

# 'The Foundation of Our Relationship'

## Williams Treaties Evolution



November 9, 2022

# Once Around The Zoom Room!



**Please introduce  
yourself!**

# Who Are We...Why Us?

C.I.P.S

(Cambium Indigenous  
Professional Services)

[www.indigenousservices.com](http://www.indigenousservices.com)

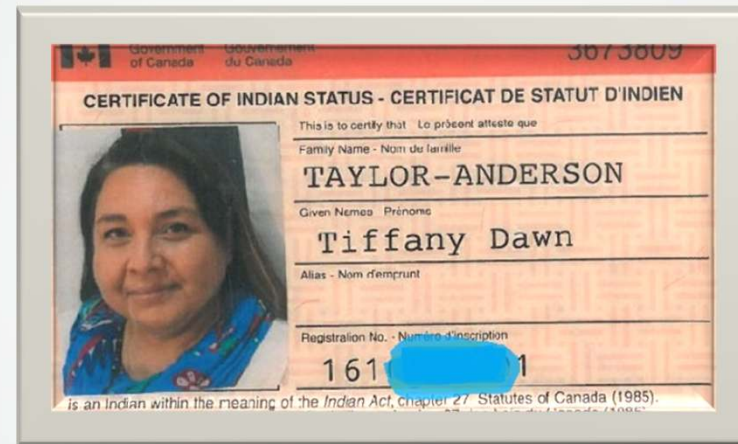
Lands, energy, climate  
change, organizational  
development and  
Indigenous  
engagement.



# About Me

Tiffany Dawn  
Taylor-Anderson

- ✓ Member of the Curve Lake First Nation (6.1)
- ✓ 'Full Blooded' Status Indian by the Government of Canada
- ✓ Indigenous Aware Coordinator for Cambium Indigenous Professional Services (CIPS) Inc.



# Indigenous Canadian

## Definition

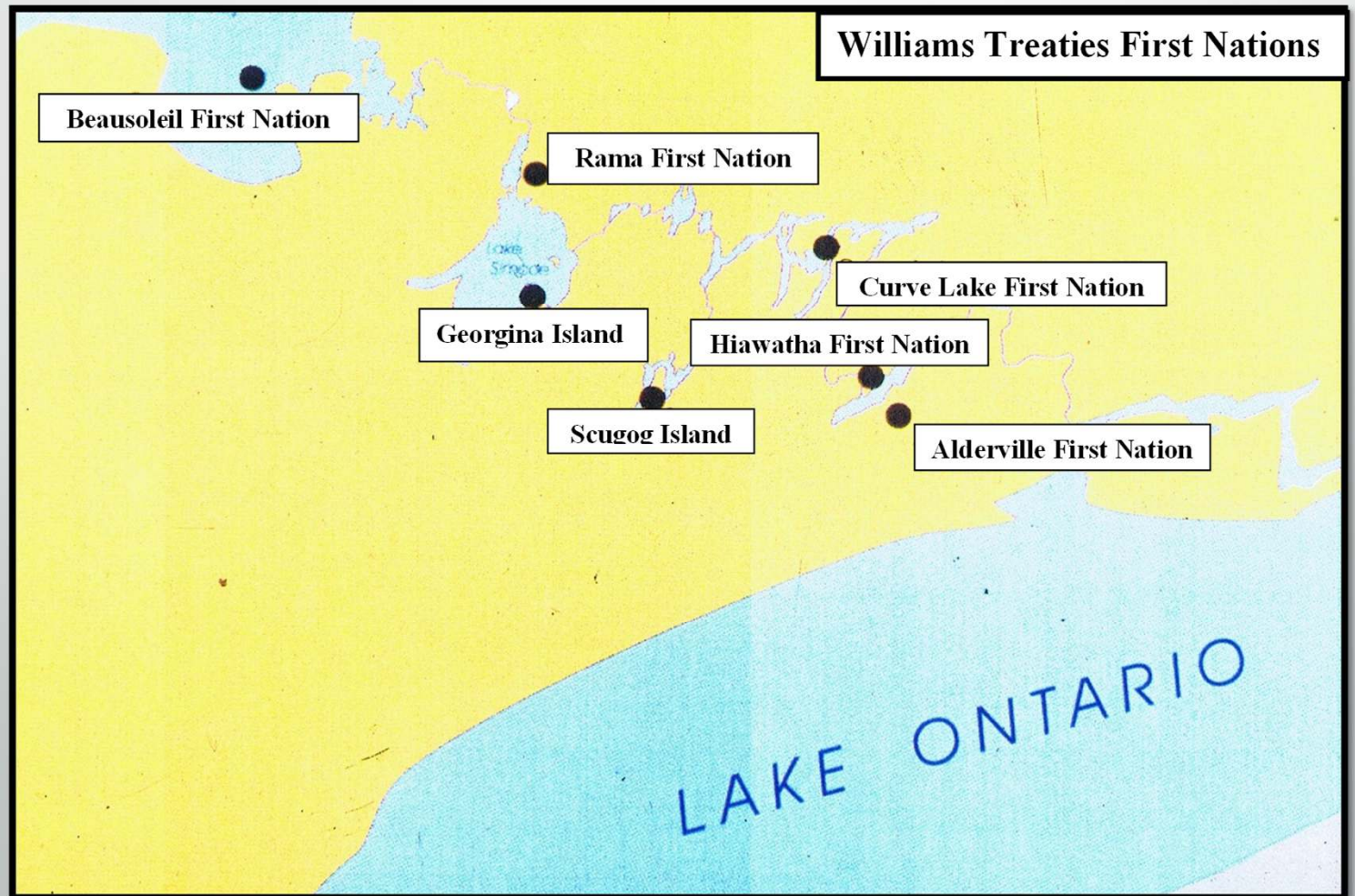
- No generally accepted definition of Indigenous Peoples in a global context.
  - Some countries refer to Indigenous Peoples as:
    - the people who were there at contact or
    - the nomadic peoples within their borders.
- There is no constitutional terminology for *Indigenous* people in Canada
- In Canada, the constitutional terminology of Aboriginal Peoples as stated in Section 35 includes:

