

# Chapter 5

## SHARING TERRITORY

**J**f ever there was an annoying and worrisome issue, it is certainly the issue of Aboriginal land claims. However, the question is surrounded by many myths. Is it true that Aboriginal peoples are claiming 80 per cent of Quebec as theirs? Are they going to end up with a large portion of the territory and deprive us of its resources? Won't these claims lead to the disintegration of Quebec?

What is the origin of these land claims? Why haven't we heard about them before? Isn't it inconceivable, as say some, that a handful of nomadic Amerindians, who roamed the woods that covered vaguely defined territories, today are claiming full ownership of these lands for their sole benefit? Moreover, many are anxious to affirm that we are not responsible for the errors of the past and that there is a limit to playing the guilt card.

### A HIGHLY EMOTIONAL DEBATE

These issues are very passionate ones. And for good reason, because anything that affects territory affects collective identity and what makes a people, nation or an ethnic group feel different and above all valued. And if ever there was a people that identified itself with territory, open space and natural resources, and that obtained the greatest pride from these things, it is certainly Quebecers. In short, we all feel individually concerned. So why should we be surprised if the Aboriginal peoples feel exactly the same way?

To put this in context, we must first provide an overview of the situation. Who owns the land and the territory? Hasn't this issue long been settled? We will see that in terms of treaties, Quebec, British Columbia and the Northwest Territories differ from the rest of Canada. In fact, before the James Bay and Northern Québec Agreement was signed in 1975, no territorial treaty in Quebec provided for the Aboriginal peoples' surrender of their "rights, title and interest" to their lands. Although this is surprising, it is nonetheless true. If these rights have not been extinguished, is it possible that they still exist today? Do Aboriginal peoples hold a form of mortgage on the territory?

In the second part, we will endeavour to explain why the existing claims concern such vast territories. We will see that the negotiations that are underway to settle claims must take the approach of "sharing with" rather than "taking from." We will note that the fact of granting Aboriginal communities the right to exist does not mean that Quebecers must sacrifice something of themselves. Actually, the opposite is true, and that is reassuring. But let's begin at the beginning.

### RESPECTING CONSENT

Although, from the initial contacts, the need to conclude alliances and treaties was imperative, these agreements did not deal

*In October 1998, two students at Polyvalente Chanoine-Armand-Racicot in Saint-Jean-sur-Richelieu drafted a peace and friendship treaty like the ones between Europeans and Amerindians in the 17th and 18th centuries. Visiting Amerindians signed the document, which entreated the parties to establish a common future that was marked by mutual respect and harmony. Student representatives, school administrators, and a representative of the Commission des droits de la personne et des droits de la jeunesse also signed.*

*Photo: Rencontre Québécois-Autochtones, Pierre Lepage*



with land titles. When Champlain sealed his very first alliance with the Montagnais in Tadoussac in 1603, he obtained authorization to settle on Aboriginal lands in exchange for military support. But nowhere did the Aboriginal peoples surrender their rights to



*Cree Chief Big Bear's encampment, Maple Creek, Saskatchewan, 1883*

Photo: G. M. Dawson, Courtesy of the Geological Survey of Canada

these lands. The first treaties, under both the French regime and the British regime, sought the development of friendly, peaceful relations. In

these agreements, the establishment of commercial ties was the primary concern because the colony depended on it.

Things changed after Britain's conquest of the French colonies in North America. King George III issued directives on the administration of the new colonies through the *Royal*

*Proclamation of 1763*. And so began the era of the great territorial treaties that would replace the military and commercial alliances. The road to colonization had to be paved in an orderly and peaceful fashion.

