



Modern Treaties & Self- Government Agreements 101

CIRNAC – Modern Treaty Implementation Office

Winter 2024

MTIO: Who we are and what we do



Introduction

Agenda

- Section 1: The Basics
- Section 2: Treaty Timeline
- Break (10 min)
- Section 3: What Does This Mean For Me?
- Section 4: Tools & Resources
- Questions (30 min)

Mentimeter Quiz


Join at menti.com | use code 35 78 89 7

Instructions



Go to
www.menti.com

Enter the code

35 78 89 7



Or use QR code



Section 1

Section 2

Section 3

Section 4

Section 1: **The Basics**

Indigenous Rights



Treaty Rights

- Outlined in historic and modern treaties
- Vary by agreement

Indigenous Rights

- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- *Section 35* of the *Constitution Act, 1982*

Human Rights

- Charter of Rights and Freedoms
- Provincial Charter of Rights

What are Modern Treaties?



Agreements between nations



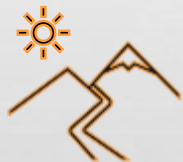
Modern treaties can include self-government provisions



Modern Treaties are made between the Government of Canada and Indigenous Groups



Self-Government Agreements can also be entered into without a Modern Treaty



Modern Treaties, sometimes called land claims, clarify rights over land and resources



Modern treaties and self-government agreements are steps towards reconciliation

Section 1

Section 2

Section 3

Section 4

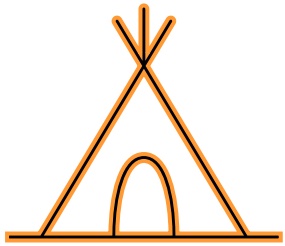
Section 2:
**A Brief History of
Treaty Making in Canada**

Historic Treaties

- Agreements concluded between 1701 and 1923
- Representing over 700,000 First Nations peoples
- Both historic and modern treaties are legally recognized and constitutionally protected agreements under *Section 35 of the Constitution Act*



Historic Treaties: Some Facts



~60% of
First Nations are Historic
Treaty First Nations.

70 Historic Treaties
signed between
1701 ↔ 1923

Historic treaties are located in

9 provinces + **3** territories

covering nearly **50%**
of Canada's land mass.

The total population of Historic
Treaty First Nations is more than



700,000
people.

The Indian Act & Indigenous Resistance

Historic treaties are controversial

Historic treaties have ongoing legal, social, and economic impacts on Indigenous communities.

The Indian Act

Between 1868 – 1876, policies related to the establishment of the Dominion of Canada were incorporated into the Indian Act.

A tool for assimilation

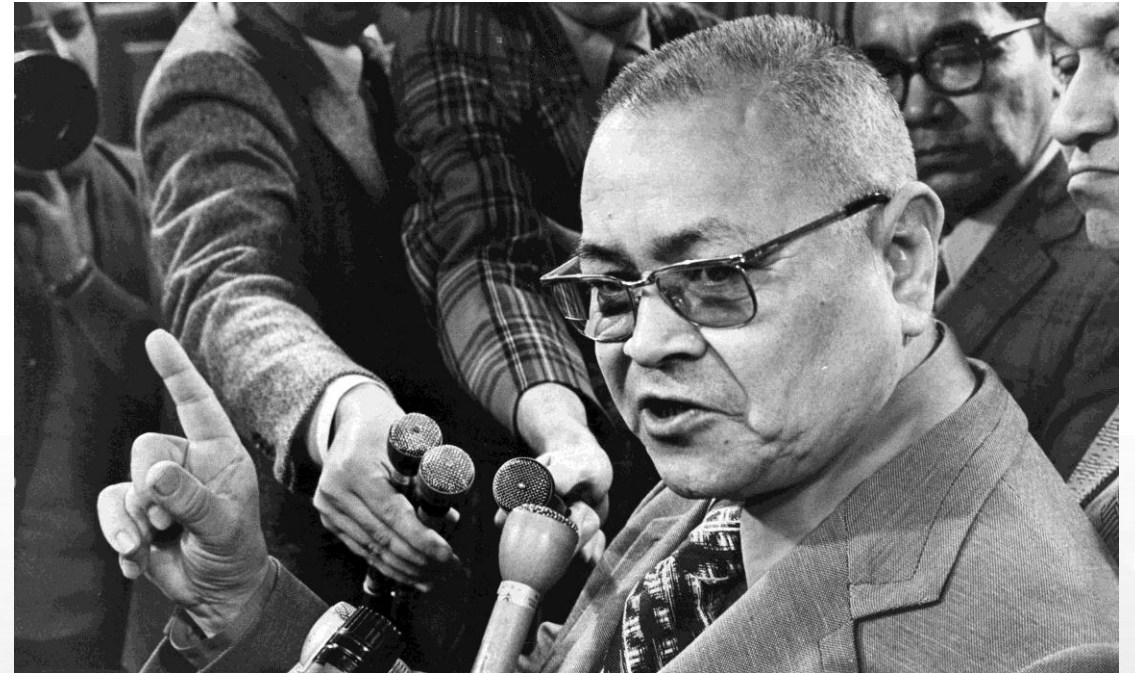
The *Indian Act* was often amended after it was passed into law in 1876 to add more restrictions that served the purpose of assimilation.

