the deputy superintendent general noting that if the

Gallery 6.23 Treaty No. 10 maps



Close up of Treaty 10 territory in 1907.



land was to be used for railways, the government would need to open negotiations with his people (Coates & Morrison, 1986a). While the

government agreed this was the normal process, no negotiations took place, which caused growing concern among the First Nations (Coates & Morrison, 1986a).

In 1883 Ottawa sought to learn more about the First Nations claims in the area. Edgar Dewdney, commissioner of the North-West Territories, who was not sympathetic to First Nations issues, urged the government to negotiate, as he was concerned that the Nations would demand more if they ever became aware of the land's value (Coates & Morrison, 1986a). Lawrence Clarke of the HBC estimated that the negotiations would cost \$16,000 and concurred with Dewdney that they should happen prior to the Nations learning the monetary value of their land.

As plans for the railway withered, so did the Crown's interest in treaty negotiations, but the superintendent of Indian Affairs reported that First Nations continued to demand a treaty (Coates & Morrison, 1986a).

In 1899, when the commissioners were travelling to gain signatures for Treaty No. 8, there were discussions about travelling through the proposed Treaty No. 10 territories to include those Nations; ultimately this was abandoned as the area was too vast and not rich in gold (Tesar, 2016c).

In 1902 Métis communities at Île-à-la-Crosse in northern Saskatchewan asked James A. J. McKenna, regional scrip commissioner, to deal with their claims (Tesar, 2016c). However, the government had already set a precedence during Treaty No. 8 negotiations of dealing with First Nations and Métis claims simultaneously. Ultimately, it would be a desire to settle with the Métis that would force the government into negotiating with First Nations as well.

Debate continued about whether it was better to have the northern Na-

Interactive 6.3 Frank Pedley, deputy superintendent of Indian Affairs



northern portion of the province was imperative.

Negotiations

In 1906 McKenna led the commission, along with two secretaries, the superintendent of the NWMP, and Bishop Pascal, a well-known missionary in the North (Tesar, 2016c). McKenna left late in the season in an attempt to minimize time available for negotiations; this tactic was not well received by the First Nations (Miller, 2009, p. 215).

On August 26, 1906, the commissioners arrived at Île-à-la-Crosse to meet with members of the English River First Nation and some fami-

tions sign adhesions to Treaty No. 8 or if a new treaty covering the distance between Treaty No. 8 and No. 9 should be established (Coates & Morrison, 1986a). Under the direction of Frank Pedley, deputy superintendent of Indian Affairs, it was decided to negotiate a new treaty that would reflect that this region was a lower national priority (Coates & Morrison, 1986a). Following the formal establishment of the province of Saskatchewan, in 1905, it was determined that an agreement covering the



lies from Clear Lake (Tesar, 2016c). Chief William Apisis of the English River First Nation greeted the commission with a declaration that his people had not invited them but rather the Métis had, and that if they were to negotiate, he wished for his people to be paid arrears for terms not honoured in Treaty No. 6 (Miller, 2009, p. 216).

Chief Apisis also threatened to shut down negotiations if McKenna did not slow down and respect the treaty process, a fact that McKenna never reported to Ottawa (Miller, 2009, p. 218). McKenna did not agree to

pay any arrears, although he did agree verbally to provide support to the elderly (Miller, 2009, p. 216). Ultimately, McKenna would get the treaty signed by the parties present without altering the wording (Tesar, 2016c). Following negotiations at Île-à-la-Crosse, the commissioners travelled to Portage La Loche to settle Métis scrips extinguishing title (Tesar, 2016c).

On September 19, 1906, McKenna met with Canoe Lake First Nation back in Île-à-la-Crosse (Tesar, 2016c). Chief John Iron asked for more education in the form of day schools for his people; Chief Apisis had also been worried about education, in particular that the exist-



ing form of Catholic schools would be altered by treaty terms (Tesar, 2016c; Coates & Morrison, 1986a). McKenna assured both that they would have access to the education they wished as the government deemed necessary. The assurances worked: three bands, and approximately 394 people, signed Treaty No. 10 that summer (Coates & Morrison, 1986a).

Adhesions

In the summer of 1907 Thomas Borthwick, a local Indian Agent, was sent to conclude negotiations (Tesar, 2016c). A notice was sent out that those wishing to sign adhesion to Treaty No. 10 should meet with Borthwick when he travelled to deliver annuities (Coates & Morrison, 1986a). As McKenna had found, it was difficult terrain to travel; often Borthwick would need to detour to collect adhesions and secure scrip signatures. As a result, he was often late to meetings, which upset many communities (Coates & Morrison, 1986a). Arriving in Lac la Hache 10 days late, First Nations were short on provisions for the negotiations and Borthwick had to borrow provisions from the HBC and the Revillon Brothers, another merchant company (Coates & Morrison, 1986a).