The *Indian, Inuit and Métis.*



# Treaty...

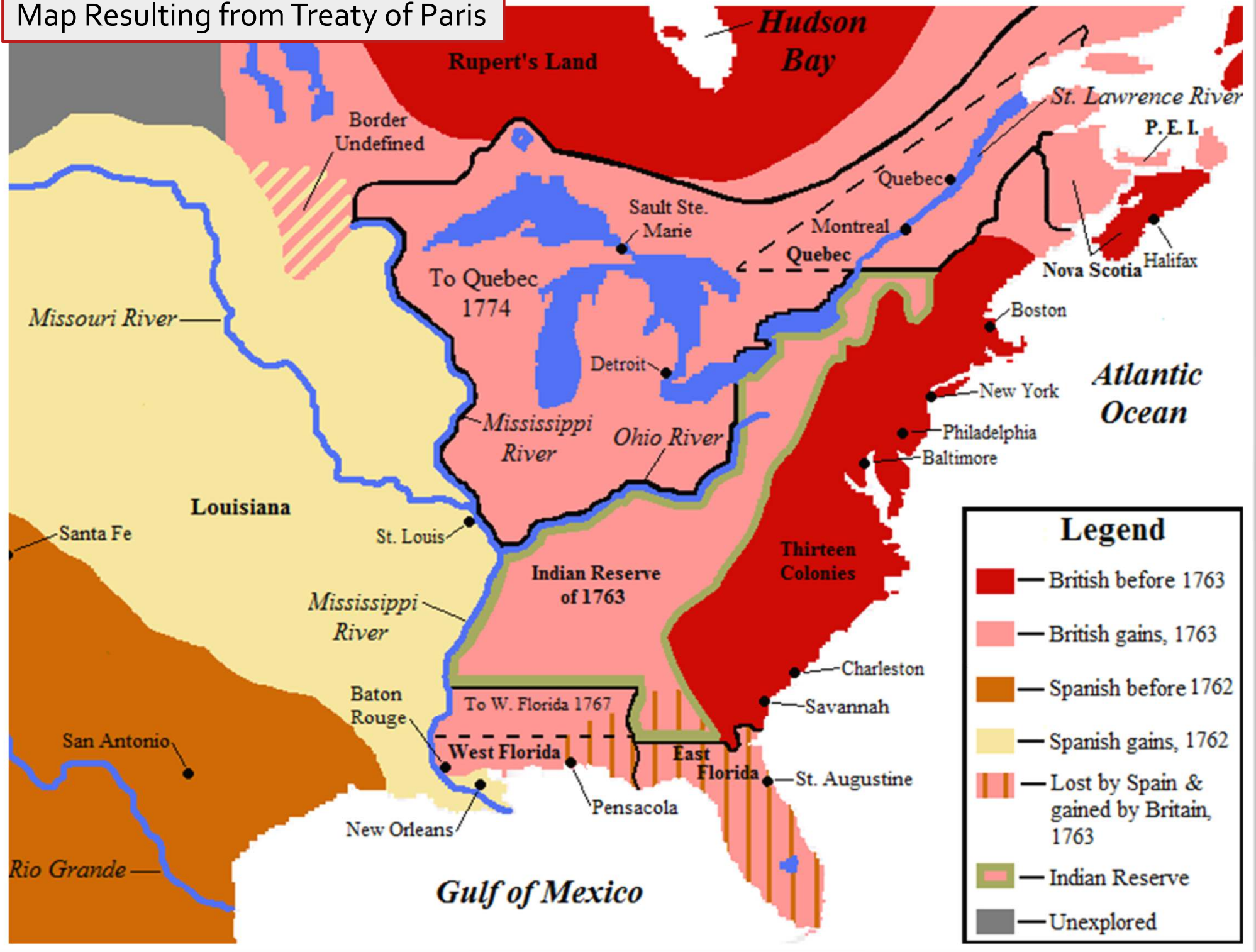
*a formally concluded and ratified agreement between nations.*