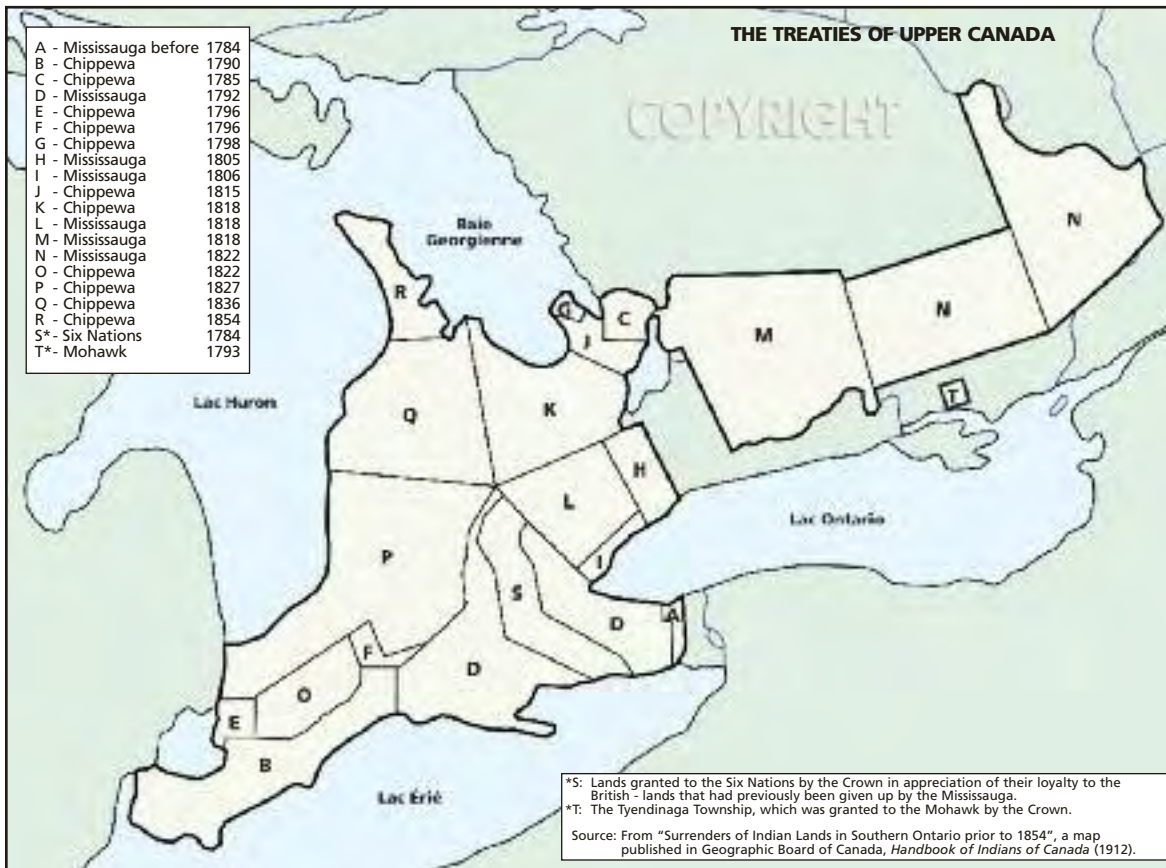
The text of the *Royal Proclamation* was explicit: to settle Aboriginal lands, the Aboriginal peoples' consent was required, and a procedure was even set out for obtaining it:

[...] but that, if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie [...] (Extract from the *Royal Proclamation of 1763*).

## THE TREATIES OF UPPER CANADA: PURCHASES FOR HARD CASH

The first treaties in the period between 1780 and 1850 were signed in southern Ontario. Immigrants who came from Great Britain after the Conquest sought to establish themselves in this region. A great many Loyalists, English colonists who were loyal to England and who fled the United States after the War of Independence in the American colonies, also sought refuge there. They certainly had to be accommodated somewhere.

The so-called Treaties of Upper Canada constituted a whole series of surrender agreements that opened up the regions to settlement. The Crown purchased the lands outright. It acquired the lands in exchange for lump-sum or annual payments, or annuities. According to the *Report of the Special Commissioners to Investigate Indian Affairs in Canada*, published in 1856, much of the land was surrendered for a pittance. Lands were surrendered [TRANSLATION] "... for a nominal amount... sometimes for goods, sometimes for an annuity that had no relationship to the value of the land" (Savard and Proulx 1982, 65). Hence, the Crown profited from these surrenders, which also marked the beginning of broken promises. For example, during discussions leading to the signing of a treaty between the Crown's representatives and Ojibway chiefs, in 1818, Chief Buckquaquet asked specifically that his people not be deprived of the right to fish, use



waterways, or hunt in areas where they could find game. Unfortunately, although these words were reported in the official record of the negotiations, nothing of the sort was recorded in the text of the treaty. Many years later, a Court of Justice would rule that the practices of the Ojibway were no longer protected, but were rather subject to the application of the provincial laws of Ontario. This was a bitter disappointment (Tilden 1978,7).

### THE ROBINSON TREATIES: A CALL TO ORDER

In 1850, Sir William B. Robinson concluded two important treaties with the Ojibway of Lake Superior and Lake Huron on behalf of the British Crown. The treaties bore the names of Robinson–Superior and Robinson–Huron.

The Crown had granted lands and mining rights north of Lake Huron and Lake Superior without the consent of the Ojibway, who protested and mounted petitions. Because their claims were ignored, the Ojibway of the Sault Sainte-Marie region took action in 1849, occupying a mine and turning away the miners (Richardson, ed., 1987, 24). A lesson had been learned, and the Crown understood the importance of complying with the procedure set out in the *Royal Proclamation of 1763*: it had no other choice. Peace was essential for settlement and industrial development; treaties clearly had to be entered into. It was also a question of civility.



