

# Treaties complex but must be respected

*The City of Thunder Bay's Anti-Racism Advisory Committee is producing a new column in The Chronicle-Journal entitled One City, Many Voices. The purpose of the monthly column is to encourage dialogue among residents of the city and surrounding area in order to address some common assumptions or misconceptions. In so doing, the committee hopes to promote greater understanding of race relations in North-western Ontario.*

**BY NICOLE CROWE AND KAREN DRAKE**

**T**HE AUTHOR of a recent letter to the editor (Asking For More — CJ, Feb. 17) expresses frustration about land claim settlements between first nations and the government because the money for these settlements comes "from the taxpayer's pocket."

It's true that taxpayers have a right to understand what their tax money is spent on and

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## ONE CITY, MANY VOICES

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why. And it is not surprising that citizens may have difficulty comprehending the rationale for land claim settlements. The historical and legal framework of the treaty relationship is complex.

At law, Canada is aboriginal land unless there is a treaty extinguishing the aboriginal interest in the land. The only way Canadians got the legal right to own land here was through the Crown entering into treaties with Aboriginal Peoples. The reality is that we are all treaty people. If we continue to benefit by using the land, we have to continue to uphold our treaty obligations.

Compensation to first nations is necessary when the government fails to fulfill its treaty obligations. Consider the Robinson Superior Treaty, by which parts of the North Shore of Lake Superior were surrendered to the Crown.

In 1850, there were not many developments

in this region and first nations signatories agreed to a small annuity in exchange for their land. However, this treaty contained an escalator clause, which promised that first nations would receive an increased treaty annuity when income was produced from the treaty area. Even though the Crown has profited from developments across the region — mines, forestry, hydroelectricity — it is still paying a treaty annuity of only \$4 per person.

Other treaties protect first nations' rights to trap, hunt, fish and gather in their traditional territory. Despite this, the Crown grants permits to third parties — such as mining companies — to develop land covered by treaty. Frequently these developments are not consistent with treaty rights.

When the government allows third parties to use the land in ways that prevent first nations from exercising their treaty rights, the first nations are entitled to compensation. It remains the Crown's obligation to meaningfully negotiate and implement treaties with Aboriginal Peoples.

Treaties do not have an expiration date. The passage of time does not diminish the government's obligation to implement treaties. It is in all of our interest to meaningfully negotiate and resolve the spirit and intent of these historical agreements in a modern context. Here's why: without treaty resolution, there is commercial instability, it is difficult to attract investors, development decreases, and we all suffer.

When Canada and Ontario sit down and meaningfully negotiate and resolve the implementation of treaties, it is better for all Canadians. With a clear understanding and appreciation of treaty obligations, we can all move forward with economic development, which we can all agree is sorely needed in our region.

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