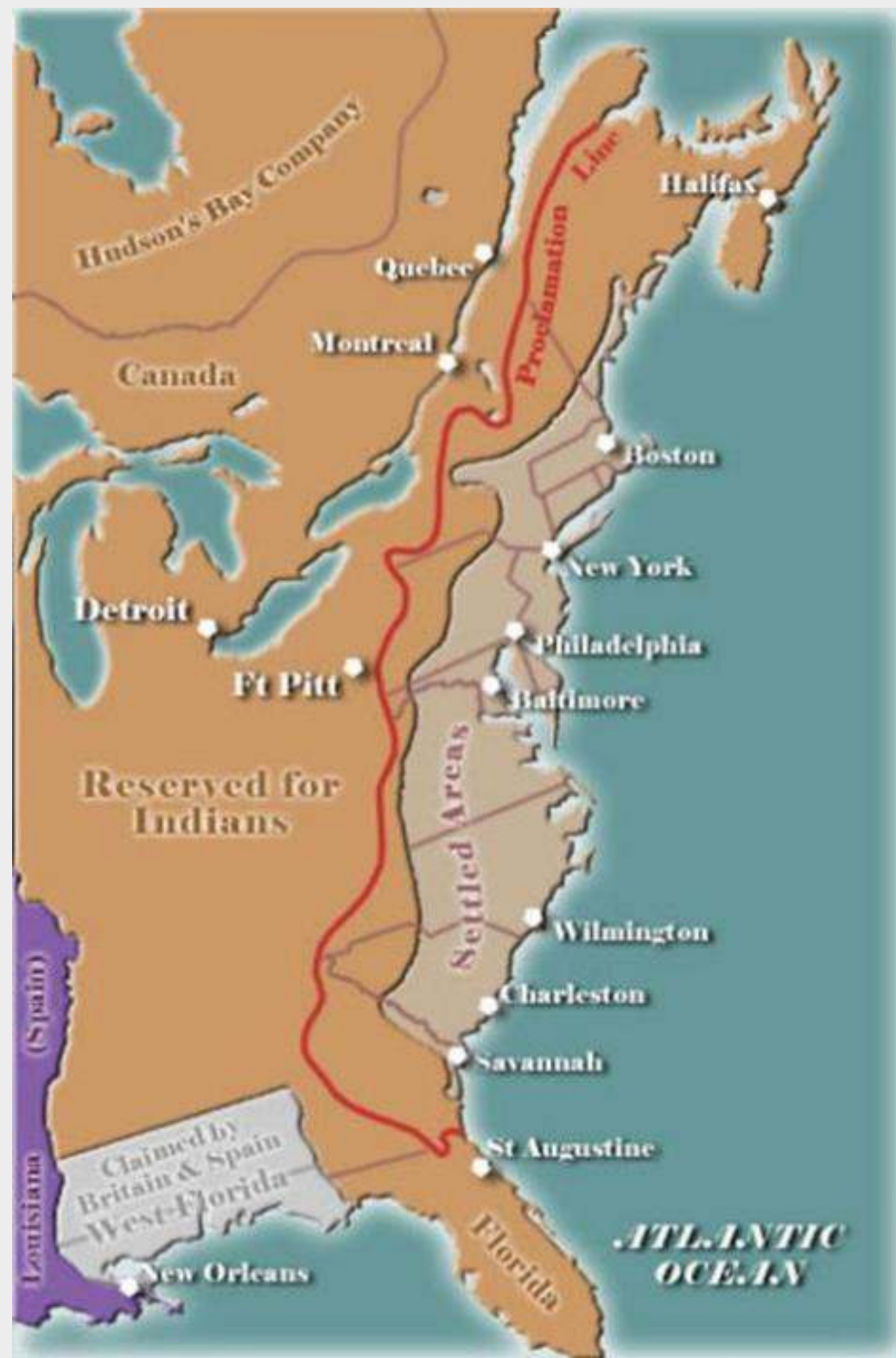
# “The Big Bang...”

- That’s too far back...let’s start at the **Treaty of Paris 1763**
  - 250+ Years ago – a time that is unimaginable to contemporary, tax paying Canadians
- The Seven Years' War (1756–63) was the first global war, fought in Europe, India, and America, and at sea.
  - The **Treaty** of Paris was signed on 19 February 1763 and ended the Seven Years’ War
    - Marked the end of the war in North America
    - Created the basis for the modern country of Canada.
    - France formally ceded New France to the British, and largely withdrew from the continent.
- Under the terms of that **Treaty**, all of New France (Quebec) was ceded to Britain by France.

