

**Introduction to Politics – Final Paper**

Ombeline de Chauvigny

Collégial International Sainte-Anne

Introduction to Politics

Professor Marcel Mitrasca

November 26th, 2023

General presentation of issues related to the First Nations in Canada.

In the 19th century, the European countries sought to expand and extend their power through the “discovery” of new territories and the resources they possess. Canada is one of those colonized territory. The country was colonized by the French and the British Empire. Both those empires, when discovering the population that already lived there, those part of the indigenous community, were struck by the differences in the culture.

White settlers took the land from those that lived here and forced them out of their homes and culture. First Nations, Innuits and Metis were victims of forced assimilation through what was disguised as religious evangelization.

Colonialism brought a European and white ideology to the territory it conquered. “Colonialism almost destroying an indigenous population through stripping them of their land, culture and family with no consideration for the repercussions.” (Henderson, 2018, par 3.) The Europeans almost wiped out an entire civilization due to the diseases they brought that were unknown to the First Nations, their technology (such as guns), and because of their refusal to understand or accept the values and customs of those already there and discriminated against them. Today, First Nations are 5% of the Canadian population and 630 different communities of First Nations live on. This history nowadays translates into land ownership issues, education issues, self-governance issues, the health system issue or even the huge issue of harassment and discrimination of the First Nations, Innuits and Metis in Canada. These issues are still present as “citizens in these groups live with constitutional and legal divisions”. (OECD, 2020, par 1.)

This paper will focus on the issue of land ownership.

A specific presentation of the chosen First Nations issue.

The specific issue this paper concerns itself with is that of land ownership. There are two reasons why this issue is a major and crucial problem that needs solving. First, the land belongs to those that have to fight to get it back, it was stolen five centuries ago, and this injustice has yet to be remedied. Second, a nation needs a territory to be a Nation. Indeed, because of history, First Nations were forced into assimilating the culture of the Europeans and as a result have lost entire chunks of their culture.

To understand why this issue is still relevant, we need to take a look at the past as it is crucial to understand the difference in how treaties, that were put in place by colons, were perceived first by governments, secondly by the First Nations. The colons and later on the Canadian government, only saw treaties as an economic and political agreement and something to keep the “Indians” off their land. Those treaties have, more often than not, been breached, changed or just full on not respected. As settlers “believed treaties were inexpensive and convenient ways to strip Aboriginal title (i.e., ownership) from most of the lands in Canada” (The Canadian Encyclopedia, 2011, par 5.). However, First Nations view treaties as “sacred convents”, meaning they will honor them, and will even honor oral agreements. (The Canadian Encyclopedia, 2011, par 1.). Furthermore, there also was a language barrier that the settlers had no intention of breaching, therefore, names of places lost their original names as they were translated in English or French or just ignored and given new names. Additionally, some concepts were not translatable in English or French and were therefore ignored by the settlers. These differences are crucial to understand the behaviour and action of each of the parties.

However, lately there have notable steps forwards such as the ratification of UNDRIP, the United Nations Declaration on the Right of Indigenous people, and different occasions where First Nations were able to reclaim their land. For example, the Halibut Island or SISȻENEM was returned to the W̱SÁNEĆ (Saanich) people in 2023 (Beaulne-Stuebing, 2023). Though it is a long and arduous process, there have been more and more attempts and successes at giving to the First Nations their land back.

Over the past five years, how has that issue been handled by the federal government?

Land ownership issues are challenging to deal with for the federal government of Canada. In fact, within the past years, the government changed its mind about one of the biggest pieces of legislation, UNDRIP, the United Nations Declarations On The Rights Of Indigenous People. In fact, it first was voted against in 2007 and it later on, in 2021, got fully ratified. Nowadays, the government is looking at how to implement it.

UNDRIP has for goal to create a universal framework “of minimum standards for the survival, dignity and well-being of the Indigenous Peoples” (United Nations, 2013, par 2.). One of the articles of UNDRIP sates “the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership” (United Nations, 2013, UNDRIP’s article 26.2). However, to understand how Canada can put in place legislation in harmony with UNDRIP, you need to understand the promises, the lies, and the violated treaties to get the entirety of the issue of land ownership today. “The treaty that we have, and all of the treaties [in Canada] have been broken promises” (Morin, 2020, par 9.). Furthermore, many First Nations were forced into treaties because of multiple reasons such as the lack of food as colonizers engaged into a mass killing of buffalo, the primary source of food of the First Nations or diseases unknown and brought by the settlers.