Portrait of a group of Ojibways, Long Lake, Ontario

Canadian Museum of Civilization, photograph by F. W. Waugh, MCC 36751

The Robinson Treaties would become a decisive factor in the course of subsequent events by serving as a model for the major treaties that would follow westward colonization after Canadian Confederation in 1867.

### LOUIS RIEL AND THE MÉTIS REBELLION

In 1670, the king of England granted the Hudson's Bay Company the monopoly of the fur trade on the immense territory called Rupert's Land, which covered the entire Hudson's Bay watershed and extended to the Rocky Mountains in the west. Across this territory there were many marriages between fur traders and Amerindian women, and in time these gave rise to the emergence of a special people with a special culture: the Métis. On the prairies, a new language, Michif, was born of the mixture of French and of a number of Amerindian languages. Some Métis set up permanent encampments around trading posts; the buffalo hunt played an important role in the social organization of other, more mobile, Métis groups (Royal Commission 1996).



An engraving of Louis Riel  
L'Opinion Publique, collection of Pierre Lepage

Shortly after Confederation, in 1869, the Hudson's Bay Company sold its rights to Rupert's Land to the government of the new Dominion. No-one bothered to inform the Métis and the Amerindian tribes of what was in store for them, and caravans of settlers set out from the East to grab the best land even before the transaction had been finalized. Fearing the invasion of their lands by the agricultural society that was coming, and sensing the threat to their way of life, in that same year Métis led by Louis Riel drove out a surveying team that had been sent by the government of Canada to mark out the way for the settlers (Canada, Indian Affairs 1997).

The newly appointed governor, sent out to administer the territory, was denied entry. Events began to move more and more quickly; the Hudson's Bay Company trading post in Fort Garry was occupied by the Métis. Suddenly in a strong position, the Métis set up a provisional government and adopted a declaration of rights that demanded that the territories known as Rupert's Land and the North-West would not enter Confederation unless it was with provincial status. The government had to enter into the negotiations that would lead to the adoption of the *Manitoba Act* in 1870. But when a prisoner held by the Métis provisional government was executed, the government of the Dominion dispatched troops to Manitoba. The promise of amnesty that had been made during negotiations was broken, and Riel had to flee.

While the *Manitoba Act* provided for lands to be granted to the Métis, this remained a largely unfulfilled promise. The Métis were unhappy and again called upon Louis Riel, who had taken refuge in the United States. Rebellion broke out in 1885. This time, two Cree chiefs, Big Bear and Poundmaker, rallied their peoples to the side of Riel. When settlers were killed during a skirmish with Poundmaker's fighters, the Canadian government sent 8,000 soldiers west, and the rebellion was quickly put down. Riel was accused of treason in 1885 and condemned to death, Big Bear and Poundmaker were imprisoned for two years, and eight Amerindians were hanged (Canada, Indian Affairs 1997).

The history of the settlement of the Canadian West focused so greatly on the Riel affair and the Métis rebellion that the conclusion of major treaties with the Amerindian nations was pushed well into the background. Nevertheless, Louis Riel remains a symbol both of resistance to the politics of fait accompli and of the desperate struggle against assimilation.

First, the Robinson Treaties involved vast territories, which was a new phenomenon. Another new aspect in the terms of these treaties was that the Aboriginal signatories had to renounce their land titles in exchange for portions of territories that were to be reserved for their exclusive use. Thus, the treaties provided for the creation of 20 small reserves. From that point on the notorious “Indian reserves” would be an element that was indissociable from the major treaties to follow.

The Crown was very anxious to obtain the consent of the Amerindian populations. But this consent was not easy to obtain. For this reason, treaty commissioners assured the signatory Aboriginal communities that they could continue to hunt and fish, even on the ceded lands, *as long as those lands were not required for settle-*

## A SHORT HISTORY OF TREATY NO. 6

### Hostile Amerindians Block Construction of the Telegraph Line

In 1873, the Government of Canada delayed entering into treaties with the Amerindians of Western Canada. A member of the Geological Commission was ordered to terminate his activities by a group of hostile Indians. The following year, the federal government authorized contracts for the construction of a telegraph line between Thunder Bay, Ontario, and Cache Creek, British Columbia, that would blaze the trail for the construction of the Canadian Pacific Railway. The authorities again turned a deaf ear to the warnings that trouble could be expected if the telegraph-line team headed west before a treaty was concluded.