While Borthwick heard grievances from both Chief Apisis and Chief Iron about the speed and process of negotiations the year prior, ultimately he was successful in gaining the adhesions of many more Nations that summer with no changes to the treaty terms (Tesar, 2016c).

Interactive 6.11
Click to read a PDF version of Treaties No. 10



Treaty No. 11

Treaty No. 11 was signed in 1921 between the Government of Canada and the First Nations living in present-day Yukon, Northwest Territories (NWT), and Nunavut – including the Dene, Gwich'in, Tlicho (Dogrib), and Sahtú (Tesar, 2016a). As in the past, Canada had been uninterested in northern treaty negotiations until natural resources were found in the area. The discovery of oil and gas prospects in the Mackenzie region prompted Ottawa to negotiate Treaty No. 11 (Tesar, 2016a).

Background

In 1920 H. A. Conroy, who had been instrumental in the Treaty No. 8 negotiations, wrote to Duncan Campbell Scott advocating that the boundaries of Treaty No. 8 be expanded to include the Nations and land that were being discussed for Treaty No. 11 (Tesar, 2016a). Initially his request was denied, but after Norman Wells's labour strike in the NWT caused an economic scare, the government felt pressure to negotiate for the oil-rich land and Scott changed his mind (Tesar, 2016a).

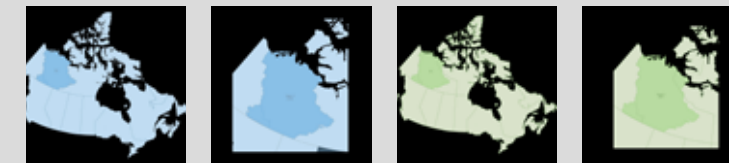
In the summer of 1921 Conroy led a commission to negotiate Treaty No. 11; Conroy was accompanied by Gabriel Breynat, the “flying bishop,” a Catholic bishop known in the Mackenzie region (Tesar, 2016a). Their party included a doctor and an RCMP accompaniment (Miller, 2009, p. 219).

Prior to leaving, Conroy and Breynat met with the Fisheries Department seeking authority to include a clause in the treaty that would protect First Nations' fishing rights; they were denied and reminded to make no oral promises (Tesar, 2016a). It became clear that Conroy and Breynat were travelling to secure signatures for a prewritten treaty and to deliver Métis scrips, not to negotiate (Tesar, 2016a).

Gallery 6.24 Treaty No. 11 maps



Treaty 11 map in 1921.



Negotiations

On June 24, 1921, the commission arrived in Fort Providence for the first stage of negotiations (Tesar, 2016a). The northern Nations in attendance had a very different style of governance than those in the

South and were forced by the commissioners to select a single chief to sign on their behalf – they chose Paul Lefoin as he was reportedly generous and a good hunter (Tesar, 2016a). Lefoin did not want to sign the treaty, having heard that the Cree had been forced onto reserves and prevented from hunting; he refused, and it is possible that he never signed (Tesar, 2016a).

Catholic records show that the First Nations in Fort Simpson also refused to sign on July 8, 1921, but by the 11th, all had signed (Tesar, 2016a). It is likely that Breynat played a role in persuading the Nations as Fort Simpson had a large Catholic population (Tesar, 2016a). Korwergen (Johnny Norwegian), who had been selected as a signatory leader, also did not want to sign the treaty, so when he went for lunch, the commissioners had Nakekon (Old Antoine) sign instead (Tesar, 2016a). This highlights some of the significant issues with the process, including how signatories were selected, the pace at which treaties were negotiated, and the understanding communities had around what was signed.

In July 1921 the commission arrived in Fort Wrigley to secure the signature of Chief Julian Yendo; a witness reported that while the people did not understand the process, they trusted Breynat (Tesar, 2016a).

The commission arrived in Fort Norman when two-thirds of the population was away hunting, but they had left a note agreeing to the treaty (Tesar, 2016a). This further suggests that they may not have understood the importance of what was being signed. On July 19 and 24, 1921, signatures were secured in Fort Good Hope and Arctic Red River, respectively (Tesar, 2016a).

In August 1921 Conroy travelled to Fort McPherson without Breynat

Figure 6.4 Some people involved in Treaty No. 11



James Alexander Lougheed.