Nowadays, one of the issues that remains is understanding how to deal with Crown lands, crown lands are lands that are the property of the federal or provincial governments. Those lands are rich in natural resources and that is why it causes such major issues. However, since UNDRIP does not legally enforce anything, the government can decide that there is nothing to “disrupt Canada’s sovereignty over Crown land and the resource projects on it, continuing an age-old battle over who owns Crown land” (Cimellaro, 2023, par 11.). Though, crown lands are a major part of the issue of land ownership, this paper will solely concentrate on land back.

First Nations are reclaiming their land back and are fighting to have their Aboriginal title recognized at the federal and provincial level. One step forward that the federal government did was switching from talking of a modern surrender to a promissory estoppel which is a legal principle that a promise is enforceable by law. This switch allows for a more modern way of thinking and solving the land ownership issue. It is also changing the language used when talking about past wrongs for more clarity to avoid confusions and ambiguity. While it is not the perfect solution because it is an issue caused by the government where the same government is the one with the power to decide how or even if the issue is resolved, it still is an improvement. (Passafiume, 2023)

Additionally, First Nations have had a hard time fitting in as they are still fighting to “secure their rights and title to ancestral territories”. (Cimellaro, 2023, par 1.). Their biggest complication is creating legislation and applicating the laws. Furthermore, it is important to remember that the way the federal government is going to handle the issue, leads the way for the provincial governments. Therefore, the federal government has more pressure in doing the right thing.

Finally, thanks to Bill C-15, Canada has, at last, passed, in 2021, legislation in accordance with UNDRIP which allows for better comprehension and legal principles in land back.

Over the past five years, how has that issue been handled by the Quebec government?

 The province of Quebec also has to deal with land ownership issues. In facts historically, the governments of the provinces “whose constitutional reliance upon “Crown land” for revenue [have] provided an incentive to ignore treaty rights.” (OECD, 2020, Conflicts over land and land management). Therefore, the Quebec government has traditionally treated First Nations poorly when it did not honor the treaties, it had signed with them for access to the natural resources on their land. Furthermore, when the settlers arrived, they only lived in a small proportion of the territory while the First Nations used the whole territory, however, as more colons arrived, they took more territory forcing the First Nations out of their houses and further and further up north. (Desbiens & Rivard, 2013). Therefore, Québec has a long way to go to rebuild trust and respect with the First nations living in the province. However, as (Desbiens & Rivard, 2013, page 12.) state “there should be no doubt that Aboriginal people and governments remain committed to an active form of cross-cultural dialogue in Québec.”

One of the biggest issues in Quebec concerning land ownership issues is the issue of claiming land. Many problems derive from it such as the funding, the legal system etc. Furthermore, sometimes when claiming lands, no solutions can be found, and the use of force and violence is used which taints the relationship between the provincial government and the First nations. Moreover, there have been several occasions where the Quebec government has not consulted with the First Nations before extracting natural resources on their territory, for example, the Anishinabeg First Nations of Abitibiwinni and Lac Simon or the Innus of Pessamit have been victims of this lack of asking (Kistabish & Wabanonik, 2023), (Léveillé, 2023).

The Quebec government has lots of improving to do concerning land claims but has also proposed new solutions hand in hand with First Nations’ leaders over the past five years. Improvement can be seen as “après des décennies de revendications” (Radio-Canada, 2022, par 1.), the Mohawks of the Quinte Bay have officially gotten their land back and gotten a compensation of 31 million dollars.

Over the past five years, how has that issue been handled by the government of the chosen province?

The government of British Columbia was one of the first province to ratify UNDRIP the United Nations Declaration on the Rights of Indigenous People in November 2019. However, First Nations say that there has been lots of acknowledgment of the ratification and very little action. “The province has not done enough to bring its policies and laws into harmony with the aims of UNDRIP” (Pawson, 2023, par 3.). Furthermore, it took the province two and a half years to decide on an action plan to put in place laws and legislation in accordance with UNDRIP’s goals. The First Nations are calling out the government of British Columbia and giving warning signs that it must avoid another endless wave of treaties being created with no real solution being brought forward. Grand Chief Stewart Phillip said, “despite the onerous and oftentimes complicated approach to move forward with UNDRIP, he's proud of nations' solidarity as they work on the issues they and the province are facing.” (Pawson, 2023, par 16.). He adds that 20 years ago, this would not have been possible. (Pawson, 2023, par 13.). One of UNDRIP’s goal is land back, while ratifying the declaration is huge success in improving the living conditions and the issue of land ownership, since there have been very few actions taken or goals reached (32 out of 89 completed in June 2023) (Pawson, 2023, par 7.), the First Nations living in British Columbia have not had their voices heard more than in other provinces. Indeed, as of May 2023 another legal battle to gain back their land has been lost by the Nuchatlaht First Nation. This legal battle has been ongoing since 2010 and in May of this year a judge ruled that the First Nation did not have enough evidence to prove that the land is theirs. Furthermore, the judge added that it was time for the government of British Columbia to revise its legislature, once again it is all talk and no actions. (Charlebois, 2023).