The Cree chiefs Mis-ta-wa-sis and Ah-tuk-u-koop and their troops took action in July 1875. They prevented the telegraph-line construction team from proceeding beyond the turn of the North Saskatchewan River, and they also stopped a Geological Commission's team that was exploring mineral and oil-drilling sites. The train transporting the equipment required by the telegraph-line team was met near Fort Carleton, and the leader was asked to order a halt to the work. He was also advised not to cut down any trees west of the South Saskatchewan River for use as telegraph poles.

A team working more to the east also encountered difficulties. Twenty-five Indian tents were erected near the work, and the protesters claimed cash payments for the lands used and the wood cut on the grounds that they were not parties to any treaty. The chief claimed payment of 50 cents per pole and threatened to have the line destroyed if the payment claimed was not made.

These actions had an immediate result. A government emissary, a well-respected Methodist missionary, was dispatched to the region with the government's promise to conclude a treaty the following year. The Western Cree accepted the proposal and called back their warriors, and the work resumed quickly. The following year, in the summer of 1876, Treaty No. 6 was concluded with the Prairie Cree.

(Events reported in Ronaghan 1976)



An engraving of Chief Abraham Mikaskokiséyin, signatory of Treaty No. 6

L'Opinion Publique, collection of Pierre Lepage



L'Opinion Publique, collection of Pierre Lepage

ment. The Aboriginal peoples were therefore guaranteed, at least verbally, that once the document had been signed they could continue to live as they had previously. Why then should they refuse to sign a treaty that guaranteed the Crown's protection and the possibility to live as before? Confusion and miscommunication reigned.

### THE POST-CONFEDERATION NUMBERED TREATIES

In 1867, the Fathers of Confederation signed the *British North America Act*. This act required new treaties. The great Canadian dream was built around the settlement of lands west of the Great Lakes, which were occupied by various Amerindian nations. These lands were appropriated and made available to



Blackfeet by the railway

Photo: National Archives of Canada, C 16717

settlers, who were encouraged to come in large numbers. Lands were offered free of



Source: From the map "Canada Traites Indiens" published by Natural Resources Canada (1991).

charge to attract these new settlers, and a little later a large-scale advertising campaign was launched. At the same time, treaties were concluded to ensure that the railway could be extended to the Rockies.

Over a 50-year period, eleven major treaties, known as the *Post-Confederation Numbered Treaties*, were concluded. The map opposite depicts their evolution and the size of the territories concerned.

How could the Amerindian nations of Ontario and the Western provinces have ceded their rights to such vast territories? The scenario is as follows. The numbered treaties were generally concluded rather quickly. Government-appointed commissioners usually left Ottawa armed with a pre-established document, and there was little room for real negotiation. The commissioners plied lakes and rivers seeking to meet various Indian groups. If there were no chiefs or council members, the groups were asked to elect spokespersons who would sign the document. With the assistance of an interpreter and very often through a missionary, the treaty was normally presented to the Amerindians on a “take-it-or-leave-it” basis. Very often, the Aboriginal peoples were advised that non-adherence to the treaty would not prevent the settlers from invading their lands and would deprive them of treaty benefits. The chiefs and council members, who were generally illiterate and ill-informed of the legal scope of the document, were then asked to affix their signatures—most often by means of an X.

## TREATY BENEFITS

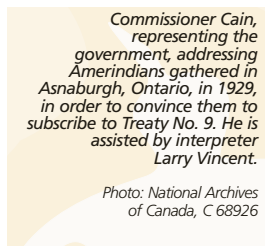
At the very heart of all these major treaties is the notorious cession clause, which reads as follows: the Aboriginal peoples “do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen,” all their rights, titles, and privileges to the lands described in the document.

In return, Aboriginal peoples were offered exclusively reserved parcels of land known as Indian reserves—which would not actually belong to them. The federal government remained the sole owner of these lands and managed them on behalf of the Amerindians. The terms of Treaty 8 give us a good idea of treaty benefits: in the first year, a present of \$30 for each chief, \$22 for each council member, and \$12 for everyone else, and for each subsequent year \$25 for the chief, \$15 for each council member (with no more than two or four council members, depending on the size of the band), and \$5 for everyone else, of any age, payable to the head of the family. After the signing of the treaty, each chief would be given a silver medal and a flag; every three years, each chief and council member would receive a suit of clothes. Treaty 8 also provided for the salary of a school teacher and, for each chief choosing the reserve, ten axes, five saws, five augers, one grindstone, and assorted files and sharpening stones. In addition, for each band that decided to



*Canoes of the commissioners responsible for Treaty No. 9 arrive at Long Lake, Ontario, in 1909.*

*Photo: National Archives of Canada, PA 59577*



*Commissioner Cain, representing the government, addressing Amerindians gathered in Asnaburgh, Ontario, in 1929, in order to convince them to subscribe to Treaty No. 9. He is assisted by interpreter Larry Vincent.*

*Photo: National Archives of Canada, C 68926*



*The annual ceremony at which treaty payments were made. Every year the Amerindians who had signed treaties (or their descendants) receive the sum of \$4 or \$5. Vermillion, Peace River, 1927-28.*

*Photo: National Archives of Canada, PA 134996*

cultivate the soil, two hoes, one spade, one scythe, and two pitch forks would be given to each family, in addition to a plough and a harrow. Cattle would be provided to bands and families that decided to engage in agriculture and livestock production. For others who wished to continue hunting and fishing, ammunition and string to make nets would be provided annually.

