



Treaty Making and Self Government in British Columbia

This unit was developed in partnership with the BC Treaty Commission to provide teachers with resources they can use to build lessons on treaty making and self government as part of the Social Studies curriculum.

The BC Treaty Commission is the independent and neutral body responsible for facilitating treaty negotiations among the governments of Canada, BC and First Nations in BC. This project is part of the Treaty Commission's on-going commitment to foster discussion of treaty making in public schools and post-secondary institutions.

This important extension of concepts introduced in *From Time Immemorial* can be integrated into the teaching of Chapter Eleven.

NOTE TO TEACHERS

When teaching these lessons, it is imperative that it be done in a fair, just and open manner. Make every attempt to keep racial overtones, stereotyping and personal biases out of all discussions. Remind students to distinguish between fact and opinion throughout the unit.

For more information on treaty making or self government, please visit www.bctreaty.net, call the Treaty Commission toll free at 800-665-8330 (Vancouver 604-482-9200) or email info@bctreaty.net.



PART THREE
TABLE OF CONTENTS

Extension Activity Ideas	169
Prescribed Learning Outcomes	170
Background Information for Teachers	171
Notice to Parents	175
Lesson 1 Introduction: Classroom Rights	176
Lesson 2 Human Rights	181
Lesson 3 Justice on Trial – In Pursuit of Equality	189
Lesson 4 Treaties in Canada – the History	200
Lesson 5 Modern Treaties	208
Lesson 6 Self Government – the History	217
Lesson 7 Self Government Today	226



EXTENSION ACTIVITY IDEAS

Included in the unit lesson plans are suggestions for activities to help students develop understanding about issues and concepts related to treaties and self government. The following ideas can be adapted for use at any point in the unit:

- Make a chart
- Make a time line
- Make an outline
- Make a graph or table
- Give and justify an opinion
- Write a newspaper article
- Write a story
- Make up a role-play
- Make a poster
- Hold a panel discussion
- Invite / interview a guest speaker (contact your District First Nations Education Coordinator for assistance in finding an aboriginal guest speaker): discuss local treaty negotiations
- Design a questionnaire
- Analyze the pros and cons
- Write a letter to the editor
- Hold a discussion
- Hold a conversation or a debate
- Write a letter
- Make a simulation game
- Conduct a group survey
- Give a talk
- Make a booklet
- Write a critical analysis



PRESCRIBED LEARNING OUTCOMES:	Lessons						
	1	2	3	4	5	6	7
Applications of Social Studies							
It is expected that students will:							
• identify and clarify a problem, issue or inquiry	✓	✓	✓	✓	✓	✓	✓
• locate and record information from a variety of sources		✓	✓	✓	✓	✓	✓
• identify alternative interpretations from specific historical and contemporary sources				✓			
• assess at least two perspectives on a problem or an issue	✓	✓	✓	✓	✓	✓	
• organize information into a presentation with a main idea and supporting details		✓	✓			✓	✓
• design and implement strategies to address school problems or projects	✓	✓					
Society and Culture							
It is expected that students will:							
• describe how people’s basic needs are met in a variety of cultures		✓					
• demonstrate understanding of timelines					✓		
• demonstrate awareness and appreciation of various Aboriginal cultures in Canada					✓	✓	
• demonstrate understanding of the contributions of Aboriginal people to Canadian society					✓		✓
Politics and Law							
It is expected that students will:							
• compare the “discovery” and exploration of North America from European and Aboriginal peoples’ perspectives			✓	✓	✓	✓	✓
• describe the structure and functions of the BC provincial government					✓		✓
• describe a traditional and a contemporary Aboriginal form of government					✓		✓
Economy and Technology							
It is expected that students will:							
• compare bartering to a monetary system of exchange							
• demonstrate understanding of factors that influenced early European exploration of North America					✓		
• describe traditional technology used by Aboriginal people in Canada							
• describe technology used in exploration							
• identify economic and technological exchanges between explorers and Aboriginal people							
• evaluate the influence of mass media on stereotyping	✓						
Environment							
It is expected that students will:							
• locate and map world continents and oceans using simple grids, scales and legends							
• demonstrate understanding of Aboriginal peoples’ relationship with the land and natural resources					✓		
• demonstrate awareness of Aboriginal place names							
• identify and compare physical environments and cultures of various BC Aboriginal groups							
• analyse how people interact with their environment, in the past and in the present							



BACKGROUND INFORMATION FOR TEACHERS

WHY TREATIES?

Unfinished Business

When early Europeans first began to settle in the eastern part of North America, Britain recognized that those people who were already living here had title to the land: the Royal Proclamation of 1763 declared that only the British Crown could acquire lands from First Nations, and only by treaty.

But, west of the Rockies, things were different. Between 1850 and 1854, James Douglas, on behalf of the British Crown, negotiated fourteen land purchases on Vancouver Island, which are known today as the Douglas Treaties. When the mainland was made a colony in 1858, Governor Douglas' superiors in London left him in charge, assuming that more treaties would be arranged. Instead, Douglas began setting out reserves for each tribe, which included "their cultivated fields and village sites."

Soon after Douglas retired, the colonial government took away from aboriginal people the right to acquire Crown land, reduced the size of their reserves, denied that they had ever owned the land, and paid no compensation for the loss of traditional lands and resources. So when the time came for the colony of British Columbia to join Confederation in 1871, the new province's policy was set: British Columbia did not recognize aboriginal title, so there was no need for treaties to extinguish it.

Protests and Attempts To Negotiate

After Confederation, BC's First Nations continued to press for treaties, but the only one signed in the new province was Treaty 8 in 1899. The treaty, which extended west of Alberta to take in part of the northwest corner of British Columbia, was signed by the federal government; the province took no part.

During the 1920s the Allied Tribes of British Columbia petitioned Parliament more than once to

have their case sent to the Judicial Committee of the Privy Council in London (Canada's highest court at the time). In response, Ottawa amended the Indian Act in 1927 making it illegal to raise funds to pursue land claims.

Responding to international human rights criticism, Canada eventually lifted the restriction on land claim activity in 1950.

Aboriginal Rights

Aboriginal rights refer to practices, traditions and customs that distinguish the unique culture of each First Nation and were practised prior to European contact. Aboriginal title is an aboriginal property right to land. Section 35 of the Constitution Act, 1982, affirmed that aboriginal title, and the rights that go along with it, exist whether or not there is a treaty.

The Supreme Court's ruling in the 1997 *Delgamuukw* case is widely seen as a turning point for aboriginal rights. The decision confirmed that aboriginal title is a right to the land itself—not just the right to hunt, fish and gather—and that when dealing with Crown land the government must consult with and may have to compensate First Nations whose rights are affected.

Without treaties, there is continued uncertainty about how and where aboriginal rights and title apply in BC.

The BC Treaty Process

In September 1992, an agreement was struck among Canada, BC and the First Nations Summit to establish a made-in-BC treaty process, and the BC Treaty Commission as the independent keeper of that process. Through voluntary political negotiations, the parties are attempting to "establish a new relationship based on mutual respect, trust and understanding."

The BC treaty process is unique because the



negotiations include self government arrangements. These negotiations are arguably the most complex set ever undertaken in Canada.

Before the treaty process was established, court action and direct action were the only options for First Nations to address aboriginal rights and title. The biggest reason to negotiate now is that once the issue of aboriginal title is settled in court, a host of other rights remain to be dealt with on a case-by-case, right-by-right basis. For example, First Nations will need to negotiate governance arrangements with Canada and BC over the territory where the courts confirm aboriginal land title.

As of September 2002, there are fifty-three First Nations participating in the BC treaty process, representing one hundred twenty-two Indian Act bands (one hundred fourteen in BC. and eight in the Yukon) and two-thirds of all aboriginal people in B.C. Because some First Nations negotiate at a common treaty table, there are forty-two sets of negotiations underway.

The Nisga'a Treaty (2000) was negotiated outside the current BC treaty process.

ISSUES FACING FIRST NATIONS PEOPLE

The following information accounts for many social problems that First Nations people across Canada face. When discussing these issues, it is important to avoid stereotyping of aboriginal peoples.

Impact of Colonialism

Social problems among aboriginal people are, in large measure, a legacy of history...Once they are self-governing, self-reliant and healthy in body, mind and spirit, aboriginal people will be able to take responsibility for themselves and their place in the partnership with Canada. The circle of well-being will be complete.

Report of the Royal Commission on Aboriginal Peoples, 1996

http://www.ainc-inac.gc.ca/ch/rcap/index_e.html

The Legacy of Residential Schools

In 1880, the government of Canada began removing aboriginal children from their families and placing them in residential schools managed by missionaries. If parents resisted they were fined and put in jail. Children's names were changed and they were forbidden to speak their language—often beaten or locked in closets for doing so. Many children were physically and sexually abused and a number died mysteriously at residential schools. Away from their homes, children were unable to learn about their cultural heritage through storytelling by elders of their nation and other ceremonial events, like potlatches. At the same time, children spent little time learning about European culture as they were often occupied with chores. As a result, First Nations children often felt lost, isolated and shameful of their cultural heritage. Growing up away from their families, children never learned nurturing parenting skills and so the effect of residential schools reached down to their children and grandchildren. The traumatic experience of the residential school system, along with many other Indian Act policies, has created a legacy of social problems.

Unemployment and Poverty

Traditionally, First Nations people were self-sufficient, with every able-bodied man, woman and child working at hunting, fishing, gathering, and in some locations, farming. The Indian Act dismantled First Nations traditional ways of life, creating a legacy of economic dependency. Today, aboriginal people face unemployment rates more than two and a half times greater than the BC average. Most aboriginal people live at or below the poverty line. In 1991, fifty-four per cent of aboriginal people had annual incomes of \$10 000, as compared to thirty-four per cent of Canadians generally. (1991 Census)

The Indian Act has made economic development on reserve land difficult. Faced with limited employment opportunities within their traditional territory, First Nations people may feel forced to move to the city, but often find that job prospects are not improved.



The BC treaty process provides First Nations with opportunities to develop their skills and take advantage of business opportunities as they work toward comprehensive treaties. Interim measures agreements—short-term agreements that provide immediate benefits to First Nations while negotiations continue—are important tools in developing the new relationship.

Many First Nations already have businesses and joint ventures underway. For example, the Ktunaxa/Kinbasket Tribal Council developed the extremely successful St. Eugene Mission Resort, which includes a golf course, Delta Hotel and casino. Indian Act regulations make it difficult for First Nations to undertake economic development.

The Harvard Project on American Indian Economic Development, a thirteen-year study of indigenous nations in the United States, found economic success is closely linked to the power to make decisions. Through treaties, First Nations will be able to develop and manage businesses that provide job opportunities with their traditional territories.

Recommended Resources

Aboriginal Success Stories (Indian and Northern Affairs Canada)

http://www.ainc-inac.gc.ca/nr/ecd/srch_e.html

Article on the Harvard Project in Treaty Commission's May newsletter

<http://www.bctreaty.net/files/newsletter.html>

Regular newsletter column "Interim Measures Watch"

<http://www.bctreaty.net/files/newsletter.html>

Health and Child Welfare

The gap in life expectancy between aboriginal people and other British Columbians is twelve years. Aboriginal people are plagued by higher incidences of chronic and terminal illnesses, including diabetes, heart disease and AIDS/HIV.

First Nations children continue to experience poorer health than other Canadian children.

Approximately fourteen out of one thousand aboriginal infants die within their first year of life, compared to seven out of one thousand deaths for non-aboriginal infants. Aboriginal children have over the years consistently represented over one-third of the total children in care in BC. Fetal alcohol syndrome is three or four times greater among on-reserve children than other British Columbian children.