However, there is good news to share. Indeed, as of April 2023, The Blueberry River, Doig River, Halfway River, Saulteau and West Moberly First Nations will be getting their land back (more than 442km2 of land). Furthermore, they will receive 800 million dollars as a compensation. However, it is important to know that the treaty has been pending for the last 25 years. Indeed, this is not “free” money: “ Ce n'est pas une aubaine, ce n'est pas de l'argent gratuit [...]. C'est une facture qui n'a pas été payée depuis 100 ans. » a citation of Marc Miller, ministre fédéral des Relations Couronne-Autochtones. (Radio-Canada, 2023, par 7.).

Overall, the government of British Columbia has made some advancements and lots of promises that it now needs to uphold. The government also need to focus on the smaller issues that contribute to the bigger issue of land back. For example, there is a lot of issues with funding when it comes to claiming land back. Another issue that needs to be handled better is consulting the First Nations on things such as the automatic granting of mining concessions. (Magher, 2023) If the government does not consult with the First Nations, it sends the message that land back are not legally binding or real.

F. Comparison: from the perspective of First Nations (yes, try some empathy), which of the three governments is the best and which one is the worst? Why (what makes it better than the other two)? Use multiple criteria. How does the political orientation of the party in power impact the decisions regarding that First Nations issue? Does that political orientation explain why a government is perceived as better (by the First Nations) than the other two? Why or how? If it helps, feel free to use a graphic organizer. (+350 words) - 25p

Running a country or a province whilst dealing with the issue of land ownership is complex and very often leads to a lot of promises and little action.

Canada is led by the liberal party of Canada and its leader, Justin Trudeau. The federal laws and policies are therefore, proposed from a liberal point of view. The liberal ideology is the necessity of freedom for all through the fastest process possible. Therefore, when talking about First Nations and land back the liberal ideology seems to be the perfect ideology and political party to achieve freedom and equality for the First Nations, rapidly. However, in reality Justin Trudeau’s government has not managed to do enough for the First Nations. Indeed, in his 2021 platform his promises for a better future for the First Nations were the same ones as those in the federal budget of 2021. This means the government has not been able to fulfill or complete its promises and it does not have improvements to show. “Trudeau has left a trail of missed deadlines and broken promises” (Forester, 2021, par 13). The First Nations are disappointed at this endless trail of promises that have not been upheld. In 2023, the assessment is unfortunately the same.

The province of Québec is led by the Coalition Avenir Québec and its leader (Papa) François Légault. His party is conservative and a Quebec nationalism and autonomism party. The conservative ideology wishes for the general adherence to tradition through the preservation of the culture, a limited intervention of the government or the importance of property rights. Conservatism deals with change with a more slow-paced speed and prioritize stability over a fast process. While the fact that it seems to take the issue and deal with them much slower can appear as a bad thing, conservatism is also very attached to property rights and therefore in giving the land back to the First Nations. However, the la CAQ government has been really disappointing for the First Nations when dealing with the issues brought by colonialism. For example, on the question of land bask, according to Ghislain Picard, the chief of the Assembly of First Nations Quebec-Labrador (AFNQL), the government of Québec has been really conservative in the sense that it has been extremely against any process that would simply be questioning the issue of territory and resources. (Morin-Martel, 2022). Moreover, Ghislain Picard says that this government « marque une rupture avec les gouvernements précédents » (Morin-Martel, 2022, par 2.) as it has been going further and further away from the question of self-governance and has not been giving a voice to the First Nations. However, it is important to note that since 2023 more and more First Nations have been able to reclaim their land, therefore, improvements can be seen.

The province of British Columbia is led by the New Democratic Party and its leader David Eby. This party is a social democracy, and its ideology is the middle ground of the liberal and conservative ideology. It is undoubtable that the government of British Columbia is the best one when it comes to dealing with the issues if First Nations. Indeed, British Columbia was the first province to ratify UNDRIP and change its laws to be in accordance with it. It is the province that has promised the most, and while vain promises are not the way to go when a government makes promises it later on is kept accountable for the work it has or has not done. Furthermore, the land back movement in British Columbia has had a large impact and has allowed for change to happen. Furthermore, it is recognized that of the major parties, the NDP (federal or provincial) has been one of the best political parties to bring change, “There’s been some good work by the NDP government in B.C., and so I think there’s a possibility of something happening along those lines.” (Forester, 2021, *NDP promises new standard of free, prior and informed consent,* par 6.)