## OPPOSITE VIEWS ON TREATY TERMS

In the mind of the government, the objective of the treaties was to eliminate any obstacle that was likely to hinder the arrival of settlers, the clearing of arable lands and the exploitation of resources west of the Great Lakes. The Amerindians were also to be encouraged to gradually abandon their way of life and assimilate by taking up agriculture. However, the Aboriginal peoples' concern for preserving their own way of life was present in every discussion. This was only normal, but it meant that the parties to the treaties had diametrically opposed views on the terms of the document and its

### NUMBERED TREATIES:

#### DOUBTS ABOUT THE ABORIGINAL PEOPLES' FREE AND INFORMED CONSENT

[TRANSLATION] "Several factors lead to the belief that the Aboriginal people's consent to certain treaties may have been flawed. The first reason for this is obviously the non-existence of the notion of private property in traditional Aboriginal conceptions of the relationship between human beings and the earth. Hence, it was necessary for the government commissioners to explain in detail what was meant by a cession of territory. However, this does not seem to have been done. During the negotiations, the emphasis was often placed on the unlimited right to hunt and fish and on the preservation of the Aboriginal way of life. A study conducted of Alberta tribal elders showed that the Aboriginal peoples understood little or nothing about the significance of territorial cession. A bold judicial decision had even taken into account the possibility of a 'failure in the meetings of the minds.' Moreover, a commission set up in 1957 to investigate the implementation of Treaties Nos. 8 and 11 concluded that the Aboriginal peoples did not understand the content of these treaties, in particular because of the very poor translation of the negotiations as well as the confidence that the presence of priests and highly respected civil servants inspired in them. But all of this is relatively recent: the commissioners must have noticed that the Aboriginal peoples could not differentiate between hunting rights and land-ownership rights. Since the negotiators had assured the Aboriginal peoples that they could always continue to hunt, it can be inferred that there was a major distortion between the Aboriginal comprehension and the European comprehension of these treaties. Other irregularities also seem to have been perpetrated, such as the designation of Aboriginal chiefs by government commissioners and not by the Aboriginal peoples themselves. It goes without saying that the individuals chosen were favourable to the conclusion of treaties that were in the interests of the Crown."

(Grammond 1995, 107–108)

objectives. First, the very notions of private property and cession of rights were completely foreign to Aboriginal societies. In these societies, notions pertaining to land had to do with the relationship between territorial responsibility and custodianship. Since land belonged to no one, it could not be ceded or sold.

In its report made public in 1996, the Royal Commission on Aboriginal Peoples came to the conclusion that "accounts of negotiations leading to the historical treaties are full of stories of miscommunication and cross purposes." The verbal

promises made by government representatives during negotiations indicated that the historical evidence was undeniable: "the written treaties often are not a full and fair statement of agreements reached." It is not at all certain that conditions essential for genuine negotiation and free and informed consent on the part of the Amerindian nations were established. And in Quebec, have we done any better?

## IN QUEBEC, A TROUBLING OBSERVATION

In viewing the map of land treaties signed during the last century and at the beginning of this one, one arrives at a troubling observation: during that period, no treaties of the sort were concluded in Quebec. This was also the case for virtually all the territory of British Columbia and most of the Northwest Territories and the Maritime provinces. As mentioned at the beginning of this chapter, it was not until 1975 that the first modern-day land treaty was concluded in Quebec, when the James Bay and Northern Québec Agreement was signed with the Cree nation and the Inuit of the North, in connection with the work involved in the James Bay hydroelectric