Because many First Nations live in remote communities, access to health care facilities is often difficult. Through treaties, First Nations will be able to deliver health care and provide child and family services within their communities to meet the unique needs of their people. For example, the Nisga'a Lisims government operates the Nisga'a Valley Health Board, a community-driven health care service. Nisga'a Child and Family Services provides parenting skills training and other family support services.

BC Ministry of Health, 2001

"The Health and Well-Being of Aboriginal Children and Youth in British Columbia"

Ministry of Children and Family Development, June 2002

Nisga'a Final Agreement 2001 Annual Report

Youth Suicide and Substance Abuse

The incidence of suicide among status Indians are eight times higher than the rate for other Canadian young women, and five times higher than the rate for young men. A survey conducted in 2000 indicated that sixty-four per cent of aboriginal youth know someone personally whom has attempted or committed suicide.

Aboriginal youth are also more likely to abuse substances than non-aboriginal youth. One survey indicated that fifty-one per cent of aboriginal youth involved in alcohol use have engaged in binge drinking (five or more drinks within two hours) within the last month.

Many First Nations are already developing spiritual healing centres to help troubled youth and other



community members.

Indian and Northern Affairs Canada, 2001

“The Health and Well-Being of Aboriginal Children and Youth in British Columbia”

Ministry of Children and Family Development, June 2002

Education

Although high school completion rates have improved among aboriginal students, they are still less than half as likely to graduate from high school as non-aboriginal students. This disparity is due to a complex set of factors, including a lack of aboriginal perspectives in curriculum, long distances many First Nations children travel to school, literacy rates and the relationship between socio-economic status and educational attainment. Through self government, First Nations people will be able to provide their children with the opportunity to learn about their own culture, language and traditions.

At present, there are seventy First Nation operated elementary and high schools in B.C. For example, the Ktunaxa/Kinbasket Nation operates the Ktunaxa Independent School System in Cranbrook, BC. The Society offers a variety of different programs for First Nation learners in the area, including Ktunaxa language programs, curriculum work with the College of the Rockies and a community healing intervention program for youth.

Ministry of Education, September 2000

Ktunaxa Independent School Society web site
<http://www.kktc.bc.ca/kiss.htm>

Youth Justice

Aboriginal youth account for twenty-four per cent of youth justice caseloads, while they only comprise nine per cent of the B.C. total youth population. The typical indigenous offender is young, male, living in a city, has no ties to his community, has a substance abuse problem, has been exposed to violence

or other forms of abuse early in life, is a graduate of residential schools or foster homes, is unemployed and disconnected from any sense of culture or spirituality.

Through treaties, aboriginal people will develop policing and justice programs, within the regulations of the Criminal Code of Canada, to address these issues within their communities. For example, the Nisga'a Lisims Government Justice Program includes attention to traditional justice practices, support for crime victims and crime prevention work.

“The Health and Well-Being of Aboriginal Children and Youth in British Columbia”

Ministry of Children and Family Development, June 2002

The Royal Commission on Aboriginal Peoples, 1996

Nisga'a Final Agreement 2001 Annual Report

Cultural Rebirth

The First Nations population is the youngest and fastest growing segment of the Canadian population. Ontario and British Columbia have the largest populations of aboriginal peoples in Canada. A strong cultural rebirth is taking place across Canada. First Nations people are experiencing hope, direction, strength and a sense of pride as they witness an increase of respect and value in their traditional values and customs. A revival of songs, dances, oral history and language is now being passed down by the elders.

A rebirth of sweats, pow wows, potlatches, sun dances and vision quests serve as testimony to the endurance of First Nations people to maintain their beliefs and spirituality.



Notice to Parents

Date _____

Dear Parents/Guardians,

As part of our Social Studies unit, our class will be learning about the BC Treaty process and Self Government in First Nations communities. The students will learn about the history and current status of treaty making in Canada, and the quest for self government taking place in the province of British Columbia today.

Please ask them to share with you what they are learning about why and how treaties are being created in British Columbia. I would appreciate your support by discussing the following concepts with your children:

- Citizenship
- Responsibility of Governments
- Justice
- Equality
- Discrimination
- Racism
- Stereotyping

Students will be making oral presentations at the end of the unit. Please plan to support your son / daughter by visiting our classroom on presentation day.

Hope to see you then.

Teacher



LESSON ONE: INTRODUCTION

Overview

Lesson One is an introduction to the unit on Treaty Making. Its goal is to link the topic to the students' own lives and to help them develop empathy for First Nations people's quest for equitable treatment and self government.

Learning Outcomes

It is expected that students will:

- Develop their understanding of the meaning of stereotyping and discrimination.

Vocabulary

just/unjust	discrimination	stereotyping
justice	racism	

Preparation

1. Photocopy any student materials provided for this lesson that you plan to use.

Developing Understanding

1. Story: "Classroom Rights"

- a) Read the story "Classroom Rights" provided on pages 177, 178 aloud to your students. You could replace "Mrs. T" with your own name and edit the story to make it refer to your own class, to help your students identify with the situation.
- b) Distribute copies of the form provided on page 179. Ask students (individually or in small groups) to make notes under the headings to summarize the events in the story.
- c) Distribute copies of the blackline master provided on page 180. Have students respond to the questions and then share their responses in a class discussion.

2. Discrimination/Stereotyping

- a) Write the word **discrimination** on the board. Ask your students what it means (unfavourable treatment based on prejudice). Explain that when people treat entire groups in a particular way without regard for individuality, it is called **stereotyping**, which leads to discrimination. When discrimination is against people of a certain sex, it is called **sexism**. Ask your students what it is called when people are discriminated against because of their race. Ask what other forms of discrimination occur. Write key words on the blackboard as they occur in the discussion.
- b) Discuss why stereotyping and discrimination occur—why people form opinions about whole groups of people even though every person is unique. Ask if your students see examples of stereotyping and discrimination in the media, in their school or community. Discuss how one can guard against being influenced by stereotyping and avoid participating in discrimination.
- c) Have each student choose a key word from the discussion (e.g. racism, discrimination, prejudice, stereotyping, justice, tolerance, understanding) and write a slogan featuring the key word (e.g. Discrimination Hurts Us All). Have the students design posters to promote the slogans they have created. Display the posters in the classroom or school hallways.



CLASSROOM RIGHTS

One bright spring morning, ten foreign students arrived on the doorstep of Division One's homeroom. Mrs. T. greeted the new students, then introduced them to the class. She knew her class would make the new students feel at home in their new surroundings.

The first couple of weeks things went along quite smoothly. In the third week, however, things began to change. Three quarters of Mrs. T's original class became deathly ill and had to be hospitalized. Their desks were removed from the classroom to keep the disease from spreading.

At the end of the third week, problems began to crop up almost daily. The new students met early one morning before school started and quickly set about moving the small tables and chairs to the back of the room. After this was completed, they laid claim to the five big desks in the room.

The five original students walked into the classroom just as the bell rang. Their first thought was they had entered the wrong room. The oldest girl in the group retraced her steps, checking the room number over the doorway—no, this was definitely their room all right. These new students were certainly pushy, but this latest escapade of theirs completely flabbergasted her.

"Excuse me, you're in my desk," one of the original girls said.

"Your desk? I don't see your name on it! This is MY desk. Go sit at the back," the new girl said sarcastically.

"I need to get my supplies first," the original girl replied, flustered.

"Your supplies! Since when are they your supplies? Any supplies in MY desk are mine! Why should I GIVE YOU anything?"

"Fine, just wait until Mrs. T comes, she'll straighten things out," the girl replied.

"You're not allowed to tell the teacher anything," the new girl sneered.

"Why not?" the original girl answered, shocked at the very audacity of the new girl.

"Because you need permission to report anything to the teacher," the new girl replied with certainty.

"Who do I get permission from?" the girl asked, bewildered.

"From me, that's who! And I can assure you I'm not giving you permission to make a claim on MY supplies, so there!" she said authoritatively.

"Good morning class!" Mrs. T. said halfheartedly. The students knew something was definitely wrong.

"Good morning Mrs. T," the students replied.

"Mrs. Brown has become seriously ill and it took me a few minutes to get her class settled down and working," Mrs. T. explained.

"Will she be all right?" the students asked, concerned.

"I hope so! I'll have to run back and forth across the hall until a replacement can be found. Take out your science books and continue your assignment from yesterday. I know you're all more than capable of carrying out your work, but if there's any problem, send someone for me immediately. I'll check in on you periodically," she instructed.

The students didn't want to add to Mrs. T's worries, so they came up with an alternative, they would bring the matter of the rearranged furniture up with the principal. The tallest boy of the original class was selected to take the matter to the principal. He stood up and started towards the door but the new students immediately blocked his way.

"Where do you think you're going?" they challenged.

"I'm going to see the principal," he stated firmly.



“Where’s your pass?” they demanded.

“Pass—what pass?” he inquired.

“Your pass. You have to have a pass to go anywhere!” they informed him.

“Who do I get a pass from?” he asked incredulously.

“From us,” they said flatly.

“All right, give me a pass then,” he said, deciding to play along with them.

“We can’t give you one, we’re busy, you’ll just have to go back to your seat,” they said in unison. He returned to his seat and slumped down, overcome with frustration.

“What happened?” the original students asked him.

“They said I need a pass. What should we do now?” he whispered.

“Hey! You guys stop whispering back there! You’re not allowed to have any meetings,” they ordered. The original students were shocked into silence.

The new students huddled at the front of the room, speaking quietly while continually checking on what the original students were up to.

Even though they weren’t aware of it, their voices carried enough for the original students to hear them. They were planning to have a class election and select a class president. The original students became excited at the prospect of an election, this was their way out, they could elect someone who was partial and fair to everybody.

The new students began to vote, and as they did so the original students stood up, determined to register their vote.

“Where are you going now?” the new students demanded.

“We’re going to vote,” the original students answered.

“Vote! You’re not allowed to vote,” they shouted.

“Why can’t we vote?” the original students asked.

“Only students can vote.”

“We’re students.”

“No you’re not,” the new students said.

“What do you mean, we’re not students? Of course we are.”

“No you’re not. You’re wards. It’s the law that wards can’t vote.”

“Who’s a ward? We’re students just like you.”

“You’re a ward and in need of protection. But don’t worry, we have accepted the responsibility of being your guardians, we’ll make sure you’re treated properly.”

“We don’t want any guardians! We have parents—they look after us.”

“Yes, well, we wanted to talk to you about that as well. We feel it is in your best interests if you remain at school. You will learn our ways, religion, customs and language. After all, you must stop speaking that barbaric gibberish you use all the time.”

Date _____



Name _____

Classroom Rights

1. List the events in the story according to whether you think they were Unjust (unfair) or Just (fair).

UNJUST

JUST

2. Note the negative and positive things that happened in the story.

NEGATIVE

POSITIVE

Date _____



Name _____

Classroom Rights

1. Were things in Mrs. T's classroom in balance or out of balance? Explain.

2. Who held the balance of power?

3. How did they go about gaining their power?

4. What was taken away from the original students?

5. What could the original students have done to change the situation?

6. How can we make a school (or society) just (fair) for everyone?

7. Give an example of a time when something unjust (unfair) happened to you.

How did you feel?

8. If you saw something happening that was unjust (unfair) happening, would you speak up? Why or Why not?

9. Explain what the word JUSTICE means.



LESSON TWO: HUMAN RIGHTS

Overview

Lesson Two explores the concept of citizenship, human rights and how human rights are protected in Canada and the world. Students will learn how the rights of different groups of people living in Canada were arbitrarily taken away.

Learning Outcomes

It is expected that students will:

- Develop an understanding of citizenship and the principles upon which the concept of citizenship is based.
- Develop an understanding of human rights and how nations of the world attempt to protect human rights for all people.
- Learn about historical racial discrimination in Canada.