Gallery 6.25 Treaty-signing celebrations



Indian Commissioner Conroy making treaty at Providence, NWT.



as the population was predominantly Anglican (Tesar, 2016a). Again, a large portion of the population was away fishing; Conroy was able to convince those who were there that nothing would change and secured the signatures needed (Tesar, 2016a).

By late August the commission arrived in Fort Rae; with a population of over 800, it was the largest settlement in the NWT (Tesar, 2016a). Chief Monfwi of the Tlicho Nation was dismissive of the treaty as other Tlicho communities had signed treaties and reported being unhappy with the outcomes (Tesar, 2016a). Chief Monfwi, in an unprecedented move, outlined the boundaries on a map where his people would live undisturbed; Breynat signed his name to the map agreeing and Treaty No. 11 was signed (Tesar, 2016a). Chief Monfwi kept both documents, but they have since gone missing.

Adhesions

On September 11, 1921, the commissioners arrived back in Edmonton, successful in all stops with the exception of Fort Laird. Thomas William Harris, an Indian Agent, was sent the following year to secure

Interactive 6.12
Click to read a PDF version of Treaties No. 11

adhesions (Tesar, 2016a). It is likely that the parties who signed in 1922 did not understand what they had agreed to as reports continued to surface 50 years later, questioning the reason for the \$5 payments (Tesar, 2016a)