Map Resulting from Treaty of Paris



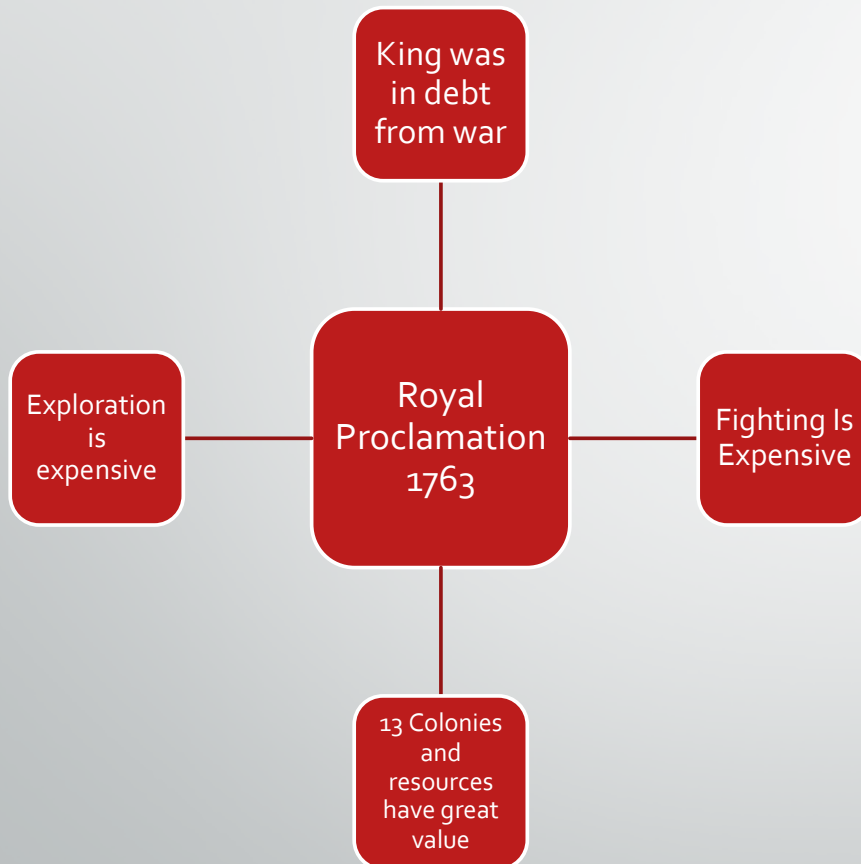




# Proclamation Line of 1763

King George III of Great Britain  
*Reserving* lands west of the Appalachian  
Mountains for the Indians

# Royal Proclamation of 1763



- Aboriginal title has existed and continues to exist, and that all land would be considered Aboriginal land until ceded by treaty.
- Forbade settlers from claiming land from the Aboriginal occupants, unless it has been first bought by the Crown and then sold to the settlers.
- The Royal Proclamation further sets out that only the Crown can buy land from First Nations.
- The relationship of Nation to Nation is established by the controlling European Settlers (British) and Indigenous Nations

# Royal Proclamation of 1763

- The Royal Proclamation was an important first step toward the recognition of existing Aboriginal rights and title, including the right to self-determination.
- Set a foundation for the process of establishing treaties
  - Treaty-making typically involved presence of both parties — the First Nation and the government, for there to be some form of consent between the two,
  - First Nation to be compensated for any lands or resources taken.
- The Royal Proclamation was designed and written by British colonists without Aboriginal input, and clearly establishes a monopoly over Aboriginal lands by the British.

# Pre-Confederation Treaties

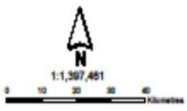
- Several Treaties were entered into after the Royal Proclamation of 1763 and before Confederation in 1867.
  - From 1782-1856, The King's representatives (The Crown) treated with the Williams Treaties First Nations.
- Relevant Pre-Confederation Treaties:
  - Treaty No 27 and 27 ¼
  - The Crawford Purchase
  - Treaty No 29
  - Gunshot Treaty
  - Treaty No 18
- The Treaties were *Treaties of Peace – Not Conquest*.
  - These treaties gave up “aboriginal title”.
    - Aboriginal title: Indigenous people had the right to use and occupy the land that they inhabited
  - Verbal understandings defined, among other things, the respective rights of the parties to use and enjoy lands traditionally occupied by the Williams Treaties First Nations.



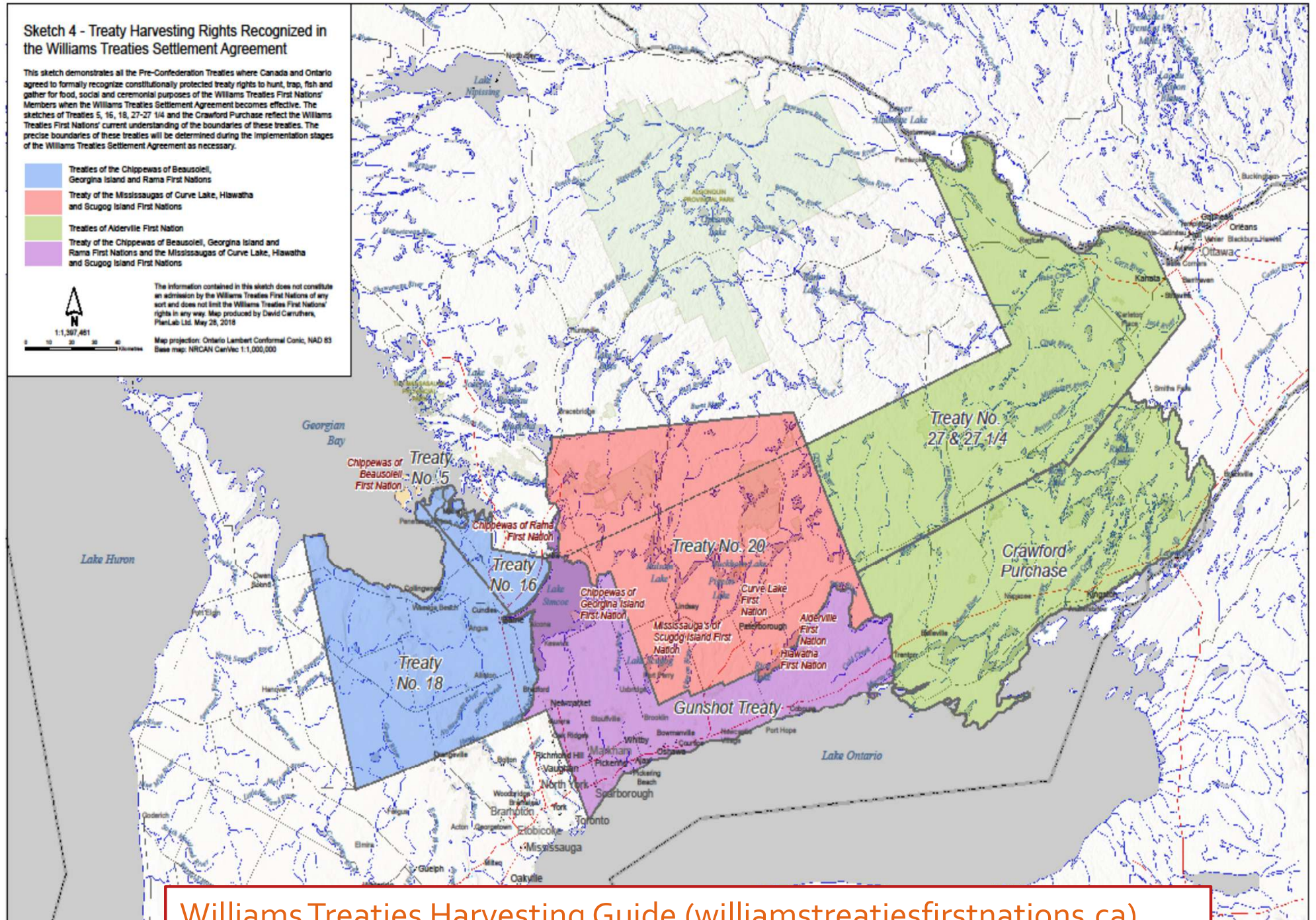
### Sketch 4 - Treaty Harvesting Rights Recognized in the Williams Treaties Settlement Agreement