Vocabulary

citizen	human rights	equality
responsibility	values	law

Preparation

1. Make an overhead transparency of the Citizenship Concept Cycle diagram provided on page 184.
2. Make photocopies of the Citizenship Concept Cycle diagram provided on page 185.
3. Photocopy or make transparencies of the Info Pages provided for this lesson.

Developing Understanding

1. The Principles of Citizenship

- a) Have the students make a list to answer the question: *What are my rights?* Collect the lists and set them aside until the end of this activity.
- b) Write the word “Citizen” on the board and ask your students what it means (a person who by birth or choice is a member of a nation or state, thereby owing allegiance to it and in turn being entitled to protection and the enjoyment of certain rights).
- c) Introduce the concept of FAIRNESS. Give some examples such as: Would it be fair if only the girls had to do homework and the boys got to play? Would it be fair if only the girls got to go on a field trip and the boys had to stay at school and work? Have the students suggest other examples of what is and isn’t fair. Help them come up with a definition of fairness. Guide them to the realization that equality plays a major role in what is and isn’t fair.
- d) Discuss the concept of RESPONSIBILITY. Ask:
What does being responsible mean?
What are you responsible for?
What are your parents responsible for?
What happens if people don’t take responsibility for their actions?
What are the police responsible for?
- e) Explore the concept of VALUES (the established ideals of life; the principles about what is really



important or worthwhile that guide choices and behaviour). Have the class brainstorm eight to ten values that are important in a democratic society.

- f) Divide the class into four groups. Have them develop definitions for the following words and present the meanings to the rest of the class.

Group A	Caring, love, justice, harmony
Group B	Kindness, accountability, integrity, loyalty
Group C	Sharing, balance, equality, fairness
Group D	Respect, honesty, trustworthiness, truth

Have the students in each group select 4 or 5 values they feel are the most important to the group as a whole.

Have each group print their words in block letters on chart paper and mount them around the room. Divide the class into four stations, station them at a chart, instruct them to move in a clockwise rotation to the chart to their right. At each chart they are to come to consensus about which value is the most important, have a reason for their decision and check off that value, then move on to the next chart and repeat.

- g) Discuss the concept of LAW. Ask:
 Who makes laws?
 Why do we need laws?
 Are all laws just and fair?
- h) Distribute copies of the blank **Citizenship Concept Cycle** diagram provided on page 185. Show the overhead transparency of the **Citizenship Concept Cycle** diagram provided on page 184. Discuss how the concepts inter-relate to form the basis of citizenship. Ask your students to complete their copies of the diagram by filling in the blank spaces.
- i) Pass back students' original lists of "What are my rights?" Ask them to:
 Cross out any that seem less relevant now.
 Circle or add rights they feel are of major importance.
- j) Discuss how the principles of citizenship could be implemented at school.

2. Human Rights

- a) Write "Human Rights" on the blackboard or chart paper and ask your students to think about what it means. Record their ideas below the heading.
- b) Ask your students what they know about how human rights are protected in Canada and the world.
- c) Divide your students into study groups to research organizations and legislation that work toward protecting human rights. If possible, create one more group than the number of students in each group. For example, create six groups with five students in each. Assign each group one topic. E.g.:
- Group A: Canadian Constitution
 - Group B: Charter of the United Nations
 - Group C: Universal Declaration of Human Rights (UN)
 - Group D: Convention on the Rights of the Child (UN)
 - Group E: Universal Declaration of Human Rights (UN)
 - Group F: Amnesty International



Other UN agreements which could be investigated:
Covenant on Civil and Political Rights
Optional Protocol to the Covenant on Civil and Political Rights
Covenant on Economic, Social, and Cultural Rights
Convention Against Torture
Convention Against Genocide
The Geneva Conventions
Convention on Elimination of Discrimination Against Women

- d) After each group has had time to research and learn about its topic, have them work together to develop a presentation that can be used to teach the other groups. Encourage each group to identify the most important information they have learned about their topic and to organize it into a coherent presentation.
- e) Have each member of Group A meet with another group to teach them about Group A's topic. Then have each member of Group B meet with another group to teach them about Group B's topic. Continue so that each student has the experience of teaching about his/her group's topic.
- f) Pose the question: Why should (we / I) be concerned if other people's rights are taken away?

3. Human Rights Abuses in Canada

- a) Distribute copies or use an overhead projector to present the Racial Discrimination in Canada – Did You Know? Info Pages provided on pages 186 – 188.
- b) Discuss: What does it mean to society as a whole if one group's rights are taken away arbitrarily?
- c) Discuss how Canadians are known around the world as peace keepers. We go into war torn countries and try to establish peace, harmony and justice. Have students meet in small groups to suggest ways we could establish peace, harmony and justice for all of our own citizens.
- d) Have each student choose a way to express how he/she feels about the history of racial discrimination in Canada. Students could:
 - Develop short dramatizations or radio plays based on one or more of the statements.
 - Conduct research to find out more about some of the statements.
 - Write stories, songs or poems, or do art work inspired by a statement.
 - Conduct research to write "Did You Know?" statements about other groups in Canada.
 - Discuss the implications of statements like these on their ideas of what Canada stands for as a country.

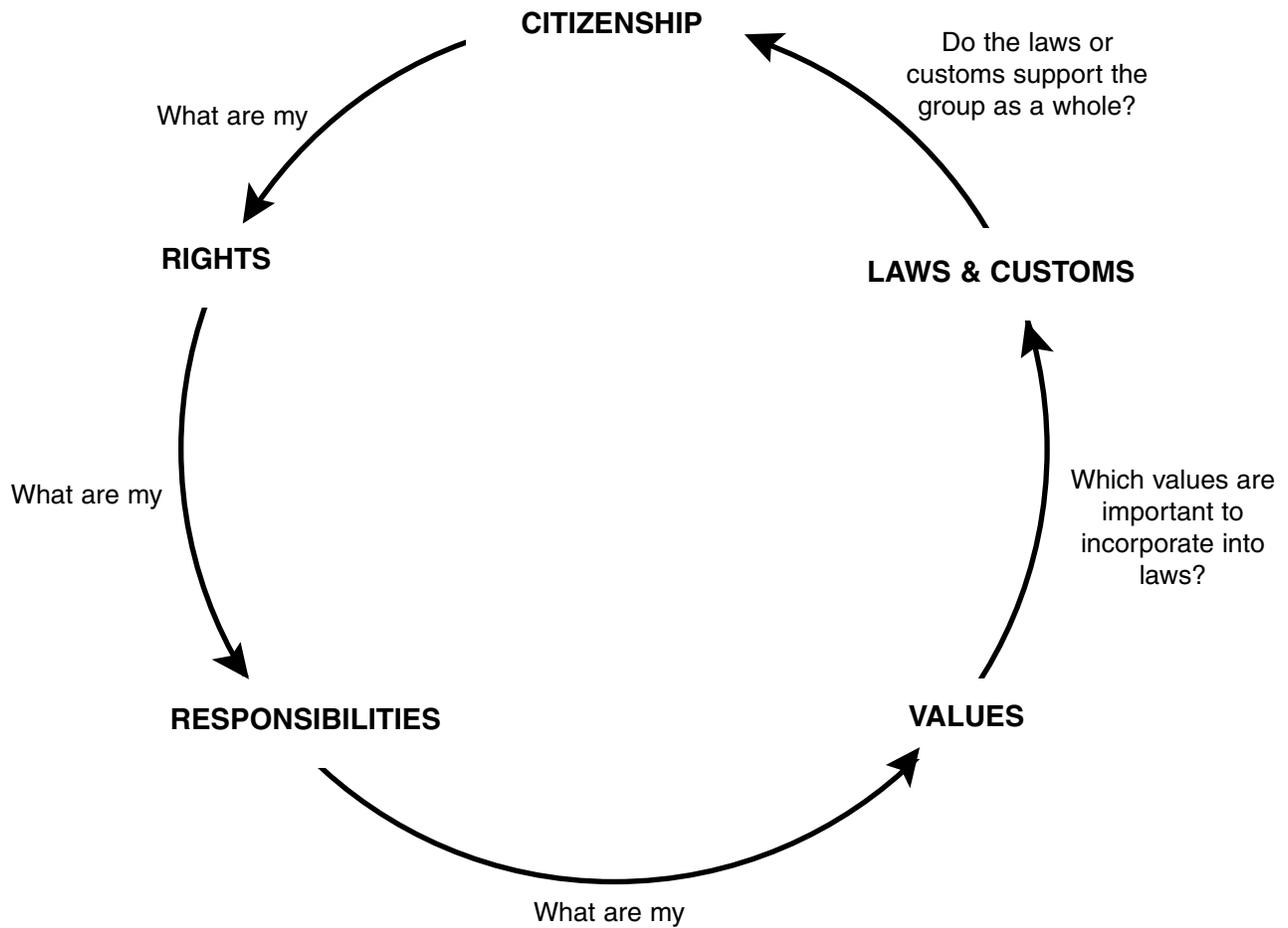
(Adapted from the "Workshop on S.T.A.A.R. Camps In and Out of the Classroom by Diane Silvey;" Program Against Racism, BCTF)

4. United Nations Declaration on the Rights of Indigenous Peoples

A working group is currently developing a Declaration on the Rights of Indigenous Peoples for the United Nations. The latest draft is available online at: <<http://www.cwis.org/fwdp/draft9329.html>>
Discuss why the UN is developing the Declaration and how indigenous people around the world are facing similar issues. If your students are sufficiently skilled, divide them into study groups to read and discuss parts of the Draft Declaration, reporting back to the whole class about the clauses they have studied.



