

The treaties – a summary

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Who is covered by treaties?

Roughly half of all Indians in Canada are descendents of treaty signatories.

Starting in 1701, Indian people in what is now Canada signed treaties with the British government and later with the Canadian government.

Treaties are essentially documents that set out the conditions under which the British or Canadian governments could gain access to lands traditionally occupied by Indian people. According to the Department of Indian and Northern Affairs' historian Jean-Pierre Morin, many of the early treaties were straight land for cash deals. Most of those treaties involved Indians living in what is now Eastern Canada.

"They were simple purchases of aboriginal title in exchange for cash with no ongoing obligations [to the Indians]," says Morin.

It wasn't until the Robinson Treaties, signed with Indians living around Lakes Huron and Superior in 1850, that Indians received not only cash, but also reserves, annuities and hunting and fishing rights on unoccupied land.

The later historical treaties, known as the Numbered Treaties, contained increasingly complex ongoing obligations on the part of the Canadian government in exchange for title to Indian lands, mostly in the northwest.

Today, the process of negotiating treaties is far from over. A number of Indian groups are currently in negotiations with the federal government to create modern-day treaties, also known as comprehensive land claim settlements.

What are the Numbered Treaties?

The "Numbered Treaties" – 11 of them – were signed between 1871 and 1921 as the Canadian government began to pursue settlement, farming and resource development in the west and north of the country.

The 11 treaties cover Northern Ontario, Manitoba, Saskatchewan, Alberta and portions of the Yukon, the Northwest Territories and British Columbia. Indians who occupied these territories ceded vast tracts of land with the signing of these treaties.

Treaties 1 through 5:

The first five treaties, signed between 1871 and 1875, cover what are now parts of Northwestern Ontario and southern Manitoba, Saskatchewan and Alberta.

In return for ceding their land, Indians were given reserve lands to live on. According to *Canada in the Making*, a historical website (http://www.canadiana.org/citm/index_e.html) based on government documents, they usually received just 600 square metres per family of five, but in treaties 3 and 4, Indians negotiated 2.5 square kilometres per family.

"By Treaty Number 3, aboriginal people in the area were hearing what terms were being provided and they became savvy negotiators," says Jean-Paul Restoule, professor of aboriginal education at the University of Toronto.

Indians also brokered cash settlements, which increased in value with each successive agreement, and the right to hunt and fish on land not used for settlement, forestry or mining. And if the Indians wished, they could get schools built on reserve land.

Treaty 6:

Treaty Number 6, signed in 1876 by the Plains and Woods Cree, is very similar to the first five, with two important exceptions.

First, Indians were resisting treaties by this time because European settlers were quickly moving west and taking over their land. But with big game such as buffalo and deer disappearing, many Cree faced starvation and so had little choice but to sign.

Second, Treaty Number 6 is the only numbered treaty with a health-care clause. It states that the Indian agent would keep a medicine chest in his house for the benefit of the Indians.

According to Restoule, some people argue that the intent of this provision was to provide all aboriginals with high standards of free medical care.

"The medicine chest was considered the highest standard at the time," says Restoule.

While the federal government denies free medical care is part of the treaty, it does fund it for Status Indians as a matter of "policy," he says. In practice, this means that Ottawa picks up the tab on behalf of Status Indians for services such as dental care, not covered by most provincial health plans.

Treaty 7:

Treaty Number 7 was signed in 1877 by several Indian bands, including the Blackfoot and Stoney Indians in what is now southern Alberta.

The major difference between this treaty and the ones that preceded it is that the bands were able to get more money and supplies.

Treaties 8 to 11:

These treaties were signed between 1899 and 1921, largely in the northwest, with the exception of Treaty Number 9, which dealt with lands in northern Ontario.

By the time the Canadian government began negotiating treaties 8 through 11, northern Indians were deeply suspicious of the process. They had watched Indians in the Prairies starve as the government tried to turn them into farmers on their southern reserves.

The northern Indians were particularly unhappy with the fact treaties were meant to stay in force forever. While the tribes did eventually sign, it was with great reluctance.

According to Canada in the Making, Treaty Number 8 was unusual in that it allowed for small reserves for individual families among the small groupings of Woodland Cree and Dene.

This particular treaty was recently the subject of legal proceedings over its provision of tax exemption for Status Indians living on and off reserve. In 2002, a Federal Court judge ruled that members of 23 Indian bands in northern Alberta were exempt from paying sales and income taxes, even if they lived off reserves.

Up till then, the law in Alberta allowed tax exemption for Indians living on reserves, but removed the exemption from those who left.

The Federal Court of Appeal later overturned the original Federal Court ruling, arguing that exemption from tax was not part of the treaty for Indians living off the reserves. That's where it stands today.