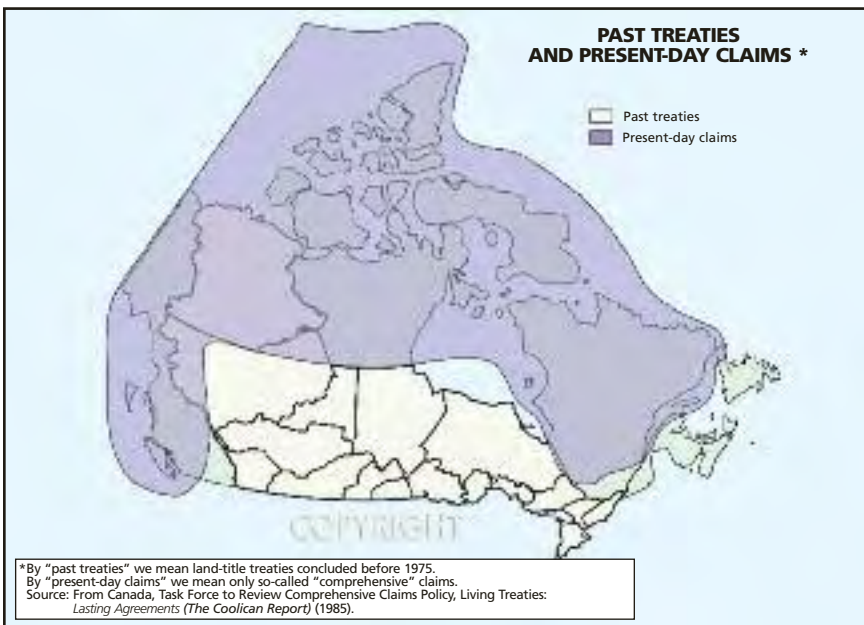
### NATION-TO-NATION AGREEMENTS

“Treaties are not admissions of defeat or submission. Parties to a treaty do not give up nationhood or their own ways of living, working and governing themselves. Rather, they acknowledge their shared wish to live in peace and harmony, agree on rules of coexistence, then work to fulfil their commitments to one another.”

(Reported in the Royal Commission on Aboriginal Peoples 1996)

*The famous silver medal given to each chief and councillor who signed the numbered treaties. On the obverse side is an effigy of Queen Victoria.*

*Photo: National Archives of Canada, PA 123917*



development. In 1978, the Naskapi nation in the Schefferville region signed a similar agreement called the Northeastern Quebec Agreement. Since then, no other treaty has been entered into in Quebec.

The majority of the Indian nations living in Quebec maintain that they have never ceded their rights to their ancestral lands. They are right, and this is why negotiations must be held to settle their land claims. What portion

of the territory of Quebec is covered by their current claims? The portion that is not covered by any treaty. In fact, looked at together, the treaty map and the claims map are somewhat akin to a photographic negative and the printed photograph. Many Quebecers feel a certain amount of anguish and even guilt when they discover that in Quebec Aboriginal land claims have never been settled. For some, discovering this is like getting a bucket of

cold water in the face. However, if this situation appears to be a historical aberration, there is surely something to be learned from it. We have observed that the way Canada obtained its numbered treaties is not very commendable.

### QUEBEC ENTERS INTO TREATIES

In 1923, the signing of Treaty No. 9, covering the northern part of Ontario, marked the end of an era. No new treaty would be entered into for more than fifty years. The Canadian government's policy consisted of ignoring ancestral rights. In 1973, however, a judgement of the Supreme Court of Canada (the Calder ruling) compelled the federal government to end this policy and conclude new treaties.

In 1975, after a long political and legal dispute surrounding the James Bay hydroelectric project, the Grand Council of the Crees of Quebec and the Northern Quebec Inuit Association entered into an agreement with the Government of Quebec, the Government of Canada, and three Crown corporations: the James

Bay Development Corporation, the James Bay Energy Corporation, and Hydro-Québec. The *James Bay and Northern Québec Agreement* thus became the first treaty of the modern era, as well as the first settlement to be reached in Quebec regarding Aboriginal lands and land titles. In 1978, an agreement of the same nature, the *Northeastern Québec Agreement*, was entered into with the Naskapi of Schefferville.

In addition to the payment of considerable financial compensation, these agreements provided for the establishment of a hunting and fishing regime that would better protect the rights of the Inuit, the Cree and the Naskapi; these were priority and, in some cases, exclusive rights. The agreements also provided for the establishment of an innovative guaranteed-annual-income program for hunters and trappers. To the Aboriginal signatories of these

agreements, it was especially important that future northern development take place in cooperation with the Aboriginal nations affected by it. Protection of the environment, fauna, and flora were accorded special attention, and joint committees were formed. The *James Bay and Northern Québec Agreement* contained remedial measures to reduce the negative impact of the work on the hydroelectric project. It provided for the relocation of the community of Fort George, due to the threat of erosion of the river banks. These first



The signing ceremony of the James Bay and Northern Québec Agreement, 11 November 1975. Cree Chief Billy Diamond and Makivik Corporation President Charlie Watt are surrounded by Premier Robert Bourassa, federal Minister of Indian Affairs Judd Buchanan, Quebec government ministers, and representatives of crown corporations that were signatories to the agreement.

