

1

Crises of Relationship

The Role of Treaties in Contemporary Indigenous–Settler Relations

Chapter Outline

The purpose of this chapter is to demonstrate how treaties do not simply implicate humans in relationships but also are about relationships with and between all of creation. This approach allows one to consider the relationships from multiple perspectives and avoids viewing the treaties through a one-dimensional lens. The result is an understanding of the treaties as active, living agreements rather than one-time transactions—moving beyond viewing the treaties as a transactional and instead viewing them as relational.

Author Gina Starblanket begins by reviewing the contested terrain of treaty relationships and introduces this through Treaty 4 as an example. Storytelling and mythmaking have impacted the ways that Indigenous and non-Indigenous people understand their responsibilities and relationships. Dominant narratives of peacefulness have obscured experiences of marginalization and violence that Indigenous people have experienced. One way to overcome these historical distortions is to demythologize the treaties. Starblanket demonstrates that there is a need to challenge the existing transactional view of the treaties and how they are used to explain how Indigenous people have been integrated into the Canadian legal and political system, and suggests that forms of repression such as the reserve, pass, and residential school systems are left out of the narrative.

Once the mythologies of the treaty relationship have been addressed, one can then turn to a relational understanding of treaties. Key to this understanding is the realization that treaties are a continuous process with no end point—they are intended to live on in perpetuity through the interaction of the parties who agreed. The author then turns her attention to the relevancy of the treaties. She explains that treaties are relevant to all who live in Canada and demonstrate the possibilities of coexistence that can exist when understood in accordance to the legal traditions of all who signed them. The author concludes by demonstrating that the treaties can be used to affirm the relationship between the treaty parties and also provide a framework for moving forward in negotiating the tensions and difficulties that may arise over time.

Learning Objectives

- To demonstrate how treaties are living agreements
- To recognize that Indigenous people and newcomers have distinct rights and responsibilities under the treaties

- To understand that treaties are not one-time transactions but rather agreements that live on in perpetuity
- To recognize that the treaties provide a framework for moving forward in the treaty relationship

Study Questions

1. What are some of the key mythologies that exist with respect to the history of treaties in Canada?
2. What contemporary responsibilities do Indigenous people have under the treaties?
3. What contemporary rights do Indigenous people have under the treaties?
4. What contemporary responsibilities do settlers have under the treaties?
5. What contemporary rights do settlers have under the treaties?
6. How are Indigenous understandings of the treaties different from settler understandings of the treaties?
7. What is meant by the “spirit and intent” of the treaties?
8. Why are treaties relevant to all who live in Canada?
9. What are some of the main differences between Indigenous and settler legal traditions?
10. How can the treaties be used to help us move forward in relationships between Indigenous peoples and settlers?

Additional Resources

Readings

Borrows, John and Michael Coyle. 2017. *The Right Relationship: Reimagining the Implementation of Historical Treaties*. Toronto: University of Toronto Press.

Krasowski, Sheldon. 2019. *No Surrender: The Land Remains Indigenous*. Regina: University of Regina Press.

Johnson, Harold. 2007. *Two Families: Treaties and Government*. Saskatoon: Purich Publishing.

Morin, Jean-Pierre. 2018. *Solemn Words and Foundational Documents: An Annotated Discussion of Indigenous-Crown Treaties in Canada, 1752–1923*. Toronto: University of Toronto Press.

Poelzer, Greg and Ken S. Coates. 2016. *From Treaty Peoples to Treaty Nation: A Road Map for All Canadians*. Vancouver: University of British Columbia Press.

Websites

Saskatchewan Office of the Treaty Commissioner <http://www.otc.ca/>

This website provides information on treaties in Saskatchewan. It includes an overview of treaties as well as access to resources on the treaties.

Treaty Relations Commission of Manitoba <http://www.trcm.ca/>

This website provides an overview of the treaties in Manitoba and includes links to reports and other materials.

Treaties Ontario <https://www.ontario.ca/page/treaties>

This website provides an overview of the treaties in Ontario and includes links to videos, maps, as well as teacher specific resources.

Treaties and Agreements <https://www.rcaanc-cirnac.gc.ca/eng/1100100028574/1529354437231>

This website gives the Canadian government's view of treaties and includes links to various treaty documents.

BC Treaty Commission <http://www.bctreaty.ca/>

This website provides an overview of the BC Treaty Commission. It provides an example of the negotiation of treaties in the contemporary context.