This sketch demonstrates all the Pre-Confederation Treaties where Canada and Ontario agreed to formally recognize constitutionally protected treaty rights to hunt, trap, fish and gather for food, social and ceremonial purposes of the Williams Treaties First Nations' Members when the Williams Treaties Settlement Agreement becomes effective. The sketches of Treaties 5, 16, 18, 27-27 1/4 and the Crawford Purchase reflect the Williams Treaties First Nations' current understanding of the boundaries of these treaties. The precise boundaries of these treaties will be determined during the implementation stages of the Williams Treaties Settlement Agreement as necessary.

- Treaties of the Chippewas of Beausoleil, Georgina Island and Rama First Nations
- Treaty of the Mississaugas of Curve Lake, Hiawatha and Scugog Island First Nations
- Treaties of Alderville First Nation
- Treaty of the Chippewas of Beausoleil, Georgina Island and Rama First Nations and the Mississaugas of Curve Lake, Hiawatha and Scugog Island First Nations



The information contained in this sketch does not constitute an admission by the Williams Treaties First Nations of any sort and does not limit the Williams Treaties First Nations' rights in any way. Map produced by David Carruthers, PlanLab Ltd. May 28, 2016  
 Map projection: Ontario Lambert Conformal Conic, NAD 83  
 Base map: NRCAN CanVec 1:1,000,000



[Williams Treaties Harvesting Guide \(williamstreatiesfirstnations.ca\)](http://williamstreatiesfirstnations.ca)

# From 1856 to 1923

- United Empire Loyalists were given 200 acre (81 hectare) land grants to help their resettlement in Upper and Lower Canada.
- UEL population increased and land grants continued:
  - Spaces where First Nations traditionally harvested for their livelihood were gradually disappearing.
- Common question: ***'Why didn't you complain at that time?'***
  - First Nations made verbal and written representations to the Crown:
    - Formally noted that promises of traditional harvesting in river mouths, lakes and wetlands were not being kept.
    - Formally noted that forest areas were being cut out affecting availability of large game.
    - Formally noted that First Nation members were harassed and in some cases shot at by settlers when they tried to travel to traditional harvesting areas.
    - The Crown paid little attention to the First Nations' additional claims that the Crown had never treated for their traditional northern hunting territories as of the 1920's



# *Why didn't you legally fight for your claims?*

*To answer, we need to look at what the BNA Act is:*

- **British North America Act (BNA) 1867**
  - Canada's first Constitution created the federal government
  - Section 91(24) provided exclusive federal legislative authority in relation to "Indians and lands reserved for Indians"
- **150+ years of confusion – save that for another session!**
  - Who has jurisdiction – provincial law, federal law, etc.?

# *Why didn't you legally fight for your claims?*

- **We did try...**
- First Nations met with Crown representatives and tried to hire lawyers to confirm their traditional harvesting rights.
  - The crown fired the lawyers and made it illegal for First Nations to hire them.
  - The Crown position? The Crown had the responsibility to look after "Indians and lands set aside for Indians" per the (BNA) so the Indians did not need lawyers.
- The Crown paid little attention to the First Nations' additional claims that the Crown had never treated for their traditional northern hunting territories as of the 1920's
- ***Finally, in 1923, the Crown established the Williams' Commission to determine if this Indians' claim was true. One Commissioner for Canada and two for Ontario.***



# “Williams Treaties First Nations”

- The “Williams Treaties First Nations” is a modern tag
  1. Mississaugas of Alderville
  2. Mississaugas of Curve Lake
  3. Mississaugas of Hiawatha
  4. Mississaugas of Scugog Island
- Chippewa Tri-Council
  5. Chippewas of Beausoleil
  6. Chippewas of Georgina Island and
  7. Chippewas of Rama First Nation.
- Each was a signatory First Nation to one of the Treaties of 1923
  - “Williams” referencing head/federal Negotiator/Commissioner Angus Williams.