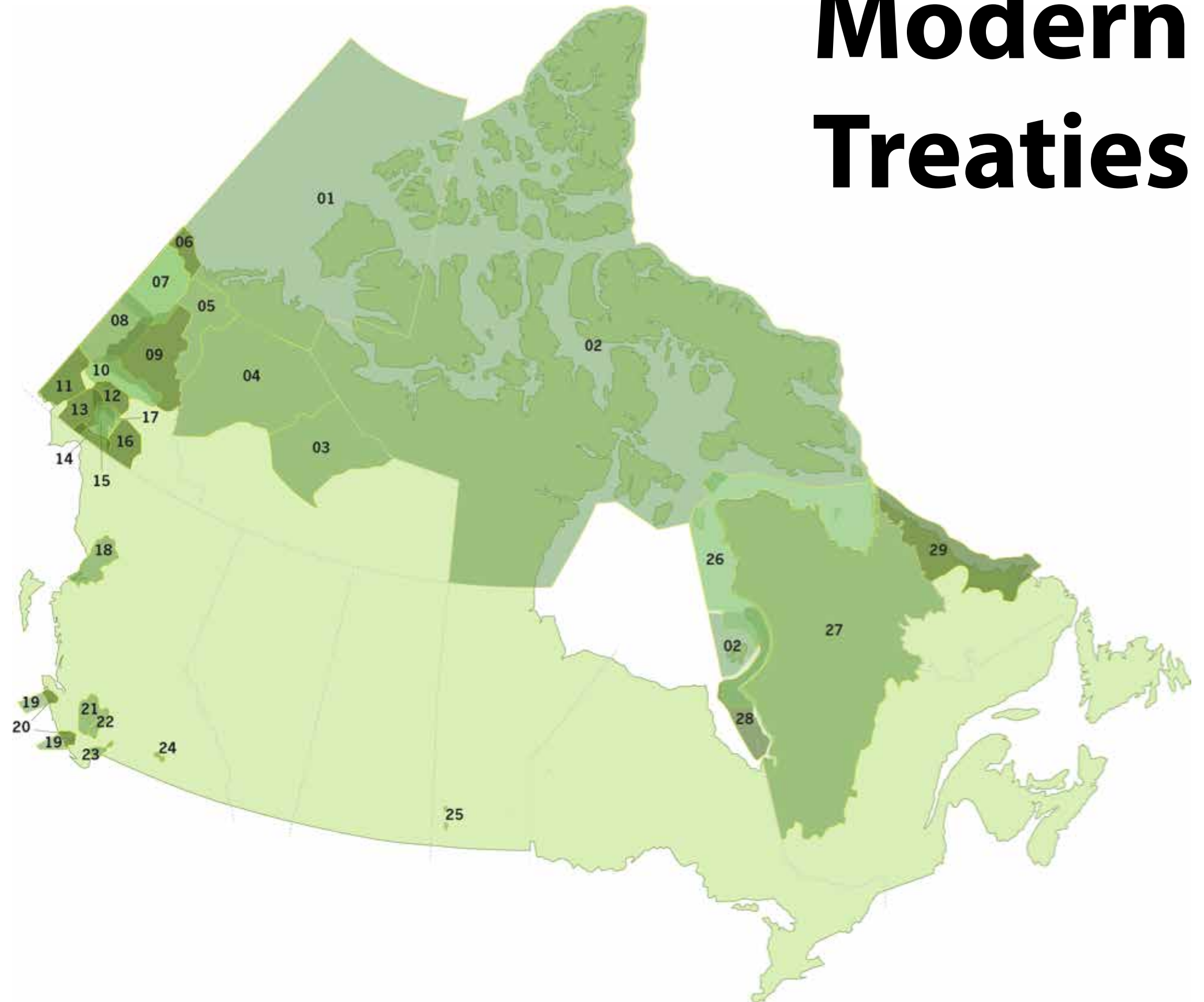


Modern Treaties and Self-Government Agreements

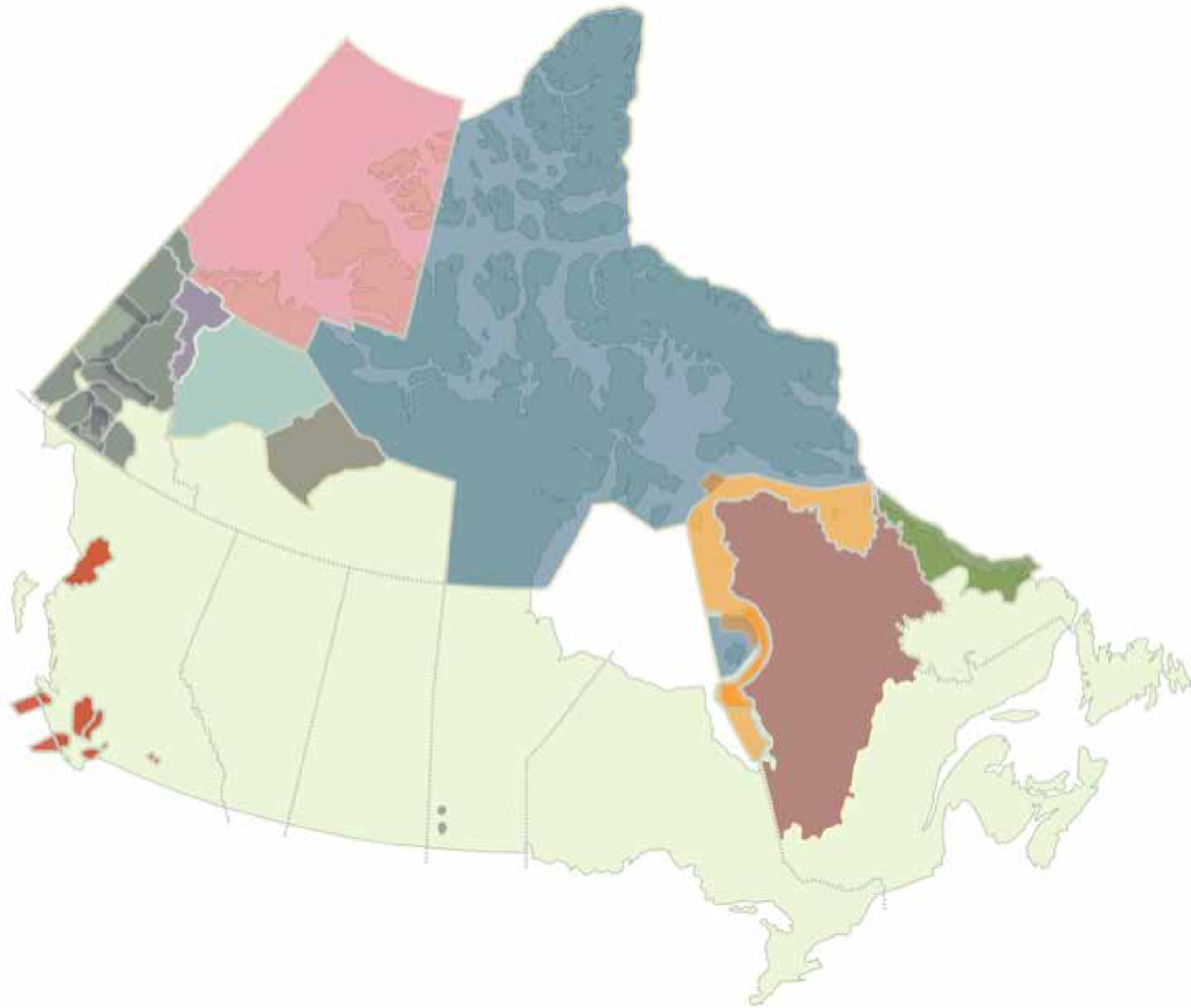
Different shades of green are used to differentiate locations where treaties overlap.