Citizenship Concept Cycle

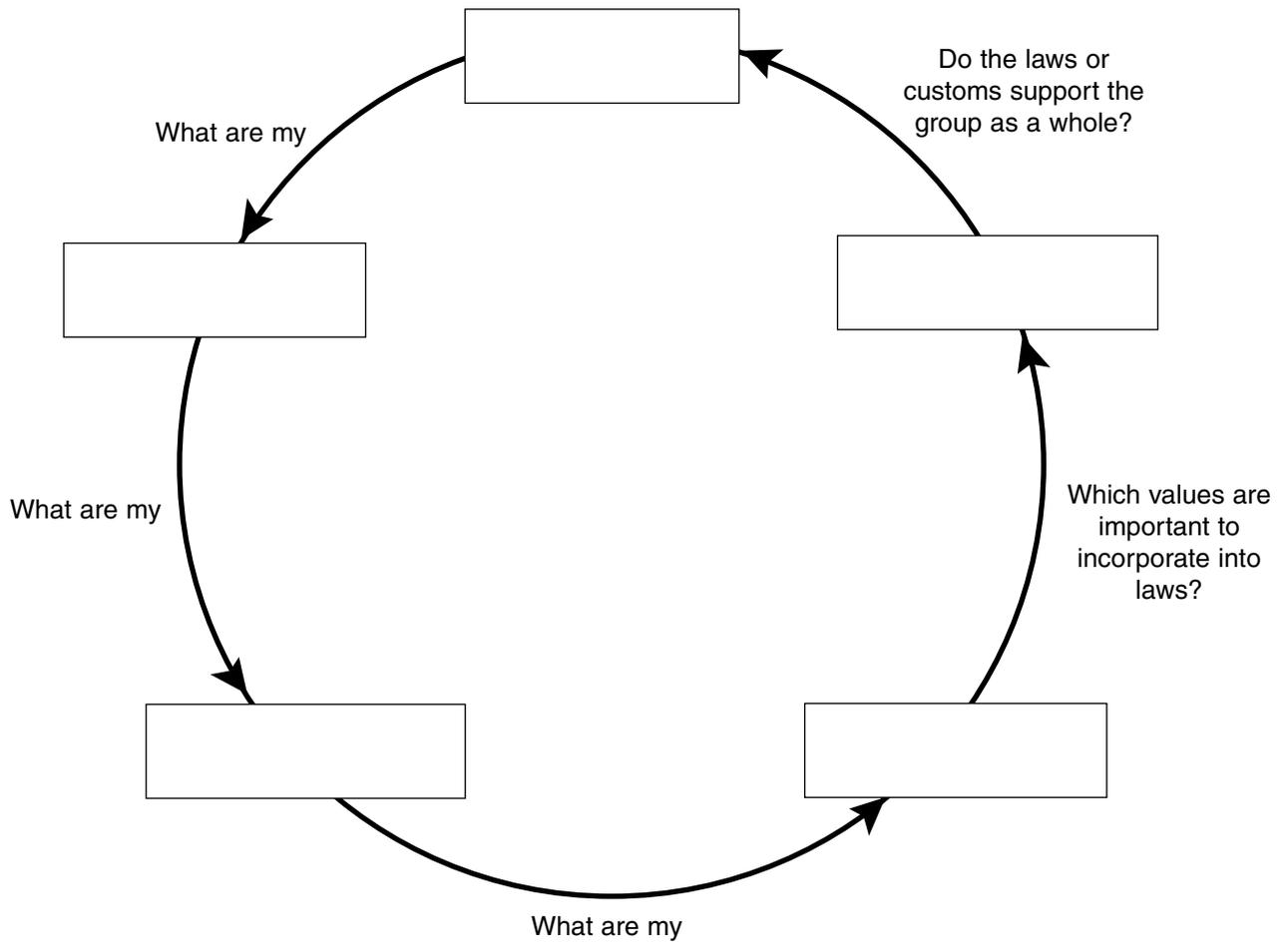


Date _____



Name _____

Citizenship Concept Cycle





Racial Discrimination in Canada – Did You Know?

BLACKS

- A quarter of the Black population in the Maritimes during the Loyalist Period (1783 –1865) were slaves of white Loyalists who had fled from the United States to Canada; others were escaped slaves and free Blacks who had fought for the Crown during the American Revolution.
- Slaves could be sold at any time without thought for family ties. Blacks were sold at auctions along with cattle and other household items.
- In the city of Saint John, NB, a Charter stated that Blacks were not to practice trade within the city limits except under special license (1785).
- An advertisement stating “To be sold black woman” appeared in the Toronto newspaper (1806).
- Blacks were excluded from public schools by the Halifax City Council (1870).
- Blacks were denied burial in a Nova Scotia cemetery through a bylaw (1907).
- During the early part of this century, Blacks were used as cheap labour; they were required to pay taxes but couldn't vote.



Racial Discrimination in Canada – Did You Know?

CHINESE

- Chinese people were used as cheap labour to build the Canadian Pacific Railway. 7000 Chinese people worked on the CPR for as little as \$1 a day.
- The Canadian Prime Minister John A. MacDonald agreed that “the Chinese were not a desirable element in B.C.”
- White workers attacked a Chinese work camp situated on the Brig House Estate in Vancouver.
- Racist feelings caused violent riots in Vancouver (1887 and 1907) in which a mob of whites ran wild, causing damage and fear in the Chinese community.
- BC imposed a \$10 licence tax on every Chinese person over 14 years old.
- BC Immigration imposed a head tax on Chinese immigrants (\$50 in 1885, \$500 in 1903).
- There was an Exclusion Act prohibiting entry of Chinese into BC (1923–1947).



Racial Discrimination in Canada – Did You Know?

JAPANESE

- The BC government authorized a series of Acts prohibiting employment of Orientals, but Ottawa vetoed it (1897).
- The worst race riot in BC's history was directly aimed at the Japanese and Chinese (1907).
- An Asiatic Exclusion League was formed in Vancouver by the Council of Vancouver Trade Unions to deal with the 12 000 Japanese that were coming to BC (1907).
- Vancouver's "Little Tokyo" was vandalized by 300 youths (1939).
- Under the War Measure Act, Japanese males, aged 19 to 45 were relocated to camps and their property confiscated (1942). Later, the Act included all Japanese immigrants and Canadians of Japanese descent.
- Japanese camps were closed and almost 4000 people were deported to Japan (1946).
- Canadians of Japanese descent were finally granted the right to vote in 1948.
- Canadians of Japanese descent estimated their losses due to the confiscation of their property and internment at \$443 million (1986).



LESSON THREE: JUSTICE ON TRIAL – IN PURSUIT OF EQUALITY

Overview

Lesson Three reviews the ways in which First Nations people in Canada have been denied their rights.

Learning Outcomes

It is expected the students will:

- Review how First Nations rights have been undermined in Canada.
- Compare how “wards” (First Nations people) were treated as opposed to how “citizens” (the rest of the population) were treated.
- Demonstrate understanding and empathy towards others.
- Analyze how the Indian Act undermined the very foundations of First Nations culture.

Vocabulary

amend	dispossession	equality	democracy	ward
due process	Indian Act	Status Indian	genocide	

Preparation

1. Make transparencies or photocopies of the Info Pages provided on pages 191 – 194.
2. Make photocopies of any student materials provided for this lesson that you intend to use.
3. Cut up the Opportunity Cards provided on page 199.

Developing Understanding

1. Comparing Situations

- a) Have students review Chapters Nine to Eleven in *From Time Immemorial* to compare what they have learned about human rights with how First Nations people have been treated in Canada. Ask: *What have we already learned about what happened when Europeans first came to the continent of North America?*

Have students meet in small groups to compare and contrast the situation presented in the *Classroom Rights* story with the situation First Nations people found themselves in when Europeans came to their land. Have each group select a recorder to record their discussion and a spokesperson to report back to the class at the end of the discussion time.

- b) Record the ideas generated by the class on chart paper under the headings: SIMILARITIES and DIFFERENCES (record only new ideas).

2. Justice on Trial

- a) Explain that under the Canadian Charter of Rights everyone is entitled to DUE PROCESS. Due process means that:
1. If someone is arrested, they have the right to know the reason why.
 2. A person has the right to have their side of the story heard.
 3. All judgments must be based on facts.
 4. The punishment for an offense must fit the crime.
 5. People in authority cannot make decisions (without valid reasons).



- b) Present the Info Pages provided on pages 191 – 194 to your students, either by transparencies on the overhead projector or photocopies. Read and discuss the information provided. Have the students decide whether or not due process was followed.
- c) Distribute copies of the blackline masters provided on pages 195 and 196. Discuss the meaning of the term “genocide” (systematic measures for the extermination of a national, cultural, religious or racial group). Have your students debate whether or not the Indian Act, either intentionally or unintentionally, attacked or undermined each area listed on the worksheets and provide an example for their reasoning.

3. Human Rights

- a) Distribute copies of the blackline master provided on page 197. Read the first two questions together and then ask your students to complete #3. Explain: If you wrote “yes” to all these questions you are right, providing the person you were thinking of was a non First Nation person. However, if you wrote “yes” to all the questions assuming that all people enjoy the same basic rights, you were wrong, because all these rights were denied First Nations people.
- b) Print this deduction on the blackboard:
All people have rights.
First Nations people are people.
So, First Nations people should have _____.

Explain: In reality, however, we find that the Indian Act passed by the Federal Government stripped First Nations people of their basic human rights.

Ask: How did discrimination play a key factor in determining who was and wasn't eligible to receive their basic rights?

4. Wards and Citizens

Distribute copies of the blackline master provided on page 198. Help your students develop respect for others by encouraging them to identify and empathize with other people.

5. Equal Opportunity Game

- a) At one end of the classroom, mount a large positive (+) sign. At the other end of the classroom mount a large negative (–) sign. Lay down a meter long piece of masking tape across the classroom close to the negative sign. Have two players (students) stand directly under the negative sign. One student represents a First Nations person, the other student represents a European person. Explain to the class that both students are starting out on a level playing field as allies during the Fur Trade.
- b) Pass out the Opportunity Cards to other students and ask them, one at a time, to read the cards aloud. The player is to take one step forward if the card applies to her /him.
- c) Lead a class discussion. Ask:
Was the playing field level?
Is the game, as the name suggests, “An Equal Opportunity Game”?
What kept the game from being equal?
How was the First Nations person at a disadvantage? Educationally? Economically?



Justice on Trial

In a democracy, each individual has the right to be treated equally, fairly and to justice before the law, regardless of their race. The Canadian Charter of Rights and Freedoms ensures that all Canadians have equal protection and equal rights under the law.

In reality, do all Canadians enjoy equal rights? The answer is no. Laws discriminating expressly against First Nations people have been passed by both the Federal and Provincial government. Canada was found in breach of Article 27 of the International Covenant on Civil and Political Rights.

a) Right to Liberty

First Nations people were legally classed as wards of the government while Europeans became citizens. In western Canada, First Nations people were forbidden to leave their reserves for any purpose without a pass issued by the Indian Agent.

b) Equality Before the Law

Parliament amended the Indian Act to make it an illegal offense punishable by imprisonment for First Nations people to raise money for land claims. They were denied the right to hire a lawyer to defend their rightful claim to the land.

c) Freedom of Religion

Parliament outlawed the potlatch—the major spiritual, social, economic and political institution of a number of First Nations in BC.

d) Freedom of Speech

First Nations people did not have a written history. Instead, they had a powerful, comprehensive oral history, which was passed down to future generations through storytelling, potlatches and other cultural events.

e) Freedom of Assembly

From 1921 until 1951 it was against the law for First Nations people to meet.



The Indian Act and Cultural Disintegration

The Indian Act, whether intentionally or unintentionally, has continuously undermined the very foundations of First Nations people's survival.

In 1876, the Government of Canada passed the Indian Act in an effort to control many aspects of First Nations people's lives. The Indian Act formalized Indian reserve lands and forced First Nations people to become wards of the Canadian government. Under the Indian Act, the Federal and Provincial government stripped First Nations of rights and fundamental freedoms enjoyed by other Canadians. First Nations people were denied the right:

- to vote in provincial elections until 1947 and federal elections until 1960
- to keep their children at home
- to fish using traditional fish weirs or spears
- to operate engine powered boats (in the commercial fishery)
- to sell fish or own a fishing license (1889 Federal Fisheries Act)
- to make decisions regarding their own economic development
- to privacy (Indian agents could inspect houses to ensure they were tidy)
- to spend time in a pool hall (they could be fined or sent to jail)
- to receive a high school education until the 1960s
- to serve on juries
- to choose their own form of government (government imposed councils)
- to sell agricultural products
- to choose who was to inherit their property (decided by the Crown)
- to buy land or get free land grants (which was available to colonists)
- to obtain a university degree (without automatic enfranchisement)
- to receive veteran benefits for serving in World War I and World War II
- to marry a non First Nations man without the woman losing her status
- to hold potlatches (criminal offense)

The Indian Act has been amended forty-two times. Why did the government feel compelled to make so many changes and additions to the Indian Act?



Status Indian – What does it mean?

A Status or Registered Indian is a person who is listed on the Indian Register. The Indian Act sets out the requirements for determining who is a Status Indian.

The Indian Register is the official record identifying all Status Indians in Canada. The eligibility rules have changed many times since the mid-1800s, when the first lists of registered Indians were drawn up. Bill C-31, passed by Parliament in 1985, amended the Indian Act, ending various forms of discrimination that had caused many people to lose their status.

A Non-Status Indian is an Indian person who is not registered as an Indian under the Indian Act. This may be because his or her ancestors were never registered, or because he or she lost Indian status under former provisions of the Indian Act.

As of 2001, there were 675 499 Status Indians in Canada. More than 55 percent live on reserves.



Status Indians – Services and Taxation

Service Delivery

More than 80 per cent of the federal government's budget for Aboriginal programs is for basic services that are generally provided to other Canadians by provincial, municipal and territorial governments.