## Williams Treaties First Nations

Beausoleil First Nation

Rama First Nation

Georgina Island

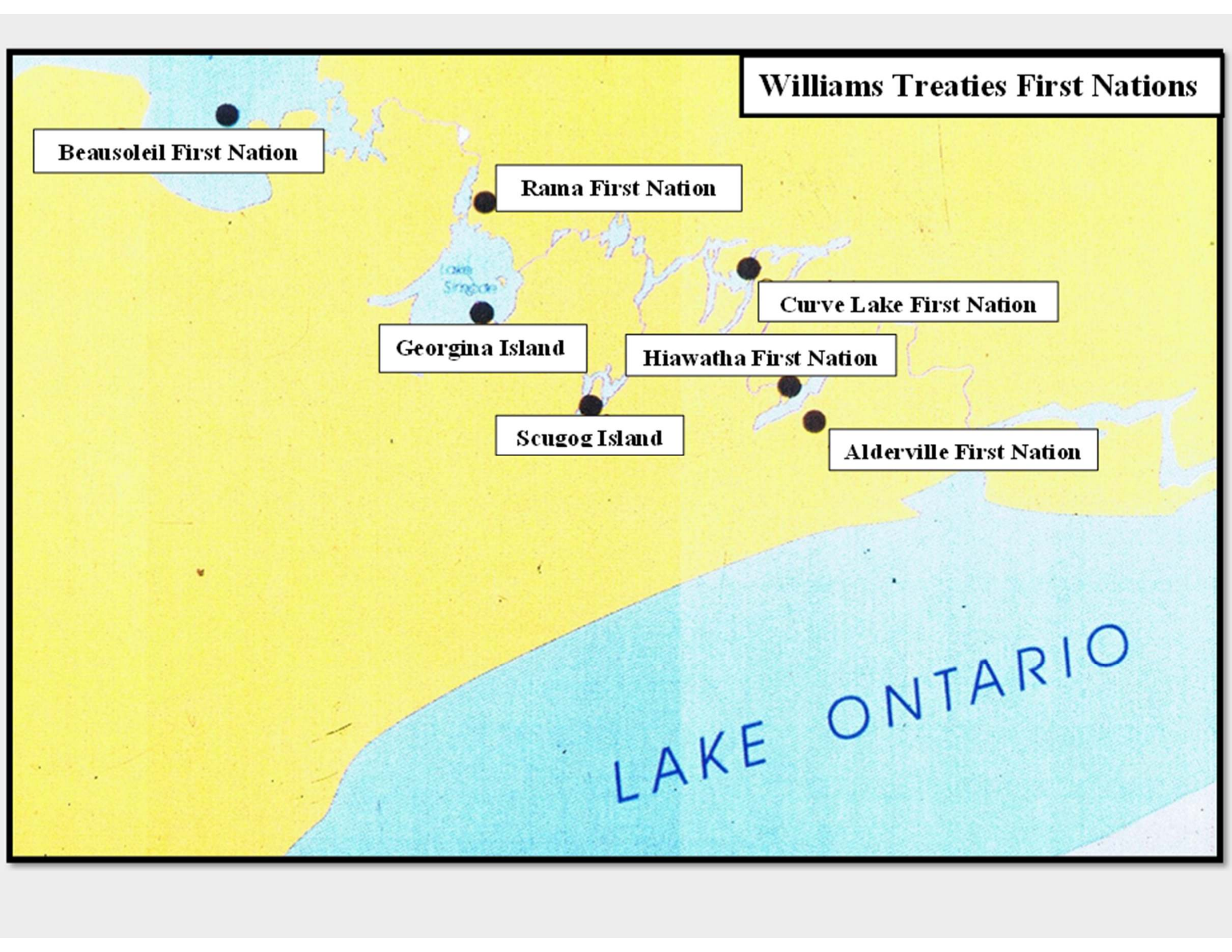
Scugog Island

Hiawatha First Nation

Curve Lake First Nation

Alderville First Nation

LAKE ONTARIO



# Williams Commission

- Mandate:
  - Meet with each of the seven First Nations, research the claim and determine validity
  - If valid, recommend settlement agreements to the governments – settlements could include cash and additional reserve lands
  - Once the governments agreed on the terms of the settlement, finalize treaties with the First Nations
- Crown Agreed:
  - Indians' claim re northern hunting grounds valid - include in the agreement and compensate
  - Research showed no written agreements re Simcoe and Gunshot lands – include in the agreement
  - Additional clause should cover any missed aboriginal titled lands of those First Nations



# Williams Commission Promise

- Clause 1 - title to northern hunting grounds - 17,600 square miles
- Clause 2 – confirmed title to Simcoe and Gunshot - 2,500 square miles
- Clause 3 – basket clause
  - The basket clause basically says that "if you have any claims before now, or after, they are all null and void, don't come back to us after this treaty is signed."
- Financial compensation - \$500,000.00 dollars divided equally between the Chippewa and the Mississauga FN's