01	1994	Inuvialuit
02	1993	Nunavut
03	2005	Tlicho
04	1994	Sahtu Dene
05	1997	Gwitch
06	1984	Inuvialuit YT
07	1992	Vuntut Gwitchia
08	1998	Tr'ondlk Hwich'in
09	1995	Nacho Nyak Dun
10	1997	Selkirk
11	2004	Kluane
12	1997	Little Salmon/ Carmacks
13	1995	Champagne/ Alahihik
14	2005	Carcross/ Tagish
15	2005	Kwanlin Dun
16	1995	Teslin Tilagit
17	2007	Ta'an Twach'an
18	2000	Niaga'an
19	2011	Maa-nulth
20	2003	Maa-nulth
21	2016	Tla'amin
22	1986	Sechelt
23	2009	Tsawwassen
24	2005	Westbank
25	2014	Sioux Valley
26	2008	Nunavik
27	1975	James Bay and Northern Quebec
27	1978	Northeastern Quebec
28	2012	Eeyou Marine Regio
29	1993	Labrador

Modern Treaties



Click on each section of the map to learn more about the modern treaties.



Land Claims, Title, and Ownership

Land Is Central to Indigenous Peoples

For Indigenous Peoples, land is central to every aspect of life. Indigenous Peoples' lives and cultures are derived from the land they live on – this influences their diet, cultural practices, ceremonies, spiritual beliefs, housing structures, patterns of land usage, and relationships with the animals and plants sharing that land. While Indigenous Peoples have diverse cultures, they all share a foundational connection to the land. The private ownership of land (as part of a larger system of wealth accumulation) is not an Indigenous concept; in other words, the idea that land can be owned, monetized, bought, and sold is an idea that arrived with the settlers of



Turtle Island. Indigenous Peoples understand that without a balanced relationship with their environment, their very existence is at risk. In the pre-contact period, land on Turtle Island was shared.

Geographical boundaries, like the Rocky Mountains, the Great Plains, and the Great Lakes, acted as border zones between Indigenous Nations. For example, before the arrival of Europeans, the Anishinabek (or Ojibwe) Nation lived north of the Great Lakes, and the Haudenosaunee (or Iroquois) Nation lived on the south side of the Great Lakes. People thought of

themselves as caretakers or stewards of the land, rather than private owners of clearly defined areas.

This gallery provides examples of some of the many archaeological sites across Canada that prove that Indigenous Peoples have been living on and taking care of the lands and resources of Turtle Island for thousands of years. It is important to note that the field of archaeology is subject to change as new theories and evidence come to light. For example, the Bering Strait theory, which assumed a one-way passage from Asia to North America, is now challenged by some Indigenous elders, who have asked why the Bering Strait corridor is assumed to have been traversed only one way. Could it have been a two-way passage used by Indigenous North Americans to travel large distances? These are important critiques to consider as we read about these archaeological sites.

Gallery 6.26 Archeological findings demonstrating long history of Indigenous Peoples on Turtle Island



Hakai area, Calvert Island, British Columbia (central coast)

The Hakai region of coastal BC is made up of many islands, and First Nations, especially the Hieltsuk Nation (a.k.a. Bella Bella), have lived in this area for millennia. The Hakai Institute has found evidence of human activity in the area that goes back over 10,000 years, which confirms the oral history of the Hieltsuk community. This community was devastated by disease after contact with Europeans, and the community's numbers dropped dramatically in the nineteenth and twentieth centuries, but it remains present in its original territories today.



Understanding the Legal Framework of Land in Canada

Differing conceptions about land has proved a major problem between settlers and Indigenous Peoples. For settlers, land is a commodity that can be owned and used to generate wealth (money). For Indigenous Peoples, land is necessary for survival and for thriving communities; by taking care of the land, resources, animals, plants, and water, they ensure their own long-term well-being.

Gaining a clear understanding how the kings and queens of Europe, and later, the nation state of Canada, came to call all of the land theirs is not easy. One problem is that while many legal agreements were made (in the form of treaties), the Government of Canada has often not honoured their terms and conditions. There are two categories of land claims in Canada: specific and comprehensive. Specific land claims deal with land for which a treaty was signed, meaning that the basis of the land claim is that the Canadian government did not fulfill some of the obligations laid out in the particular treaty. There are a number of court cases ongoing today that are trying to resolve conflicts over specific land claims. Comprehensive land claims involve land for which no treaties have been signed, but which have been part of traditional territories since time immemorial.