Photo: J. Krieger,  
National Archives of Canada, PA 143013

What could have been a process espousing fundamental equality, reciprocal recognition and mutual respect between the parties proved to be a process tainted by a highly unbalanced power relationship, discord and contempt, and even lies and fraud. Quebec can do better as far as treaties are concerned. And it did do better, in several respects, when the first treaties were signed with the Cree, the Inuit and the Naskapi, more than twenty years ago.

### A MATTER OF SHARING

The *James Bay and Northern Québec Agreement* and the *Northeastern Québec Agreement* clearly illustrate that land claims must be considered a matter of sharing and cooperation rather than dispossession. Quebec has gained much from these agreements, which assured

territorial integrity and then more recently provided the possibility of developing the resources of vast regions that represent nearly two-thirds of Quebec, or a little more than the area of the entire province of Ontario.

two major treaties of the modern era promoted the establishment of several institutions that were intended to permit the Cree, the Inuit, and the Naskapi to better control their destinies.

### An Old Colonial Practice Persists

Early treaties and modern treaties have only one fundamental thing in common. Just like the post-Confederation numbered treaties, both provide for the prior extinguishment of all Aboriginal “rights, title and interest” on and to the lands concerned. In exchange for this extinguishment of ancestral rights, the signatory nations are granted the rights and privileges that have been partially outlined in the previous paragraph. To date, no settlement has been possible if the Aboriginal peoples concerned refused to submit to the extinguishment procedure.



*The financial compensation provided for by the James Bay and Northern Québec Agreement allowed Cree authorities to establish profitable companies like Air Creebec.*

*Photo: Jimmy Sam, MEQ collection*

In 1978, the Commission des droits de la personne of Quebec questioned this practice, which it deemed incompatible with the principle of the equality of the negotiating parties. The Commission also considered it unacceptable that these agreements extinguished the rights of nations that were not party to the agreements and that had claims on these vast territories. In particular, this was the case of the Algonquin, the Atikamekw, and the Montagnais: part of their ancestral lands overlapped the territories concerned. The Royal Commission on Aboriginal Peoples recommended that this procedure be abandoned. Very recently, the United Nations Human Rights Committee deemed this practice of the Government of Canada incompatible with article 1 of the *International Covenant on Civil and Political Rights*. This article ensures the inalienable right of all peoples to self-determination and their right to dispose freely of their natural wealth (United Nations 1999).

Today's treaties represent a unique opportunity to re-establish the dignity of the Aboriginal peoples, remedy certain errors of the past, and look to a future of peace and harmony together. Hence, it is essential to build these relations on a basis of equality. Recent developments seem to indicate that we are going to the right direction.

The land regime set out in these contemporary treaties clearly demonstrates that Quebecers are very unlikely to lose anything. Category 3, or public, lands represent over 84.3 per cent of this vast territory and are generally accessible to all citizens. Aboriginal peoples have access to them to fish, hunt and trap as in the past, but without holding an exclusive right to them, except for trapping. Exclusive rights are limited to Category 1 and 2 lands, which represent only 15.8 per cent of the territory. But even at that, Quebec can use certain lands (Category 2 lands) for development purposes, provided it replaces them with equivalent lands. In short, everyone seems to benefit.

The case of the salmon rivers represents another striking example of cooperation and interdependence to be established between the Quebec majority and the Aboriginal peoples. There are over 110 salmon rivers in Quebec. Since no territorial treaties were entered into in

Quebec before 1975, it could be expected that the majority of these much-coveted salmon rivers would be the subject of claims. But this is not the case. Current claims in fact have been laid to only ten or so of these rivers. Is this really so many? And even among the rivers concerned, fishing rights in several cases

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Category 1 lands are set aside for each Cree and Inuit community for their exclusive use. They are located within and around the villages in which the Cree and Inuit customarily live. Category 2 lands are contiguous to Category 1 lands and form a belt representing an exclusive hunting and fishing area for beneficiaries living on Category 1 lands. Category 2 lands are in the public domain and can be developed for other purposes, provided the parcels of land affected are replaced by others. Category 3 lands are public lands to which Aboriginal peoples did not receive a right of exclusive occupation, but on which they can pursue their hunting, fishing and trapping activities year-round as in the past, without legal constraint.

(Beauchemin 1992)



apply only to a portion of the waterway and do not affect the access of other users. Is there really a significant difference between a salmon river administered by Quebec and

another administered by Aboriginal peoples, if the entire Quebec population continues to have access to it? Once again, both parties seem to benefit—provided, of course, they share.