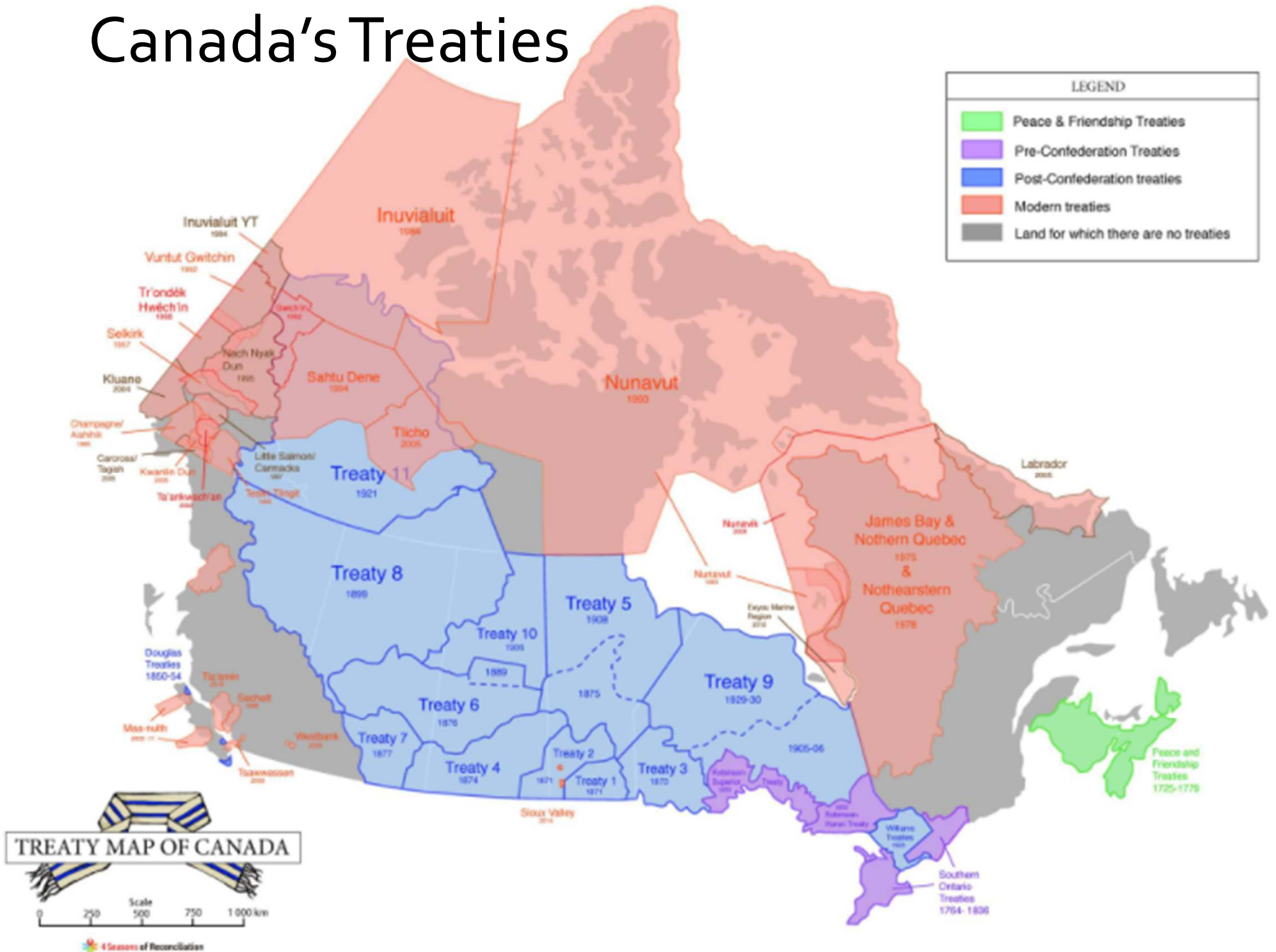
# 1923 Onward

- After 1923, the members of the seven First Nations were charged and even jailed for trying to harvest fish and game without licenses even though the Williams Treaties were silent on the matter.
- George Henry Howard contested one fishing charge all the way to the SCC. The SCC judgement was that the basket clause had taken his hunting and fishing rights.
- Research and Resulting Suit
  - The adamant claims by the elders of the communities led to research on the matter beginning in 1982 which led to a claim being filed against Canada.
  - In 1992, the seven First Nations filed suit against the Crown for neglecting their fiduciary duty in the “sharp dealing” of 1923.

# WTFN Research Findings

- \$500,000.00 was paid even though the Crowns' assessment came in at \$750,000.00
- No additional reserve land was provided because the Commissioner's stated they had no mandate to provide land
- No compensation had been paid for loss of use of lands – only title
- The settlement was inconsistent with the numbered and post 1923 Treaties

# Canada's Treaties







# Negotiations and Results

- 1992-2015 - claim negotiations went on and off without much headway.
- In 2015, both Canada and Ontario governments identified negotiators with a mandate.
- In 2017, a Negotiations Framework was signed with the Williams Treaties First Nations.
- The mandate required negotiations be concluded in a 12 month timeframe and that the suit be dropped.

# February 17, 2017 - Williams Treaties Settlement Negotiation Framework signed

## *Four Key Outcomes of Court Action*

- Hunting and fishing in Treaties 5, 16, 18, 20, 27-27<sup>1</sup>/<sub>4</sub> and consider other possible harvesting areas
- Additional lands for reserve base
- Appropriate compensation for aboriginal title lands and loss of use of lands
- Reconciliation

# Harvesting

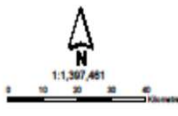
- Members' constitutionally protected hunting and fishing rights affirmed in Treaties 5, 16, 18, 20, 27-27<sup>1</sup>/<sub>4</sub>, Crawford and Gunshot areas.