This section will look at the legal basis for Indigenous Peoples' claim to land, which is often referred to as Aboriginal title. It will also describe how various treaties, court cases, and other policies have redefined how land is controlled in Canada.

The Legal Basis for Canada

How did Canada come to be recognized by the rest of the world as a nation, and how did it gain control of the land of Indigenous Peoples?

Canada's creation came about in part due to power struggles going on in Europe during the sixteenth and seventeenth centuries. European nations established colonies all over the world in order to generate wealth and power; colonies were much like corporations – in fact, large swaths of North America (up to 15 percent of its total acreage) were held exclusively by the Hudson's Bay Company (HBC). At one time the largest private

Interactive 6.13 Chief Duke Peltier discusses unceded territory



Chief Duke Peltier, of Wikwemikong (Unceded) First Nation, discusses the meaning of unceded territory in his community.

landowner in the world, it held a monopoly on using the land and resources for more than 200 years (Defalco & Dunn, 1972). In Europe, the idea of private property wasn't always as ubiquitous (or common) as it is to us today. Before the seventeenth century, most land was for common usage, meaning it was shared for activities like farming. This changed with the enclosure movement, which saw these lands divided up and usage restricted to the owner.

Land Acquisition in Canada

There were two main ways that land went from being under Indigenous control to being claimed by the Canadian state (and then reallocated for private ownership or government use, i.e., municipal lands, Crown land, etc.). First, some land was simply taken without regard to law or existing rights – this land is considered unceded (see the section on Treaties). Second, land was turned over to the control of European colonizers through the signing of treaties between Indigenous Nations and the monarchies of Europe (especially Britain and France). Treaties are legal agreements upheld by international law, so these allowed Canada to claim the right to exist as a legal entity upon these lands. Some question, however, whether these treaties were valid given that their terms were often not upheld by the colonizing governments.

Lands Claims in Canada

The nation state of Canada uses a legal framework that records “ownership” of the land (which is to say legal control that can be backed up by the force of the national police or army if necessary). As far as the Government of Canada is concerned, all land inside the boundaries of the state is owned and under the control of either the Crown, pri-

vate citizens, or corporations. Though Aboriginal title was recognized as early as 1763 (the Royal Proclamation) and re-affirmed in the 1982 Constitution, Indigenous rights to their lands were subordinate to those of the Crown (see *St. Catherines Milling v. The Queen*, 1888). The Crown considered Indigenous lands to be usufruct. This means that Indigenous lands could be occupied and used by the Crown (or whom-ever the Crown handed control to) as long as they were not altered or damaged. Although Indigenous Peoples had rights to the land under common law, they were limited and lesser than the rights owned by the monarch.

Sovereignty

Sovereignty means that within the borders of a place, the landowner controls what happens, and any wealth derived from the place is theirs. Sovereignty supports the establishment of an international order where countries respect each other's claims to territory and confirm this in “common law” (a legal system they all agree to participate in). When Europeans “discovered” new lands overseas, they did not believe the concept of sovereignty applied to the people who already lived there. They only recognized the sovereignty of other Christian, European, and patriarchal nations. Instead they used concepts like the Doctrine of Discovery and terra nullius to support their conquests and justify claiming non-Christian lands at will.

Doctrine of Discovery

Based on the fifteenth-century concept of the Law of Christendom, the Doctrine of Discovery said that Christian explorers had the right to conquer and lay claim to territories unpopulated by other Christians. This meant that any and all lands and peoples “discovered” in Asia, Af-

