

Historical Treaties

Towards mutual respect and cooperation

Treaty Information

A treaty can be defined as a constitutionally recognized agreement between the government of Canada (called the Crown) and Indigenous Peoples.

Before the arrival of the Europeans, Indigenous Peoples had their own protocols for negotiating treaties among themselves. Europeans were also accustomed to entering into treaties with other nations. Nation-to-nation treaty relationships were therefore familiar to both sides.

From the first contact between Indigenous Peoples and Europeans, formal and informal treaties have formed the basis for military and economic alliances. During early colonial times, Europeans acquired Indigenous lands through treaties.

Treaties between Indigenous nations were an important part of life pre-contact. Most Indigenous treaties describe exchanges and interactions where different groups of Indigenous Peoples agree to share their ancestral land. Inform students that treaties have different meanings to different people (e.g., peace and friendship treaties, modern day treaties, numbered treaties). Treaty-making evolved from early colonial times, when treaties were more about ensuring military support or continued trade, to later in Confederation times, when treaties centered on resources and land use, to today, when treaties are defined as agreements providing foundations for ongoing cooperation and partnership between the Government of Canada, Indigenous groups, and often provinces and territories.

Many treaties are celebrated, but many treaties are also disputed. Today, when concerns about treaties are raised, it is often because the agreements made between the Government of Canada, Indigenous groups (and often provinces and territories) about ongoing rights and obligations on all sides are under dispute. Further, Canada has embarked on a journey of reconciliation between Indigenous and non-Indigenous peoples; a necessary journey to address a long history of scars and traumas left behind as a result of colonialism.

Many Indigenous communities were displaced as the national and provincial park systems were established in the late 19th and early 20th century. The Original Peoples from those communities were moved to less attractive, less useful lands, sometimes with conflict and force.

Negotiations over Indigenous land rights continue today, and involve issues of unceded territory and grievances about past promises and treaties that were not honoured by colonial powers.

Treaties are now an important component of Canada's political landscape. Today, much of Canada's land remains covered by different treaties, and the terms of these treaties are often a topic of debate.

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Treaties and the Indian Act

The Indian Act

The Indian Act of 1876 is a federal law that governs many aspects of Indigenous life in Canada. It was created by the Canadian government to consolidate earlier colonial laws aimed at assimilating Indigenous peoples and managing their affairs. Key aspects of the Act include:

- **Definition of “Indian” Status:** The Act legally defines who is recognized as an Indigenous person, excluding many individuals and communities.
- **Reserve Lands:** It governs the management of reserve lands, including land use and land transactions, limiting Indigenous control.
- **Band Governance:** It regulates the governance structures of Indigenous communities, imposing Western-style band councils and limiting traditional forms of governance. Since the Indian Act defines who can be legally recognized as an Indigenous person, by extension, it defines who can vote under the band system.
- **Cultural Suppression:** The Act historically included provisions that suppressed Indigenous cultural practices, such as the prohibition of traditional ceremonies, singing and dancing, making traditional artwork and potlatches.

Relationship Between Treaties and the Indian Act

- **Implementation and Control:** While treaties often promised autonomy, resources, and support, the Indian Act imposed a restrictive framework that controlled how these promises were delivered and managed. This led to the erosion of treaty rights and the imposition of government control over many aspects of Indigenous life.
- **Legal Disputes:** The differences between treaty promises and the provisions of the Indian Act have led to numerous legal disputes. Indigenous communities have often had to fight in court to assert their treaty rights against the limitations imposed by the Act.
- **Paternalism and Assimilation:** The Indian Act’s paternalistic approach contradicted the spirit of mutual respect and cooperation that many treaties aimed to establish. The Act’s goal of assimilation undermined the autonomy and self-determination envisioned by Indigenous leaders during treaty negotiations.
- **Ongoing Impact:** The legacy of the Indian Act continues to affect Indigenous communities today, with ongoing issues related to land rights, governance, and cultural preservation. Many Indigenous leaders and communities are working to reclaim their treaty rights and challenge the restrictions imposed by the Indian Act. Many First Nations bands are in the process or have already brought the Canadian government to court for not honouring their end of the treaty, resulting in current ongoing settlements/claims (E.g., First Nations Drinking Water Class Action Settlement, Treaty 6 Agricultural Benefits Claim).