Status Indians have access to services intended to improve living conditions on reserve land such as housing, education and economic development assistance.

Reserve land is held in trust by the federal government for the use and benefit of Status Indians.

Taxation

Status Indians living on reserve land do not pay property taxes, income tax or sales taxes on purchases made on-reserve. When the tax exemption came into effect under the 1876 Indian Act (Section 87), First Nations did not have the right to vote, own property or practise many cultural traditions.

Through treaties, First Nations will acquire their own land. They will establish a government with powers to earn money, borrow money, receive transfers from other governments and levy taxes.

The governments of Canada and BC want to gradually eliminate tax exemptions as First Nations become more self sufficient. For example, under the Nisga'a Treaty transaction, taxes such as sales tax will be eliminated eight years after the effective date and all other taxes, including income tax, after 12 years.

Date _____



Name _____

Justice on Trial

Write a sentence for each category to explain how First Nations people's rights have been undermined by the Indian Act.

Culture

Economic Existence

Language

Nationality

Politics

Religion

Social Structure

Children

Date _____



Name _____

Indian Act

How did the Indian Act undermine liberty?

How did the Indian Act undermine dignity?

How did the Indian Act undermine personal security?

Date _____



Name _____

Human Rights

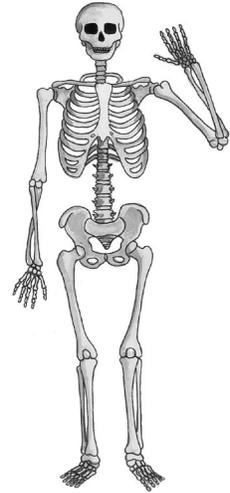
1. What is this a picture of? _____

2. It is the skeleton of a _____

3. Write “yes” or “no” beside each statement:

A person has the right—

- a. _____ to vote.
- b. _____ to sell fish.
- c. _____ to privacy.
- d. _____ to raise their children at home.
- e. _____ to own a fishing license.
- f. _____ to decide how to spend their money.
- g. _____ to operate an engine powered boat.
- h. _____ to spend time in a pool hall.
- i. _____ to go to high school.
- j. _____ to serve on juries.
- k. _____ to choose their own council.
- l. _____ to sell agricultural products.
- m. _____ to choose who inherits their property.
- n. _____ to buy land or get land grants.
- o. _____ to go to university.
- p. _____ to receive veterans benefits for serving in the War.
- q. _____ to hold ceremonies for events such as marriages, receiving a name, memorials for the dead.





Opportunity Cards

Get a free land grant.	Receive a high school education.
Receive veteran benefits for serving in the war.	Obtain a university degree.
Sell fish.	Sell agricultural products.
Sell agricultural products.	Vote.
Inherit property.	Own a fishing license.
Operate an engine powered boat.	



LESSON FOUR: TREATIES IN CANADA – THE HISTORY

Overview

Lesson Four defines “treaty” and looks at the history of treaty making in Canada.

Learning Outcomes

It is expected students will:

- Define “treaty.”
- Gain awareness of the history of treaty making in Canada.
- Locate on a map the treaties negotiated in BC and Canada.

Vocabulary

treaty cede

Preparation

1. Make photocopies or overhead transparencies of the Info Pages provided for this lesson.
2. Make photocopies of the student materials provided for this lesson that you plan to use.

Developing Understanding

1. Comparing Scenarios

a) Read and discuss the following scenario:

Student A owns 1 000 000 video arcade games. Student B buys 13 of the video arcade games but when Student A goes away for a short time, Student B takes total control of all the games. Student A returns and decides to press charges against Student B for stealing his property. Student B informs him it’s against the law to protest against him. In fact, he informs Student A that he must get permission from himself (Student B) to do so. Student B decides to give Student A a small pittance of money in return for using his machines. Student A tries to raise money to hire a lawyer to defend his rights against Student B but Student A is put in jail for defying the law and procuring money to defend his legal position.

Question: Who legally owns the machines?

Question: If the trial finally got to court and Student A and B were no longer living, would Student B’s family now be the rightful owners?

b) Compare this scenario with what happened when European settlers came to North America. Can students see similarities and differences?

2. Defining “Treaty”

a) Write the word “treaty” on the board. Ask your students what it means. Record their ideas.

b) Ask students to use the Internet or school library to find a definition of the word “treaty” (1. an agreement, especially one between nations, signed and approved by each nation 2. *Cdn.* one of a number of official agreements between the federal government and certain bands of First Nations peoples whereby the latter give up their land rights, except for reserves, and accept treaty money and other kinds of government assistance.)



3. History of Treaties in Canada

- a) Present the information about the history of treaties in Canada provided on page 202 and 203 (photocopies or overhead transparencies).
- b) Distribute copies of the map provided on pages 204. Have your students form questions to ask the other students.
- c) Have your students colour each treaty area a different colour.
- d) Distribute copies of the blackline master provided on page 205.

Page 205 Answer Key

- | | |
|---|-------------------------------|
| 1. In what provinces were the first treaties signed? | New Brunswick and Nova Scotia |
| 2. How many treaties were signed in Alberta? | 4 |
| 3. Name the treaties signed in Alberta. | treaty 6, 7, 8, 10 |
| 4. In what year was Treaty 3 signed? | 1873 |
| 5. Which treaty was signed furthest north? | Treaty 11 |
| 6. Which treaty spreads across 3 provinces? | Treaty 8 |
| 7. Which treaty borders Hudson Bay? | Treaty 9 |
| 8. Bonus question: How many treaties were signed in B.C.? | 15 |

4. Treaties Signed in British Columbia

Distribute copies of the map of BC provided on page 206. Ask your students to colour the map and create a legend to explain the shaded areas (historic treaty areas of BC).

5. Developing Critical Thinking Skills

- a) Distribute copies of the blackline master provided on page 207 or use a transparency on an overhead projector to present the information.
- b) Read the information and discuss with your students how preconceived stereotypes, prejudices, and biases continue to be spread, and how damaging they are. Help them understand the importance of the advice: “judge a person by their character and not by their colour.”

6. Monitoring Current Events

- a) Ask your students to clip any newspaper and magazine articles they find at home that deal with First Nations treaties and self government and bring them to school.
- b) Have the contributing student read or summarize the article for the rest of the class. Together, examine the writing and apply critical thinking skills to decide whether or not the article was written in a subjective, factual way, or if it is an opinion piece. Ask your students to identify examples of prejudice or bias in the article.
- c) Maintain a bulletin board for relevant current events clippings, with critical comments written by students posted alongside.



Treaties in Canadian History

PEACE AND FRIENDSHIP TREATIES

In the 18th Century, the French and British were battling for control over North America and each formed war alliances with First Nations. The Peace and Friendship Treaties were a series of agreements signed with the Mi'kmaq and Maliseet peoples between 1725 and 1799 in what are now the provinces of New Brunswick and Nova Scotia.

ROYAL PROCLAMATION 1763

The Royal Proclamation of 1763 was issued by King George III of England with the intent of keeping First Nations people as war allies and trading partners. The proclamation stated that:

- Only the British Crown could obtain land through treaties from First Nation peoples.
- First Nations people should not be disturbed on their land.
- First Nation's land could only be purchased with the consent of First Nations in a public assembly.

HISTORIC TREATIES

Several treaties were signed after the Royal Proclamation and before Canada became a country in 1867, including the Upper Canada Treaties (1764 to 1862).

Between 1871 and 1921, the new country of Canada signed treaties with various First Nations in Northern Ontario, Manitoba, Saskatchewan, Alberta and parts of the Yukon, Northwest Territories and British Columbia. These treaties are numbered 1 to 11 and are often referred to as the "numbered treaties." Under these treaties, First Nations ceded large areas of their traditional territory to the Crown in exchange for other benefits such as reserve lands, cash payments and certain rights to hunt and fish.



Treaties in Canadian History

In the colonies that became Canada, the need for treaties was soon apparent. The land was vast, and the colonists were few in number. They were afraid of the Aboriginal nations surrounding them. European countries were fighting wars for trade and dominance all over the continent. They needed alliances with Indian nations.

By signing treaties, British authorities appeared to recognize the nationhood of Aboriginal peoples and their equality as nations. But they also expected First Nations to acknowledge the authority of the king and to cede large tracts of land to British control—for settlement and to protect it from seizure by other European powers or by the United States.

The Aboriginal view of the treaties was very different. They believed what the king's men told them—that the marks scratched on parchment captured the essence of their talks. They were angered and dismayed to discover later that what had been pledged in words, leader to leader, was not recorded accurately. They accepted the king, but only as a kind of kin figure, a distant “protector” who could be called on to safeguard their interests and enforce treaty agreements. They had no intention of giving up their land, a concept foreign to Aboriginal cultures.

adapted from *Report of the Royal Commission on Aboriginal Peoples, 1996*
http://www.ainc-inac.gc.ca/ch/rcap/index_e.html

TREATY MAKING IN BC

Between 1850 and 1854, Sir James Douglas began making treaties on Vancouver Island, but when he retired, treaty making stopped. His successor, Lands Commissioner Joseph Trutch, denied the existence of aboriginal rights or the need for treaties.

When BC joined the country of Canada in 1871, only fourteen treaties had been signed with First Nations on Vancouver Island and Treaty 8 in the northeast corner of the B.C.

Date _____



Name _____

Historic Treaties of Canada



LEGEND – Treaty Areas

A	Treaty 11	1921	J	Treaty 3	1873
B	Treaty 8	1899	K	Treaty 9	1905-1930
C	Treaty 6	1876-1889	L	Robinson-Superior Treaty	1850
D	Treaty 7	1877	M	Robinson-Huron Treaty	1850
E	Treaty 10	1906	N	Williams Treaties	1923
F	Treaty 5	1875-1908	O	Upper Canada	1764-1836
G	Treaty 4	1874	P	Upper Canada	1764-1836
H	Treaty 2	1871	Q	Peace and Friendship	1725-1779
I	Treaty 1	1871	★	Douglas Treaties	