## NUNAVUT, THE LARGEST LAND-CLAIM SETTLEMENT IN CANADA

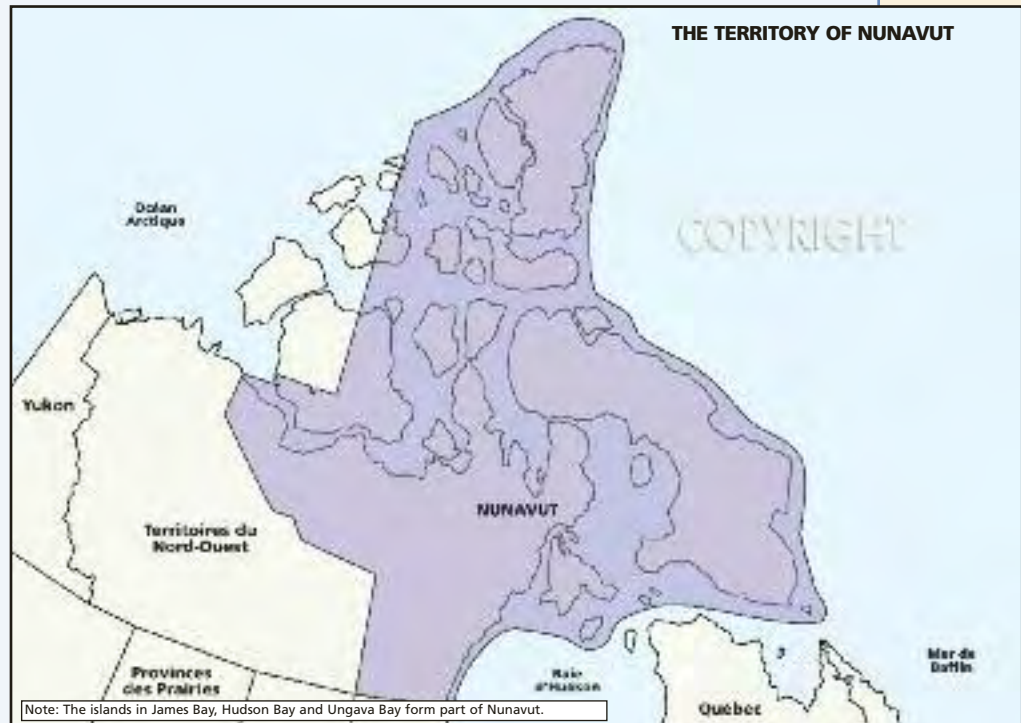
Since April 1, 1999, Canada has had a new territory, Nunavut, which in the language of the Inuit means "our land." The territory is immense, representing one-fifth of the area of Canada, and has an area of two million square kilometres. This vast expanse has a total population of 25,000 persons, of whom 85% are Inuit. Nunavut is comprised of 28 communities, including the new capital, Iqaluit.

The creation of this vast territory arose from the settlement of land claims presented by the Inuit of the eastern Arctic. The Nunavut accord is the largest Aboriginal land-claim settlement ever achieved in Canada. It grants the Inuit of Nunavut title to a region totalling some 360,000 square kilometres in the eastern and central Arctic, and it specifies the

ownership rules as well as the mechanisms for management of the lands, water, seas, and resources of the new Nunavut Territory, which represents one-fifth of the entire territory of Canada. The creation of Nunavut, a separate territory with its own government, fulfils an aspiration long-held by the Inuit of the eastern and central Arctic: control of their own destiny (Inuit Tapirisat of Canada 1995).

The territory is administered by a "people's government" elected by all residents, whether Inuit or non-Inuit. In fact, however, since the Inuit are clearly in the majority, the elected parliament is very likely to reflect Inuit culture and concerns. In Nunavut, 56 per cent of the population is under 25 years old; creating jobs for these young people is a very important challenge. The cost of living is two to three times higher than in southern Canada.

(Sources: Canada, Indian Affairs 2000; Inuit Tapirisat 1995)



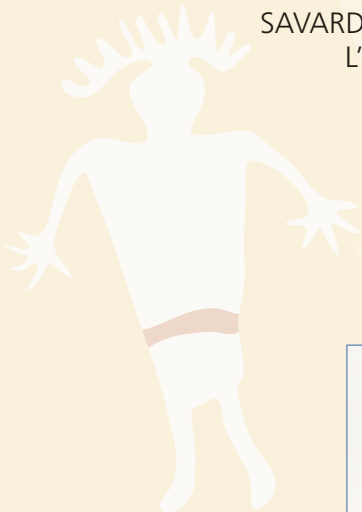
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*Amerindians of the Stoney Nation in Banff, British Columbia, 1915*

Photo: E. M. Kindle, Courtesy of the Geological Survey of Canada