 While none of the three governments has achieved the perfect situation or comprehension of the issues of the First Nations, the government of British Columbia has dealt with it much better than the federal or the Quebec government.

In terms of treaties being implemented to help the land back movement and their application, the federal government has shown little actions, but improvements can be noted. However, the government of Quebec has shown little to none measures taken towards implementing laws and legislature while the government of British Columbia has been the best at carrying out legislature for the return of the land to the First Nations. The other crucial issue concerning land back is the consultation and participation of the First Nations in all that concerns land and natural resources on the land. Once again, the federal government has taken some steps forwards while the government of Quebec has been very disappointing on the issue, and the government of British Colombia has been the best one at consulting First Nations even though for all governments immense efforts need to be done.

Your own contribution. What could / should the federal, the Quebec, and the chosen province's government do to bring that issue to the ideal outcome for the First Nations?

 There are many, many issues that need to be addressed by all the forms of Canadian government regarding the First Nations. To help address those it is primordial to educate others. Indeed, “The more we talk about these kinds of things, people will realise we have more in common than what divides us.” (Morin, 2020, *Modern day threats,* par 9.) Canada is still a racist country and education is one of the best tools to eradicate the issue. For example, Mikana is an organization which “works to educate non-Indigenous people about Indigenous realities and viewpoints as a way to combat racism and discrimination against Indigenous peoples.” (Beaulne-Stuebing, 2022, Taking root in Quebec, par 7.) However, each government has different points to focus on.

 The federal government of Canada must recognize the lands of the First nations in a fair and sincere manner. Indeed, First Nations when expressing their feelings says that even though land acknowledgment is a step forward “many argue they've grown to become superficial, performative — and problematic.” (Deer, 2021, par 2.) Therefore, the federal government needs to change the way the make their land acknowledgment. For example, it needs to make sure to have the correct pronunciation and to teach the complex history of the place. For example, when a government official makes a land acknowledgment for Ottawa a standard land acknowledgement could be, “Canada’s Parliament buildings are on unceded Algonquin territory”. However, what the First Nations are researching would be something like this: “Today, as they did pre-contact, the Algonquin live on both sides of the Kichisippi, or Ottawa River. Although they have a centuries long history of submitting petitions to the French and British, to this day they continue to be denied their land and land related rights.” (Gehl, 2022, Par 8.)

Furthermore, the government needs to bring its focus on issues related to land back such as the big issue of funding those claims. Indeed, since First Nations are still discriminated against, they do not have the same opportunities which can result in lower income and therefore, the inability to fund their claims. The solution to this issue could be to create a trust fund which would allow First Nations to be able to fund their claims.

 When it comes to the government of Québec there are many improvements to be made as of the three governments discussed in this paper, it is the one who has the least to show regarding the issue of land back in the province. The first solutions or change that must be implemented concerns the creation of an education and training program about the consequences and impacts of colonialism on today’s Quebec. Indeed, for example the premier of Quebec refuses to acknowledge the systemic racism against First Nations (Morin-Martel, 2022). Therefore, it is certain that the employees of the government might not be aware of the issue and are definitely not given the tools to repair it. Therefore, educating kids in school, but also the police force and others is crucial to tackle the issue.

Moreover, Quebec needs to start taking land back more seriously. The First Nations are deeply disappointed in how they have been treated and are asking for more change rapidly. The Quebec government needs to take example on the government of British Columbia and treat land back claims with more seriousness. To do so, it should involve the First Nations as they can bring solutions.

 The government of British Columbia also has some advancements to make. While it is more advanced with land back than the two governments above, there is the issue of dealing with the natural resources that are on the territory of the First Nations. Indeed, often it does not ask permission or does not consult the First Nations before using the resources. However, since it has become their territory the First Nations are entitled to know and agree or disagree with what the government wants to do. There, there needs to be more discussion on this subject by the government and the First Nations. Moreover, when it uses the natural resources of the territory, it can disrupt the sacrality of the land and therefore, the culture and spirituality of the First Nation living there.
Another solution it needs to keep doing is changing the laws to be in afrement with UNDRIP. To do so, it might need to hire more employees, have more committees with First Nations to understand and listen to their specific needs. It also cannot make promises it will not uphold.