Date _____



Name _____

Treaties

1. In what provinces were the first treaties signed?

2. How many treaties were signed in Alberta?

3. Name the treaties signed in Alberta.

4. In what year was Treaty 3 signed?

5. Which treaty was signed furthest north?

6. Which treaty spreads across 3 provinces?

7. Which treaty borders Hudson Bay?

8. Bonus question: How many treaties were signed in B.C.?

9. Look up the word “treaty” in a dictionary. Write the definition.

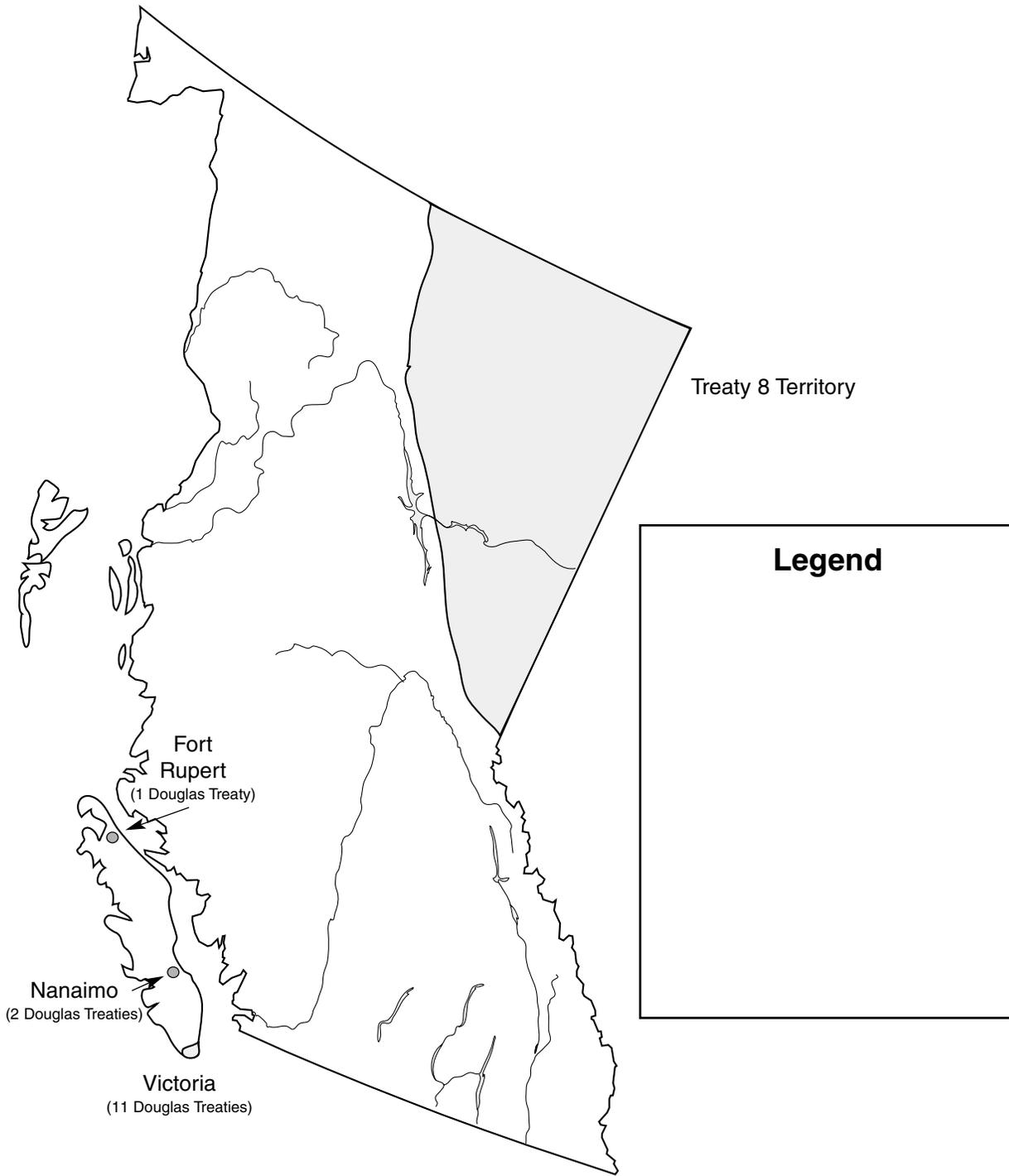
10. Use the word “treaty” in a sentence.

Date _____



Name _____

Historic Treaties Signed in British Columbia





Critical Thinking Skills

Check your ability to think independently when you receive information. Ask yourself—

Do I:

- remember information?
- understand information?
- analyze information?
- synthesize information?
- evaluate information?

Use the following statement as an example:

All First Nations people live in tepees and wear buckskin clothing.

- What information do I REMEMBER about First Nations people?
I learned in social studies class that housing and clothing varies from group to group.
- Do I UNDERSTAND the statement correctly?
By all First Nations, does that mean all First Nations people in North America, or in a certain area?
- Do I ANALYZE information, separating facts from opinion?
If the person was referring to First Nations people living in the plains in the 1700s, that could be a valid fact. If the person was referring to ALL First Nations people, regardless of their location, that's an uninformed opinion.
- Do I SYNTHESIZE information?
How can I think about this statement flexibly and generate ideas to help form my decision? Would tepees be practical on the Northwest Coast where it rains a lot? Have I seen First Nations people wearing clothes other than buckskin, e.g. have I seen them wearing modern clothing?
- Do I EVALUATE information?
Did the person who made the statement have a bias or prejudice towards First Nations people? (Often stories are taken at face value and fiction becomes the basis of knowledge).



LESSON FIVE: MODERN TREATIES

Overview

Lesson Five discusses why treaties are important to both First Nations people and non native British Columbians. The Nisga'a Treaty is examined as an example of a modern treaty.

Learning Outcomes

It is expected students will:

- Identify the need for treaties in BC.
- Demonstrate understanding of why treaties are crucial to BC's future.
- Analyze why First Nations people have had to struggle so long to win their lawful rights.

Vocabulary

sovereignty

surrender

constitution

Supreme Court

dominion

Preparation

1. Make photocopies or overhead transparencies of the Info Pages provided for this lesson.
2. Make photocopies of the student materials provided for this lesson that you plan to use.

Developing Understanding

1. Nisga'a Treaty

- a) Explain that the governments of Canada and British Columbia are now committed to signing treaties to settle the question of who owns the land in BC. There are fifty-three First Nations currently negotiating in the BC treaty process (September 2002). The Nisga'a Treaty is one example of a modern treaty that became law in 2000.
- b) Distribute the Info Page about the Nisga'a Treaty process provided on page 209. Read and discuss the sequence of events with your students. Ask students to suggest reasons why it has taken so long for the Nisga'a nation and the governments of Canada and BC to come to an agreement.
- c) Distribute copies of the map provided on page 210. Have your students label the shaded Nass Area, which is the traditional land of the Nisga'a Nation, and the much smaller Nisga'a Treaty lands area. Have your students use an atlas as reference to locate and label major towns and water areas in BC.

2. Modern Treaty Making – Questions and Answers

- a) In a whole class discussion, ask students to pose questions about the modern treaty process. Record their questions on chart paper. Leave room for answers under the questions.
- b) Distribute the Info Pages about modern treaty making provided on pages 211 to 216. Read and discuss the information. If the students' questions were addressed, write the answers on the chart paper.
- c) Ask students to try to find the answers to any unanswered questions through internet research.



The Long Journey To The Nisga'a Treaty

The Nisga'a people first petitioned Victoria in 1887 for treaties and self government. It would take 113 years before they reached a treaty.

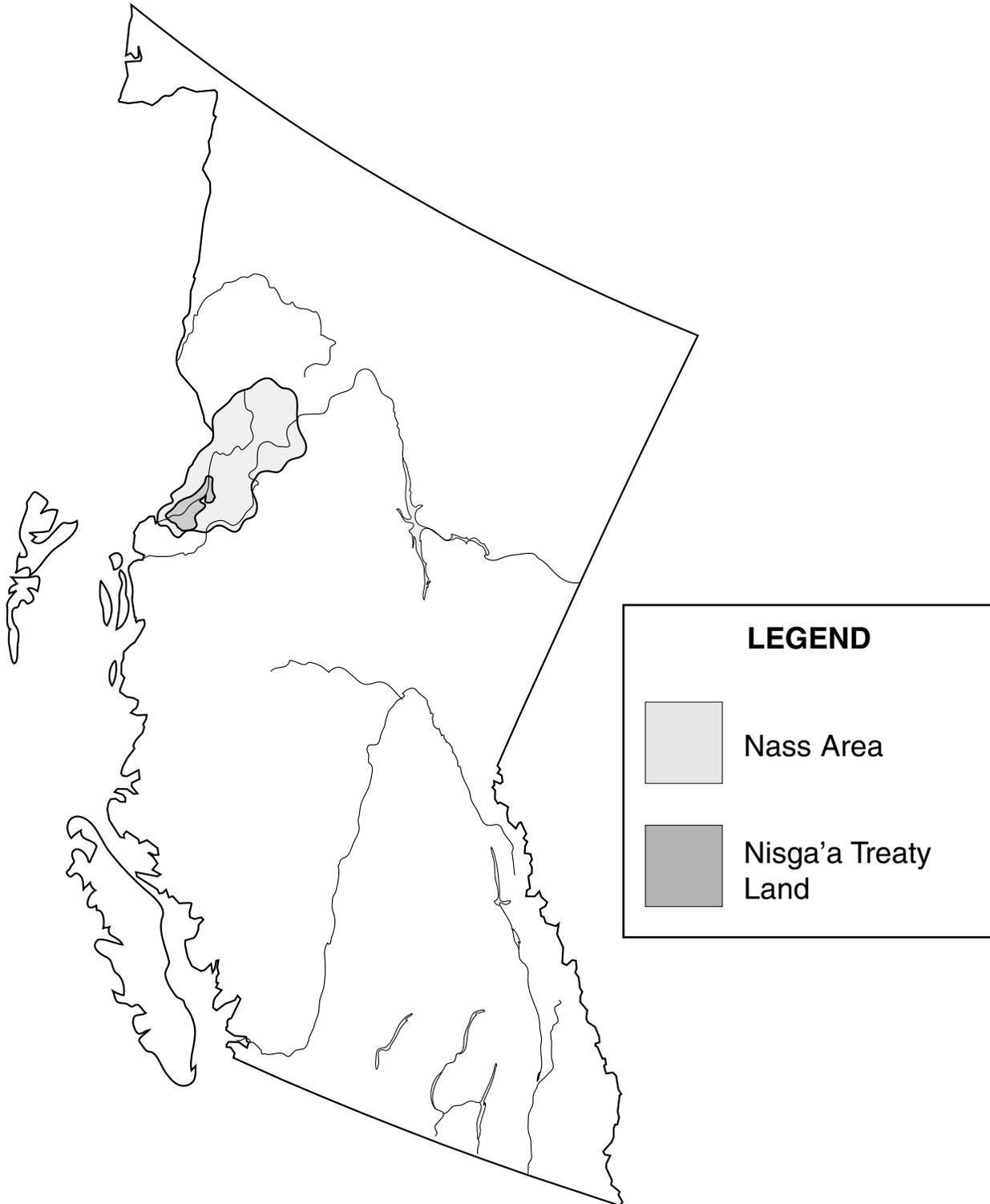
- 1793 On an expedition to Observatory Inlet and Salmon Cove, Captain Vancouver meets the Nisga'a people for the first time.
- 1858 Britain establishes the Colony of British Columbia.
- 1887 Nisga'a and Tsimshian chiefs travel to Victoria to press for treaties and self government. They are turned away.
- 1890 Nisga'a create the Nisga'a Lands Committee.
- 1909 The Nisga'a Lands Committee joins with other north coast tribes to form the Native Tribes of BC.
- 1913 The Nisga'a Nation petitions the British Privy Council to resolve the Land Question.
- 1924 The McKenna-McBride Commission allows 76 square kilometers of reserve land to the Nisga'a.
- 1927 The Canadian government makes it illegal for aboriginal people to organize to discuss land claims.
- 1931 The Native Brotherhood of BC forms to secretly discuss land claims.
- 1955 The Nisga'a Land Committee is re-established as the Nisga'a Tribal Council.
- 1973 The Supreme Court of Canada decides that the Nisga'a Nations did have aboriginal land title, but disagrees whether title continues to exist today.
- 1976 The Nisga'a Tribal Council begins modern treaty negotiation.
- 1996 An agreement in principle—the blueprint for a final treaty—is signed by the Nisga'a Tribal Council, the Government of Canada and the Government of BC.
- 1998 Nisga'a approve the Final Agreement but face criticism from some of BC's non aboriginal people and also court challenges from the BC Liberal Party and the Fisheries Survival Coalition.
- BC
- 1999 The governments of Canada and BC ratify the Nisga'a Final Agreement.
- 2000 The Nisga'a Treaty becomes law.

Date _____



Name _____

Nisga'a Territory





Why Are We Negotiating Treaties In British Columbia Today?

LEGAL REASONS

There are laws that outline the legal rights of people. For example:

Canadian Bill of Rights

Section 35, Constitution Act 1982

Draft Declaration of the Rights of Indigenous People

Royal Proclamation, 1763

International Law recognizes the fact that First Nations People held sovereignty and dominion over their land.