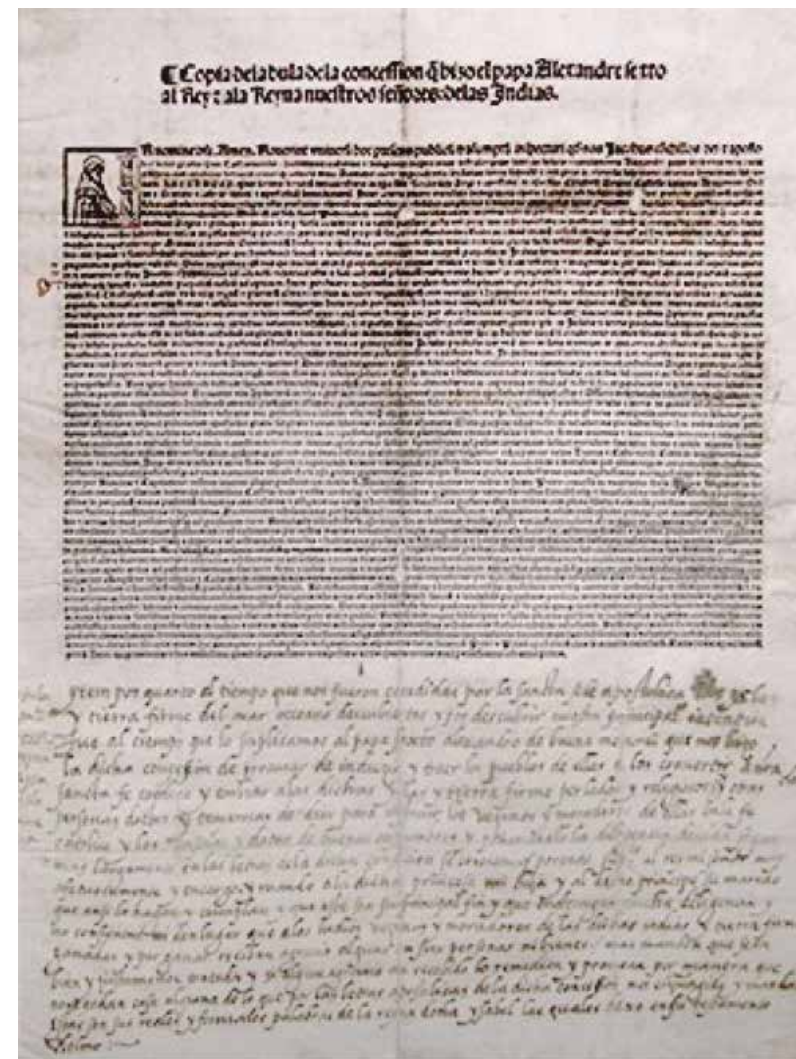
rica, and the Americas could be rightfully (justly) conquered and made subordinate to the European (Christian) nation. In a 2010 report on the topic, the UN found that the “legal construct known as the Doctrine of Discovery ... has served as the foundation of the violation of their [Indigenous Peoples’] human rights” all over the world (Special Rapporteur, 2010).

Terra Nullius

Terra nullius is Latin for “nobody’s land” and the term was used to describe land where no Christians lived. This land was thought to be empty and could be seized by the Crown and reallocated as the Crown saw fit. No effort needed to be made to compensate or even acknowledge the existence or rights of the non-Christian people currently living on these lands.

The Western version of the history of Canada often refers to the land

Figure 6.5 Papal bull “Inter Caetera,” 1493



Under the decree of Pope Alexander VI, Spanish explorers were granted the authority to “discover” any lands that were not European and Christian. This gave Christopher Columbus free rein to colonize and indoctrinate the Indigenous Peoples of North America.

being conquered, ceded, sold, or given up by Indigenous Peoples, but many Indigenous Peoples assert a very different story about the loss of land. For example, they point out that treaty-signing processes were often deeply flawed because they took place under conditions that were coercive and unfair. This historical context is explained in more detail in the treaty section of this textbook. While many Canadians believe strongly in the legal underpinnings of land ownership, it is important to acknowledge that the current state and division of land ownership in Canada today reflects some disturbing and antiquated ideas – like the idea that Christians are superior to other people and that lands of non-Christian peoples were free for the taking.

To reclaim their rights over their land, Indigenous Peoples rely on the notion of Aboriginal title. A lot of land was unceded (not covered by a treaty, and therefore never legally relinquished by the Indigenous Nations who were there before Canada was formed), and so Aboriginal title is key to (re)gaining legal recognition and control of the land.

Legal Categories of Land in Canada

Aboriginal Title

At the most basic level, all land was Indigenous land until it was ceded or taken. Aboriginal title is the legal category that confirms that Indigenous Peoples were here before Europeans and that they had ownership of the land until they relinquished it through treaties. The legal basis of Aboriginal title has been strengthened over time through a series of important court cases and legislation. These court cases and major legislation are briefly reviewed in this timeline.

Crown Land

Most of the land within Canada's borders is not privately owned, nor held by Indigenous Peoples. The majority of land, about 90 percent, is either federal or provincial Crown land. The "Crown" refers to the King or Queen, but when Canada stopped being a British colony and became an independent country, the Crown's control passed to the elected government. The Canadian government owns so much Crown land, most of it in the northern territories, that it is one of the largest landowners in the world. Overall in Canada, 11 percent of land is privately owned.