Bibliography

Beaulne-Stuebing, L. (2022, November 26). How the idle no more movement helped lay the Foundation for Reconciliation in Canada. *CBCNEWS*. https://www.cbc.ca/radio/unreserved/idle-no-more-reconciliation-1.6663310

Beaulne-Stuebing, L. (2023, March 3). Land back is complicated. here’s what we can learn from a B.C. Island returned to the Saanich people. *CBCNEWS.* https://www.cbc.ca/radio/unreserved/land-back-is-complicated-here-s-what-we-can-learn-from-a-b-c-island-returned-to-the-saanich-people-1.6761790

*Treaties with indigenous peoples in Canada*. (2011, June 6). The Canadian Encyclopedia. <https://www.thecanadianencyclopedia.ca/en/article/aboriginal-treaties>

Charlebois, B. (2023, May 12). First Nation did not prove aboriginal title for entire claim area ... *Vancouver Sun.* https://vancouversun.com/news/local-news/first-nation-did-not-prove-aboriginal-title-for-entire-claim-area-b-c-supreme-court.

Cimellaro, M. (2023a, June 21). What is Undrip and what will it mean for Canada*?* *The National Observer.* https://www.nationalobserver.com/2023/06/21/explainer/ottawas-action-plan-enshrine-indigenous-rights-coming-heres-what-to-know

Deer, K. (2021, October 21). What’s wrong with land acknowledgments, and how to make them better. *CBCNEWS.* https://www.cbc.ca/news/indigenous/land-acknowledgments-what-s-wrong-with-them-1.6217931

Desbiens, C., & Rivard, É. (2013). From passive to active dialogue? Aboriginal lands, development and *métissage* in Québec, Canada. *Cultural Geographies*, *21*(1), 99–114. <https://doi.org/10.1177/1474474013487485>

Forester, B. (2021, September 8). A look at what are the major parties are promising indigenous people. *APTN News*. https://www.aptnnews.ca/national-news/what-are-the-major-parties-promising-indigenous-people-this-election-heres-a-look-at-the-platforms/

Gehl, L. (2022, March 22). *Land acknowledgment*. The Canadian Encyclopedia. https://www.thecanadianencyclopedia.ca/en/article/land-acknowledgment

Henderson, K. (2018, March 14). Understandings of colonization on Indigenous Health. *College of Medicine*. <https://medicine.usask.ca/news/2018/mymd/understandings-of-colonization-on-indigenous-health.php#:~:text=colonialism%20almost%20destroying%20an%20indigenous,the%20rest%20of%20the%20population>

Kistabish, C., & Wabanonik, L. (2023, November 22). Exploitation minière: Le gouvernement du Québec ne peut plus ignorer ... *Journal de Montréal*. https://www.journaldemontreal.com/2023/11/22/exploitation-miniere-le-gouvernement-du-quebec-ne-peut-plus-ignorer-les-premieres-nations

Magher, J. (2023, September 28). La colombie-britannique a 18 mois pour revoir l’octroi automatique de droits miniers. *Radio Canada*. <https://ici.radio-canada.ca/nouvelle/2013519/concessions-minieres-territoire-autochtone-droits>

Morin, B. (2020, March 17). Canada and the First Nations: A history of broken promises. *Al Jazeera*. <https://www.aljazeera.com/features/2020/3/17/canada-and-the-first-nations-a-history-of-broken-promises>

Morin-Martel, F. (2022, June 9). Relations entre les premières nations et la CAQ : UNE “ rupture ” avec les gouvernements précédents. *Le Devoir.* <https://www.ledevoir.com/politique/quebec/721212/premieres-nations-relations-entre-les-premieres-nations-et-la-caq-une-rupture-avec-les-gouvernements-precedents>

OECD. (2020). *Overview of Indigenous governance in Canada.* OECD Rural Policy Reviews, Éditions OCDE, Paris, <https://doi.org/10.1787/fa0f60c6-en>.

Passafiume, A. (2023, August 25). Canada confirms it changed land claim process, Mulls Indian Act Changes. *RDNEWSNOW*. <https://rdnewsnow.com/2023/08/25/canada-confirms-it-changed-land-claim-process-mulls-indian-act-changes/>

 *Restitution de terres et 800 M$ pour cinq premières nations du traité 8 en c.-b.* (2023, April 16). Radio Canada. <https://ici.radio-canada.ca/nouvelle/1972027/traite-engagement-terres-versement-financier-nation-couronne>

*United Nations declaration on the rights of indigenous peoples | division for inclusive social development (DISD)*. (2013, September 13). United Nations. <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>