ECONOMIC REASONS

Treaties will provide certainty as to who owns the land, which means investors can invest in the province without fear of losing their money. It is estimated that the province of British Columbia loses up to \$1 billion in lost investment because of uncertainty of who owns the land.

The settling of treaties is estimated to generate 7 000 to 17 000 jobs in BC over the next 40 years.

POLITICAL REASONS

Between the 1970s and 1980s, many First Nations felt they were forced to resort to blockades and other forms of protest to have their voices heard.

Lawsuits are extremely time consuming and expensive and do not help build a shared future for First Nations and other governments.

Treaties will create partners between First Nations governments and the governments of Canada and BC.

ETHICAL REASONS

Because First Nations people never surrendered or ceded their traditional territory in British Columbia, there is conflicting land title between the Crown (BC and Canada) and First Nations people. Treaties will clearly define land ownership and jurisdiction in BC and build stronger relationships among aboriginal and non-aboriginal people in British Columbia. In so doing, treaties will resolve conflicting interests fairly and take community interests into account.



First Nations' Rights

SOVEREIGNTY (governing powers)

First Nations People were:

- self-governing;
- independent;
- self-sufficient;
- had laws and rules;
- had a rich oral history;
- had chiefs;
- had distinct languages;
- had customs and traditions.

DOMINION (ownership of property)

First Nations People:

- lived in organized societies;
- occupied the land on a continuous basis;
- occupied the land to the exclusion of other groups;
- hunted, fished and gathered on their land;
- were living on the land at the time England declared sovereignty.

BY WHAT RIGHT DID THE FEDERAL AND PROVINCIAL GOVERNMENT CLAIM TITLE TO TERRITORY OCCUPIED BY FIRST NATIONS PEOPLE?

When “discoverers” and settlers came to British Columbia the land was not empty. It was occupied by First Nations People as it had been by their forefathers before them.

- the land was not empty;
- the land was not bought;
- the land was not taken by conquest;
- treaties were not signed, except 14 treaties made by Sir James Douglas on Vancouver Island and Treaty 8 (part of the numbered treaties) in the northeast corner of British Columbia.



First Nations' Rights Recognized and Affirmed By Law

ROYAL PROCLAMATION OF 1763

The Royal Proclamation of 1763 issued by King George III of England.

CONSTITUTION ACT

Section 35 (1) of the Constitution Act, 1982; recognizes and affirms existing aboriginal and treaty rights of First Nation people.

COMMON LAW

Common Law recognizes that First Nations People and their ancestors:
lived here in organized societies;
occupied their traditional territory;
occupied the territory to the exclusion of other societies;
occupied the territory when the crown declared sovereignty.

INTERNATIONAL TREATY LAW

Modern treaty making is not unique to Canada. For example, in New Zealand several treaties have been established with the Maori people. Australia is currently embarking on treaties with the Torres Strait Islander and aborigine peoples. A succession of U.S. presidents has reaffirmed that a government-to-government relationship exists between the United States and Indian Nations.

Under international treaty law, nations must respect aboriginal people's right to self determination. The International Bill of Rights of the United Nations declares that self determination is the right of a people to:

- freely determine their political status;
- freely pursue their economic, social, and cultural development;
- dispose of and benefit from their wealth and natural resources.



Treaties – Questions and Answers

Q: What is a treaty?

A: A treaty is a formal agreement between two nations to fulfill mutual obligations and responsibilities.

Q: Aren't treaties a thing of the past?

A: In most parts of Canada, Britain signed treaties with First Nations before Canada was a country. These treaties are often referred to as historic treaties. The new country of Canada continued this policy of making treaties before the west was opened for settlement, but in BC this process was never completed. When BC joined the country in 1871, only fourteen treaties had been signed with First Nations on Vancouver Island and Treaty 8 in the northeast corner of B.C.

Q: Will treaties include private property?

A: Private property is not being negotiated unless a property owner wants to sell their land. Treaty negotiations involve Crown land—land owned by the Government of British Columbia or the Government of Canada.

Q: What is being negotiated through treaties?

A: Although each negotiation is separate there are some common issues:

- self government;
- cash settlements;
- jurisdiction and ownership of lands, waters and resources.



Treaties – Questions and Answers

Q: Do First Nations have special rights that other Canadians do not?

A: Aboriginal people have rights, protected by the Canadian Constitution, because they were living here when Europeans first arrived in North America. Aboriginal rights, such as fishing for social and ceremonial purposes, are still subject to government regulation.

Status Indians have access to reserve land held in trust by the federal government, and services delivered through the Department of Indian and Northern Affairs. The Department provides services that are provided to other Canadians by provincial governments, such as schooling, housing, health and social welfare. With self government, First Nations will be responsible for providing these services to their own people.

Q: How much land in BC might be included in treaties?

A: When a First Nation decides to enter the BC treaty process, they outline their traditional territory. For most First Nations, treaty settlement lands may only cover a small percentage of their traditional territory. For example, land included within the Nisga'a Treaty is approximately eight per cent of the nation's traditional territory. Because First Nations' culture and spirituality is connected to their traditional territory, treaties may also include co-management rights on traditional territory outside of treaty settlement land.

Many First Nations are already participating in collaborative land-use planning processes, such as the Central Coast Land Management Plan. The plan, endorsed by First Nations, forestry companies, community groups, environmentalists and truck loggers, protects 441 000 hectares of Crown land ranging from Knight Inlet to Princess Royal Island—home of the Kermode Spirit Bear—and defers logging on an additional 534 000 hectares.



Treaties – Questions and Answers

Q: Why didn't First Nations people protest years ago?

A: First Nations people have never stopped struggling to protect their relationship with their traditional territories.

Q: Why should we give First Nations people anything?

A: It is a matter of law that aboriginal land title exists in British Columbia whether there are treaties or not. Treaties will clearly define aboriginal land title, providing greater economic certainty for all British Columbians.

First Nations people are not asking for permission to be granted self government; rather they are seeking restoration of governance systems that existed long before Europeans arrived in Canada. The government of Canada recognizes that First Nations people should have the ability to establish self government arrangements and deliver services such as education and health care to meet the unique needs of their people.



LESSON SIX: SELF GOVERNMENT – THE HISTORY

Note to Teachers

First Nations people were self governing for thousands of years before colonists arrived in Canada. The Canadian government recognizes that First Nations people have an inherent right to self government – a right which is not granted, but is pre-existing.

Overview

Lesson Six discusses how traditional forms of governance and community affairs were conducted and carried out, using the potlatch as an example. Please stress to the students that the potlatch was a form of governance on the coast, but in the Interior of BC, First Nations people used other types of governance systems. Students will compare models of government with traditional and modern First Nations governance systems.

Learning Outcomes

It is expected the students will:

- Develop their understanding of how First Nations people governed themselves before contact with European settlers.
- Learn reasons why First Nations people have the right to decide their own future.

Vocabulary

self governing

inherent

governance

Preparation

1. Prepare transparencies or photocopies of the Info Pages provided for this lesson.
2. Make photocopies of the student materials provided for this lesson that you plan to use.

Developing Understanding

1. Self Government Facts

- a) Ask your students to recall what they already know about how First Nations people governed themselves before Europeans came to North America.
- b) Present the Info Pages provided on pages 219 and 220.

2. Sovereignty

- a) Distribute copies of pages 221 to 223 or project transparencies using an overhead projector.
- b) Distribute copies of the blackline master provided on page 224 and assign as individual work.

3. The Potlatch

- a) Review what the students already know about the potlatch and discuss how it was a means of governance for some First Nations in British Columbia.
- b) Present the Info Page provided on page 225.
- c) Ask students to suggest ways in which the potlatch helped to maintain the First Nations social system.



4. In Their Own Words

Have your students write an article about the topic: The Right to Self Government. Help them to develop an outline before they begin writing, stating one key concept for each paragraph.



Self Government Facts

BY WHAT RIGHT DID THE COLONISTS IMPOSE THEIR LAWS AND INSTITUTIONS ON FIRST NATIONS PEOPLE?

The Colonists

- were immigrants to this country
- made laws granting themselves rights while at the same time removing the rights of First Nations People
- destroyed established forms of First Nation's governance systems
- claimed land that didn't legally belong to them

SELF GOVERNMENT AND THE BC TREATY PROCESS

Under the BC treaty process, each First Nation will establish a self-government arrangement to meet their unique needs. Self-government will allow First Nations to develop services that are appropriate to the needs of their people. Some services that First Nations might deliver through their own governments include:

- Education and Child Welfare
- Health Care
- Justice and Police services
- Language and Culture
- Housing

INTERNATIONAL BILL OF RIGHTS (U.N.)

The International Bill of Rights declares aboriginal people have the right to determine their political status and to develop economically, socially, and culturally.

FIRST NATIONS AND CANADA

First Nations still want to be a part of Canada; they just want more control over their own affairs. First Nations governments will abide by the same laws as other Canadians do—the Canadian Constitution, the Canadian Charter of Rights and Freedoms, and the Criminal Code of Canada.



Self Government Facts

HISTORICAL SELF GOVERNANCE

First Nations

- were self governing long before Europeans came to Canada
- had unique laws and rules that were tied to their culture, spiritual beliefs and traditional lands
- had chiefs
- valued balance, individual responsibility, cooperation and sharing in traditional government

A treaty is one way that First Nations can realize the existing right to self government. First Nations may also negotiate self government arrangements with the Government of Canada. For example, the Sechelt Indian Band signed a municipal-style government agreement in 1986.

TRADITIONAL GOVERNMENT

The potlatch and winter dance ceremonies were a place in which to witness, instruct and maintain First Nation's culture, history, language and traditional forms of governance.

INDIAN ADVANCEMENT ACT

As one amendment to the Indian Act, the Federal Government passed the Indian Advancement Act, which promoted the dismantling and suppression of traditional forms of First Nation's governance. The potlatch and winter dance ceremonies were outlawed, making it a criminal offense to practice the culture.



Sovereignty Time Line

From 10 000 B.C. until the 1800s, First Nations People held sovereignty over their homeland. They were:

- self governing;
- self determining;
- self sufficient.

1763	Royal Proclamation decrees that Indian peoples should not be disturbed in their use and enjoyment of the land. The proclamation also states that any land held by Indians is to be purchased by the Crown only—not by individuals—and that all purchases have to be agreed on by the Indian people and only after an open negotiating session.
1700 & 1800s	European diseases decimate large numbers of First Nations people in North America. Some estimates suggest that more First Nations people died due to European disease than the estimated six million Jewish people that died during the Holocaust.
1850s	James Douglas, as Chief Factor of the Hudson Bay company and then as governor of the Crown colony of Vancouver Island, arranges 14 treaties to buy 358 square miles of land on Vancouver Island.
1860s	Lands Commissioner Joseph Trutch prohibits the pre-emption of Crown land by aboriginal people and denies the existence of aboriginal rights or the need for treaties.
1876	Canada's Parliament passes the Indian Act to regulate most aspects of aboriginal peoples' lives.



- 1880 Government begins to remove aboriginal children from their families, placing them in residential schools.
- 1884 Parliament outlaws the potlatch—the primary social, economic and political expression of some aboriginal cultures.
- 1887 Nisga'a and Tsimshian chiefs travel to Victoria to press for treaties and self-government. They are turned away.
- 1927 The Canadian government makes it illegal for aboriginal people to organize to discuss land claims.
- 1931 The Native Brotherhood of BC forms to secretly discuss land claims.
- 1949 British Columbia extends the provincial right to vote to male native Indians.
- 1951 Responding to international human rights criticism, the Canadian governments amends the Indian Act to remove anti-potlatch and anti-land claims provisions.
- 1960 Aboriginal people gain the right to vote in federal elections. The phasing-out of residential schools begins.
- 1982 The Constitution Act recognizes and affirms aboriginal and treaty rights—both those that exist and those that may be acquired through a treaty.
- 1991 BC Claims Task Force recommends a six-step treaty negotiation process. British Columbia recognizes the existence of aboriginal rights.
- 1993 The BC Treaty Commission opens its doors in December 1993.



