

The autochthonous treaties in Canada

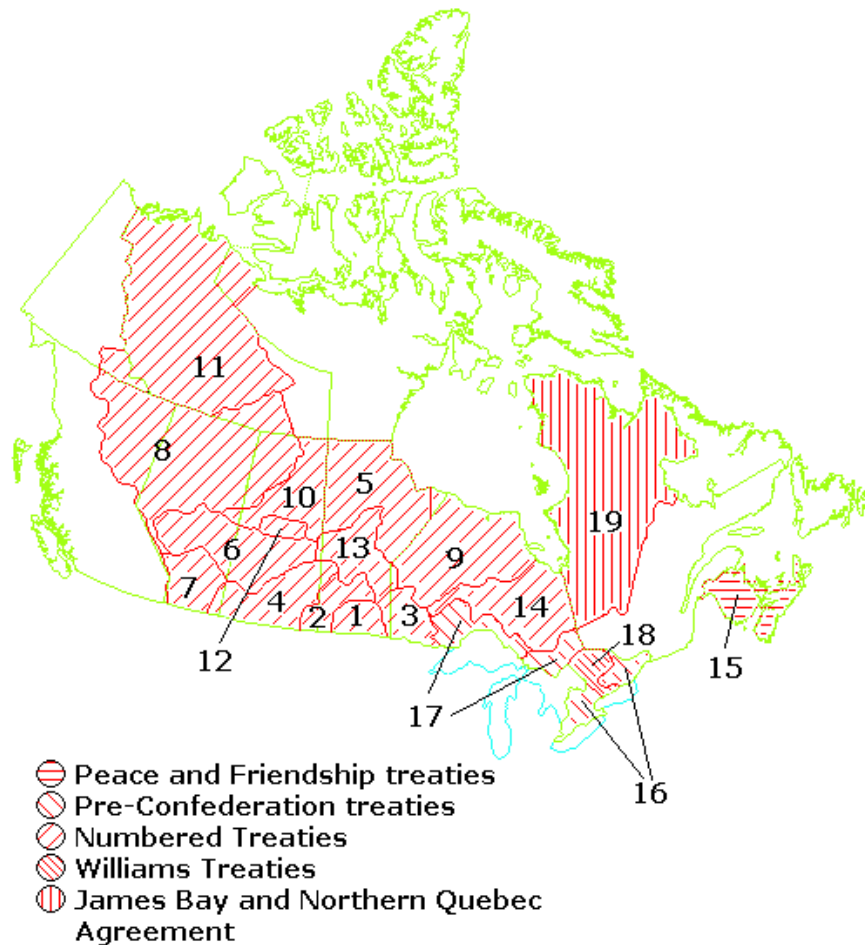
Before the coming of the European in Canada, several autochthonous peoples already lived since some dozens thousand years. They distinguished themselves between them on the cultural plan, according to the traditions and the ways of life nomad or farmer. The arrival of the white man in North American ground five centuries ago, marked the introduction of the treaty of written type, compared with the verbal agreement according to whom the various autochthonous communities were in the habit of negotiating between them. Also, the notion of land property was completely new for them because in the autochthonous culture, the land could not be associated to a property. These changes were going to upset the autochthonous peoples lifestyles in the territory and with regard to its resources.

Under the administration of the New-France which extended from 1608 till 1760 approximately, the government signed no acts of territorial transfer with the autochthonous communities. The colonization was naturally made along the St-Laurent's river and the economy based on the draft of furs did not require the acquisition of lands.

From 1701, the British Crown signs written agreements to show the will to establish peaceful reports between the First nations and the immigrant population in North American ground. These agreements clarified the obligations and the advantages of every part as well as the promises made on both sides. During the centuries which followed, the rights from which each of the respective signers benefited, as for the occupation and in aid of the territory and of its resources. One of these rights concerns the traditional custom of lands occupied by the autochthonous communities. In this chapter, we distinguish the historic treaties concluded between 1701 and 1923 ; and the modern treaties (on 1951 this day).

This day, we find approximately 70 historic treaties in Canada, of varied shape, contents and territorial surface. In this paper, you can see the cartography of only 19 that of which the territorial area is the biggest.

Map of the autochthonous treaties in Canada



Peace and Friendship treaties (1725 - 1779)

From the beginning of the 18th century, while the French and the British quarrelled the seizure by the vast North American territory, each of both empires had concluded the strategic agreements with several autochthonous communities, under commitment to defend their interests on these lands. These in this context that between 1725 and 1779, for territories corresponding at present to the provinces of New-Brunswick and Nova-Scotia, were signed the treaties of Peace and Friendship with the Mi'kmaq and Maliseet tribes (15 on the map).

Pre-Confederation treaties (1764 - 1862)

Already in 1760, the British empire showed its dominion in North American ground. According to term of the British Royal Proclamation of 1763, the

purchase of lands in first nation was a monopoly reserved for the Crown. Several treaties were signed between 1764 and the Confederation. The First Nations gave up their interests on the lands which they occupy in exchange for possessions or other rights such as spare lands, rights of hunting and fishing and other rights. The Crown so purchased lands in Ontario and in British Columbia. Notably there are the treaties of Upper Canada (on 1764 - 1862) (16 on the card), those of the Province of Canada in the time (on 1850 - 1862) (17 on the card) and those of the Vancouver Island (1850 - 1854) (does not appear on the map).

Numbered treaties (1871 - 1922)

Treaties signed since the Confederation hold their name of the fact that they have each a different number assigned (1 - 14 on the map). To increase the colonization, the agricultural activity and the exploitation of the western Canadian resources, and those ones in the North, the government of Canada concludes a series of treaties on lands corresponding at present to the North of Ontario and to the provinces of the Manitoba, of Saskatchewan and of the Alberta. Some parts of Yukon, of the Northwest Territories and of British Columbia are also covered by numbered treaties.

According to the numbered treaties, the First Nations transferred vast territories to the Crown in exchange of possessions and rights such as hunting, fishing and henceforth, the promise to maintain schools in the reserves and assure the supply of school articles.

Williams Treaties (1923)

In the centre and the south of Ontario, covering approximately 28 000 square kilometres (18 on the map), the Williams were signed to settle some demands left unresolved. According to these treaties, the autochtonous communities received amounts of money in exchange for an official transfer. The autochtonous communities also lost their rights of hunting, fishing and to trap on all the transferred territory.

Modern treaties (1951 - this day)

Territorial rights are granted to autochtonous communities coming from Canadian territories, where the claimed ancestral rights are the object of no treaty and no legal arrangement. Signed in 1975, the *James Bay and Northern Quebec Agreement* (19 on the map) was the first one of historic importance, signed since the beginning of the XXth century.

For time, Aboriginal received important sums, the total of which bordered the 225 million dollars. The territory was transferred to the provincial government and the autochtonous communities kept their rights of hunting, fishing and to trap.

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