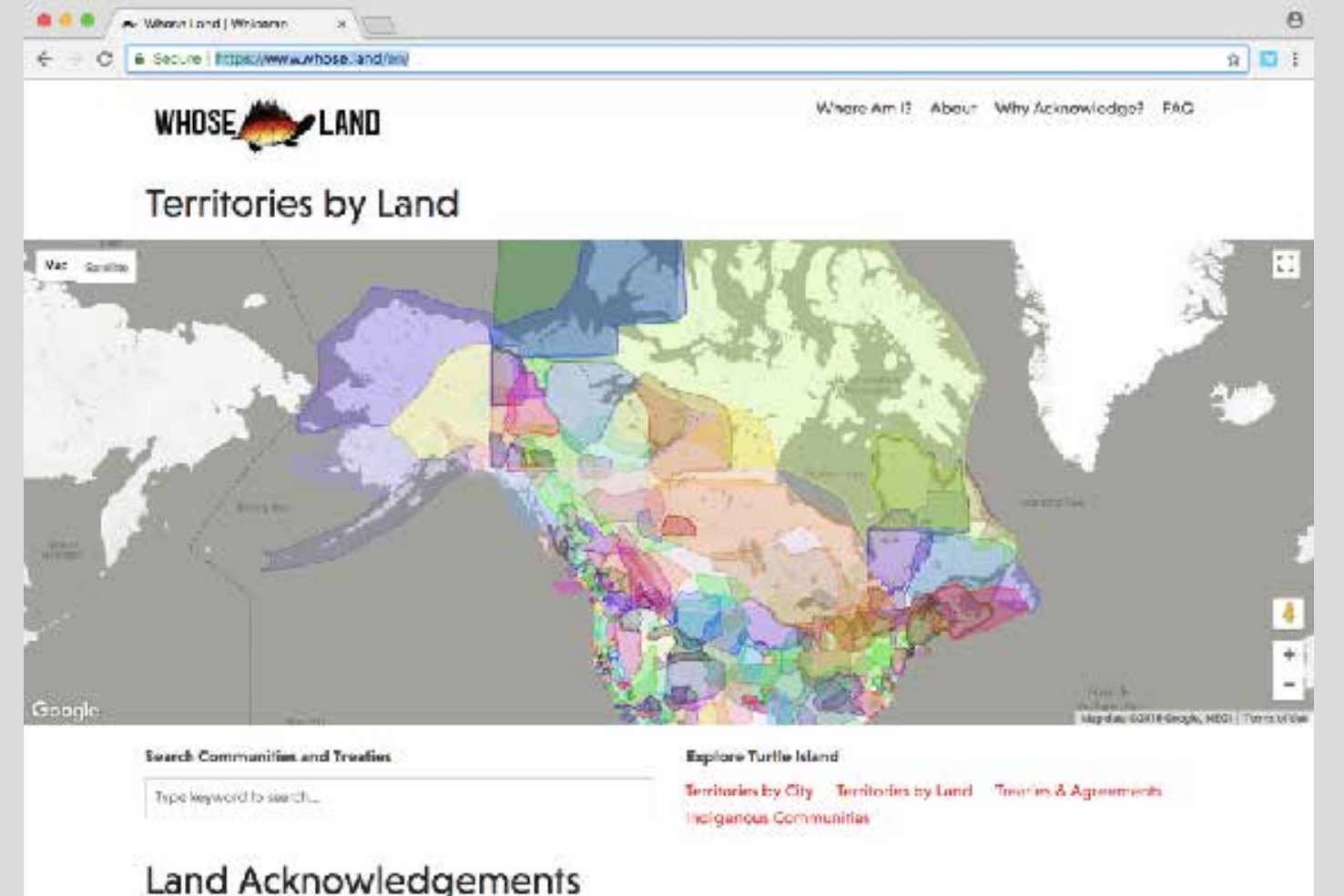
Fee Simple

Fee simple is the most common form of private property ownership in Canada. The average person who owns their home in Canada is a fee simple owner. This means that their ownership is recognized at the highest level in real estate law, although certain conditions apply; for example, they must comply with tax law and allow police jurisdiction over/on their property.

Reserve Land

The Indian Act of 1873 laid out plans to create a new form of landholding in Canada; reserve lands were defined in the Act as "a tract of land, the legal title to which is vested in Her Majesty, which has been set apart by Her Majesty for the use and benefit of a band." Reserve lands are not owned by First Nations; the land remains the property of the Crown, on loan, so to speak, to Indigenous Peoples. Only the First Nations can live there, and people on the reserve cannot sell, mortgage, or let non-band

Interactive 6.14 Whose Land website



Click to visit the Whose Land website, to learn more about whose traditional lands you are on and why land acknowledgements are so important, and to watch videos of some different land acknowledgements.

members use it. Any land transactions that happen on a reserve must be approved by the government.