- 1994 Canada recognizes the inherent right to self-government as an existing aboriginal right within the Canadian Constitution.
- 1997 The Supreme Court of Canada issues the landmark Delgamuukw decision, which confirms that aboriginal land title is a right to the land itself—not just the right to hunt, fish and gather.
- 2000 The Nisga'a treaty becomes law.
- 2001 Canada, BC, Cowichan Tribes and Hul'qumi'num Treaty Group endorse a historic land protection agreement setting aside 1 700 hectares of Crown land known as the Hill 60 sacred site.
- The Central Coast Land Management Plan is endorsed by First Nations, forestry companies, community groups, environmentalists and truck loggers. Agreement protects 441 000 hectares of Crown land ranging from Knight Inlet to Princess Royal Island—home of the Kermode Spirit Bear—and defers logging on an additional 534 000 hectares of Crown land.
- 2002 53 First Nations negotiate in the BC treaty process.

Date _____



Name _____

Sovereignty

1. How long have First Nations people lived here?

2. What is a homeland?

3. What happened in the 1800s to destroy 3/4 of the First Nations population?

4. What things did the Indian Act take away from First Nations people?

5. In what document is the right to self government recognized and affirmed?

6. Why did the government amend the Indian Act in the 1900s?

7. Why was the BC Treaty Commission established?



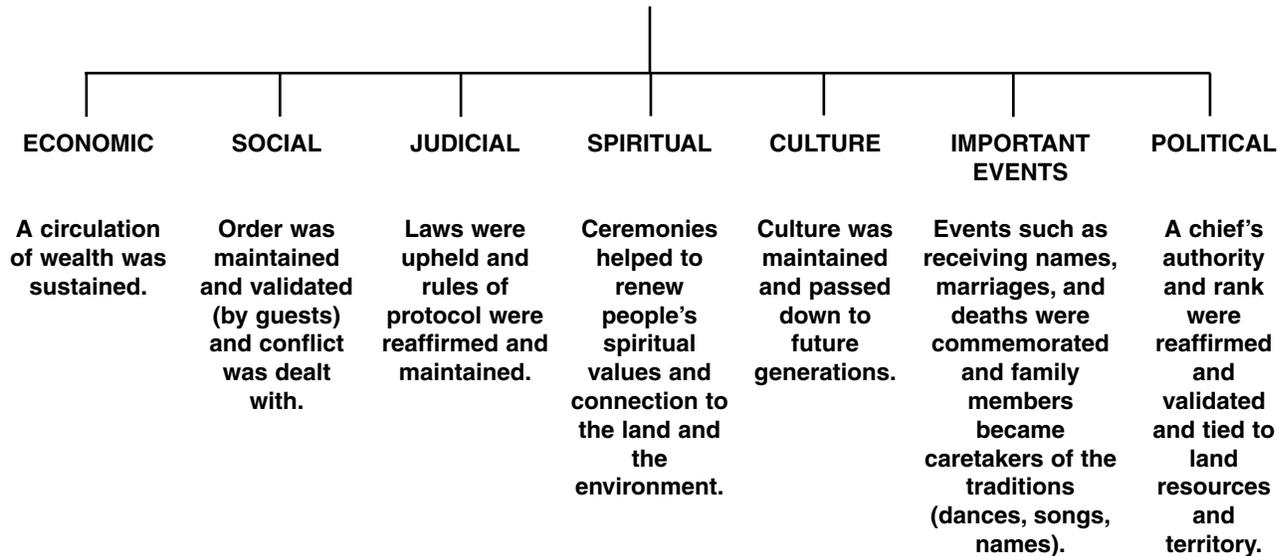
The Potlatch

The Potlatch served as a political institution for many First Nations people in British Columbia.

A place where traditional forms of governance and community affairs were conducted and carried out.

All business and activities carried out through ceremony were supported by the extended family and clan.

The role of the House Speaker was the basis of knowledge. He knew the names, dances, history and traditions of the people.



First Nations history was passed down orally from one generation to the next.

The potlatch was the centre around which the social system revolved.



LESSON SEVEN: SELF GOVERNMENT TODAY

Overview

Lesson Seven examines and compares some modern models of government structure.

Learning Outcomes

It is expected the students will:

- identify similarities and differences between traditional and modern governments
- describe programs and services provided by First Nations governments
- demonstrate understanding that First Nations governance typically provides the same services as provided by other governments

Vocabulary

federal provincial local

Preparation

1. Prepare transparencies or photocopies of the Info Pages provided for this lesson.
2. Make photocopies of student materials provided for this lesson that you plan to use.

Developing Understanding

1. Aboriginal Governance

- a) Present and read together the Info Pages provided on pages 228 and 229.
- b) Discuss concerns that have been expressed about aboriginal self government.

Concern: People have expressed concern that First Nations government will be working contrary to existing laws and government.

Ask: What key words can you find that tell you they will be working in co-operation with the laws of the country and the government?

Concern: People have expressed concern that self government will give First Nations people too much control.

Ask: Examine the chart showing the structure of the Nisga'a Lisims government critically to find programs that are frivolous or detrimental to the group or that would affect others.

2. Comparing Traditional and Modern Aboriginal Governance

- a) Ask students to compare the examples of traditional and modern governance outlined on the Info Page on the Potlatch provided in Lesson Six and the Info Page provided on page 229.
- b) Draw a Venn diagram on the board or chart paper. Label one side "Traditional" and one side "Modern."
- c) Have students suggest words and phrases to print on the diagram to show how traditional and modern forms of First Nations governance are similar and different.

3. Comparing Modern Government Services

- a) Review what students already know about different levels of government in Canada (federal, provincial, local) and the services they provide. You may also wish to review the material on



governments provided in the Teacher's Guide for *From Time Immemorial*, Chapter One.

- b) If you have multiple copies of the phone book, have students work in small groups to read the blue pages to identify what services are provided by the different levels of government. If multiple copies of the phone book are not available, use this as a homework assignment.
- c) Create class charts on chart paper to record the information the students have gathered.
- d) Have students compare the services provided by the Nisga'a government with the services provided by the BC provincial government on the chart provided on page 230.

4. Research Report Using the Internet

Have students research and prepare reports on First Nations leaders Chief Joseph Gosnell or Frank Calder. Before students begin researching, brainstorm a list of questions to guide their research and shape their presentation.

5. Oral Presentations

To conclude this unit on Treaty Making and Self Government in British Columbia, have your students prepare oral presentations on treaties, self government or the effect of discrimination on First Nations people. Invite parents and other adults on the school staff to attend the presentation session. Students are to choose a topic and submit a presentation plan to you (provided on page 231). Provide written constructive ideas on how to strengthen their presentation, and on areas that have strength or merit already.

If the students have had little practise making oral presentations, help them lead up to their presentations by practising using the fun "Salesman Approach" (students learn to sell their product, which is a speaker's goal when speaking—much like a pitchman at a bazaar). Supply a number of unusual objects that have "sell ability" and allow your students to choose one. Speakers are to provide as many make "believable" uses they can for a certain object. E.g., a kitchen strainer could be used for: a hat, microphone, strainer, scoop to catch fish, bat (for a ball) blowing bubbles, a shower head, to make shadows.



Nisga'a Lisims Government

The Nisga'a people were self governing and followed traditional laws long before Europeans arrived in Canada. Through the Nisga'a Treaty (2000), the Nisga'a Nation regained control over their own affairs.

The Nisga'a Nation has one central government—the Nisga'a Lisims government. The Nisga'a Lisims government has a constitution and can make laws over treaty land and provision of services to Nisga'a people, such as culture, public works, resources, fisheries and wildlife. A Council of Elders provides guidance on traditional laws to the Nisga'a Lisims government. Nisga'a people must abide by the same overriding laws as other Canadians.

All services provided by the Nisga'a Lisims government are guided by the common bowl (Saytk'ihl Wo'osim') concept of fairness – the idea that since everyone relies on the same resources, everyone must contribute.

There are four Nisga'a Village governments, similar to local governments, that administer services of the central government through their village chief and council. Nisga'a people that live in urban areas—Terrace, Prince Rupert and Vancouver—elect individuals to serve as representatives to the Nisga'a Lisims government.

The Nisga'a Lisims government is an example of what First Nations self government could look like, but it is not a template for self government. Each First Nation in the BC treaty process will negotiate their own self government arrangement to meet the unique cultural, social and economic needs of their people.



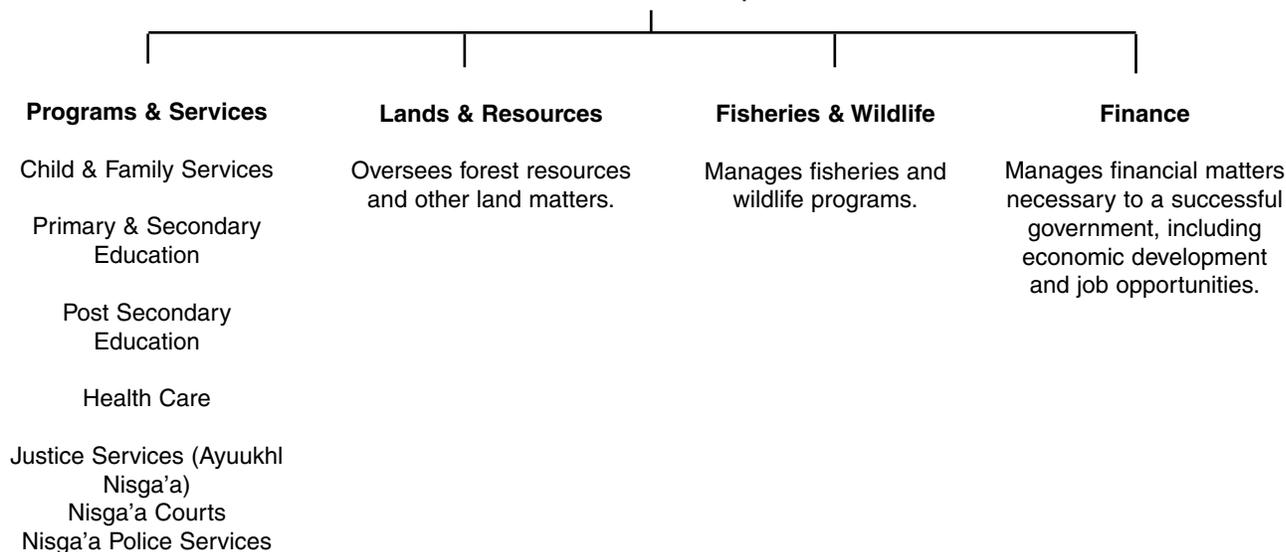
Nisga'a Lisims Government Structure

Within the Framework of the
Canadian Constitution
Criminal Code of Canada
Canadian Charter of Rights and Freedoms

Nisga'a Constitution
Elected Assembly:
Wilp S'ayuukhl Nisga'a (House of Laws)

Administration
The Chief Executive Officer
Four village governments with
Village Chief and Council
Council of Elders
Chairperson
Chiefs
Matriarchs
Respected Elders

Four Directorships



Date _____



Name _____

Comparing Government Services

Put a check mark in the box if the service is provided.

DEPARTMENTS	NISGA'A	PROVINCIAL
Housing		
Transportation		
Human Resources		
Culture		
Justice		
Education		
Intergovernmental Affairs		
Finance		
Health		
Sustainable Development		

1. Are there more similarities or differences between the two governments?

2. What do both governments want to deliver to their people?