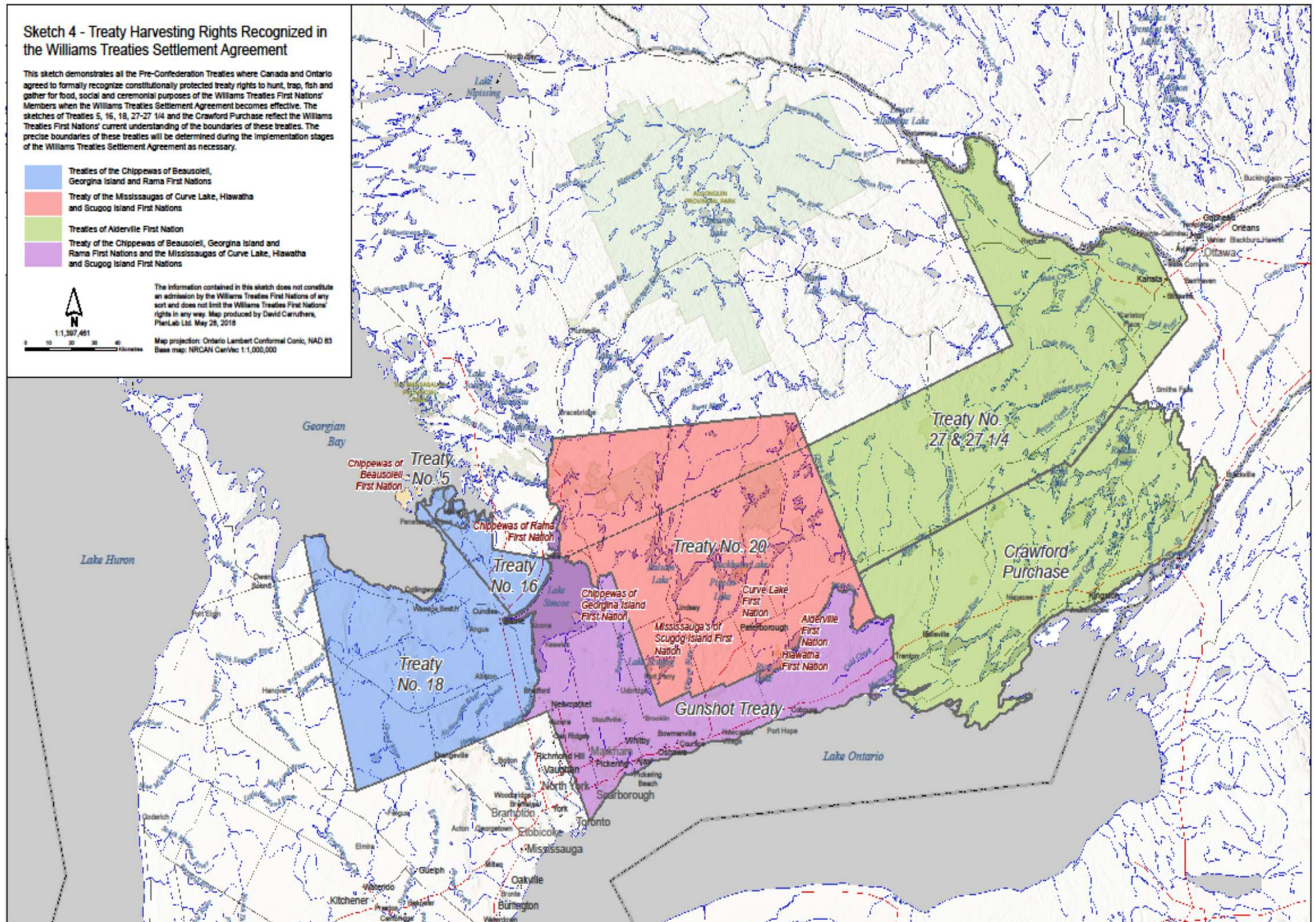
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# Additional Reserve Lands

- 77,000 acres of eligibility for legal entitlement to add lands to seven reserve bases i.e. 11,000 acres each through the federal Additions to Reserve Policy
- 40 years in which to use the entitlement

# Financial Compensation

- \$1,030,000,000 in compensation for:
  - \$250,000 (1923) shortfall,
  - loss of use of lands and
  - purchase of additional lands for reserves

# Reconciliation

- \$70,000,000
  - \$10,000,000 on behalf of each WTFN for use in *collective* reconciliation efforts; plus
- Written and oral apology
  - Received

# Why Spend This Time?

- The indigenous position is based in negotiated, not in a perceived right of the Indigenous community.
- The consequences of the historical and contemporary implications of treaties impact development, environment and social issues today.
- If you don't have this basic knowledge in this region of Canada when working with or communicating formally with Indigenous communities, you are lacking a key piece of information.
- If you leave this area, your knowledge of the treaties and their impacts is a necessary piece of research.
- Your perception of the Indigenous world affects your relationships with your Indigenous counterparts.



# Q&A and Reflection



# Other Courses and Resources

- To follow up, Tiffany will be sending a complete listing of our resources.
  - We offer custom team lunch and learns;
  - Custom, in depth programs (3, 6, 9 and 12 hour) sessions that get deeper and deeper
    - Great for practitioners
  - To arrange a session, Tiffany is there to answer all of your questions and get you a quote.

[www.indigenousaware.com](http://www.indigenousaware.com)

t.taylor@indigenousaware.com

*Best wishes on your reconciliation journey.*