Indigenous resistance

Indigenous groups have increasingly turned to the courts to have their rights recognized.

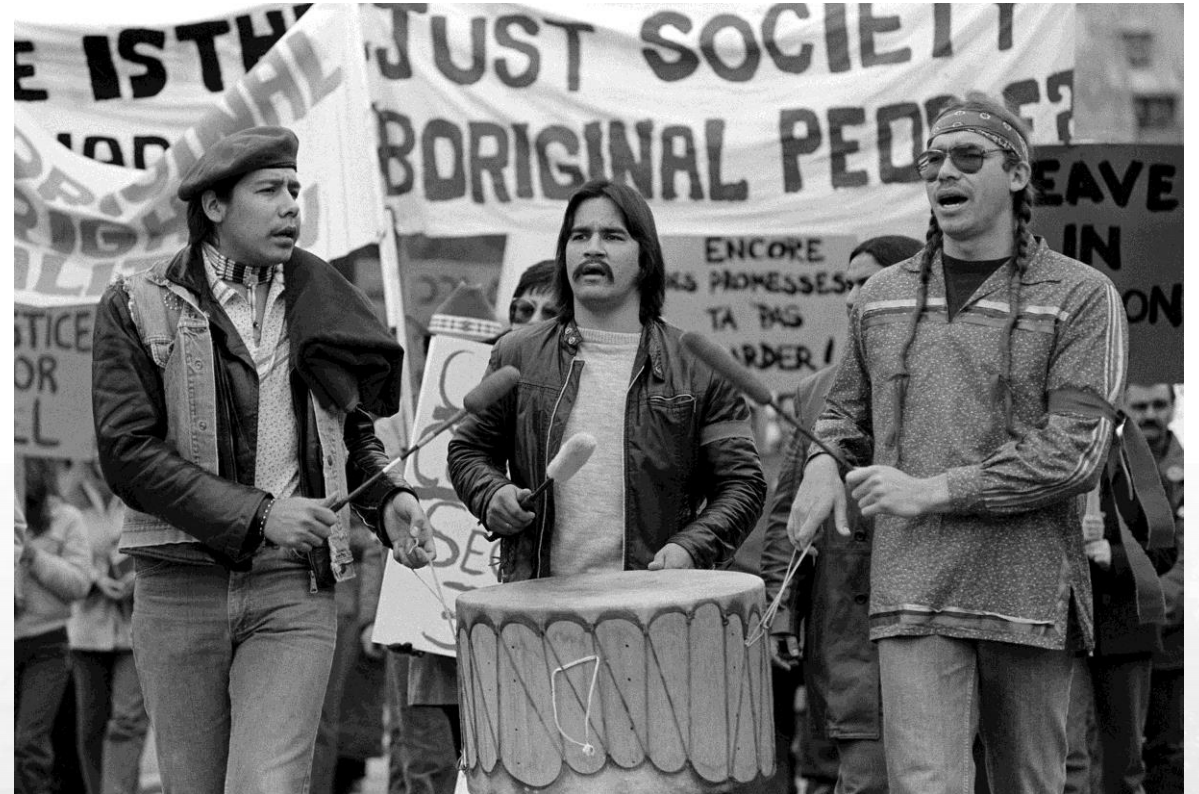
The Calder Case

- Nisga'a Nation's Dr. Frank Calder launched court case claiming that Nisga'a title to their lands had never been lawfully extinguished
- Adverse verdict, but it confirmed that Aboriginal title existed in Canadian law
- In response, Government of Canada introduced the Comprehensive Land Claims Policy
 - Puts in place process to negotiate and settle Aboriginal rights
 - Through this policy, the first ever Modern Treaty in Canada was negotiated



James Bay & Northern Québec Agreement (JBNQA)

- Quebec government began development without consulting Indigenous people
- Provincial government refused to address the issue
- Cree and Inuit took to the court
 - Asserted that the province was acting in violation of treaties
- Court ruling demanded the government stop construction and negotiate in good faith

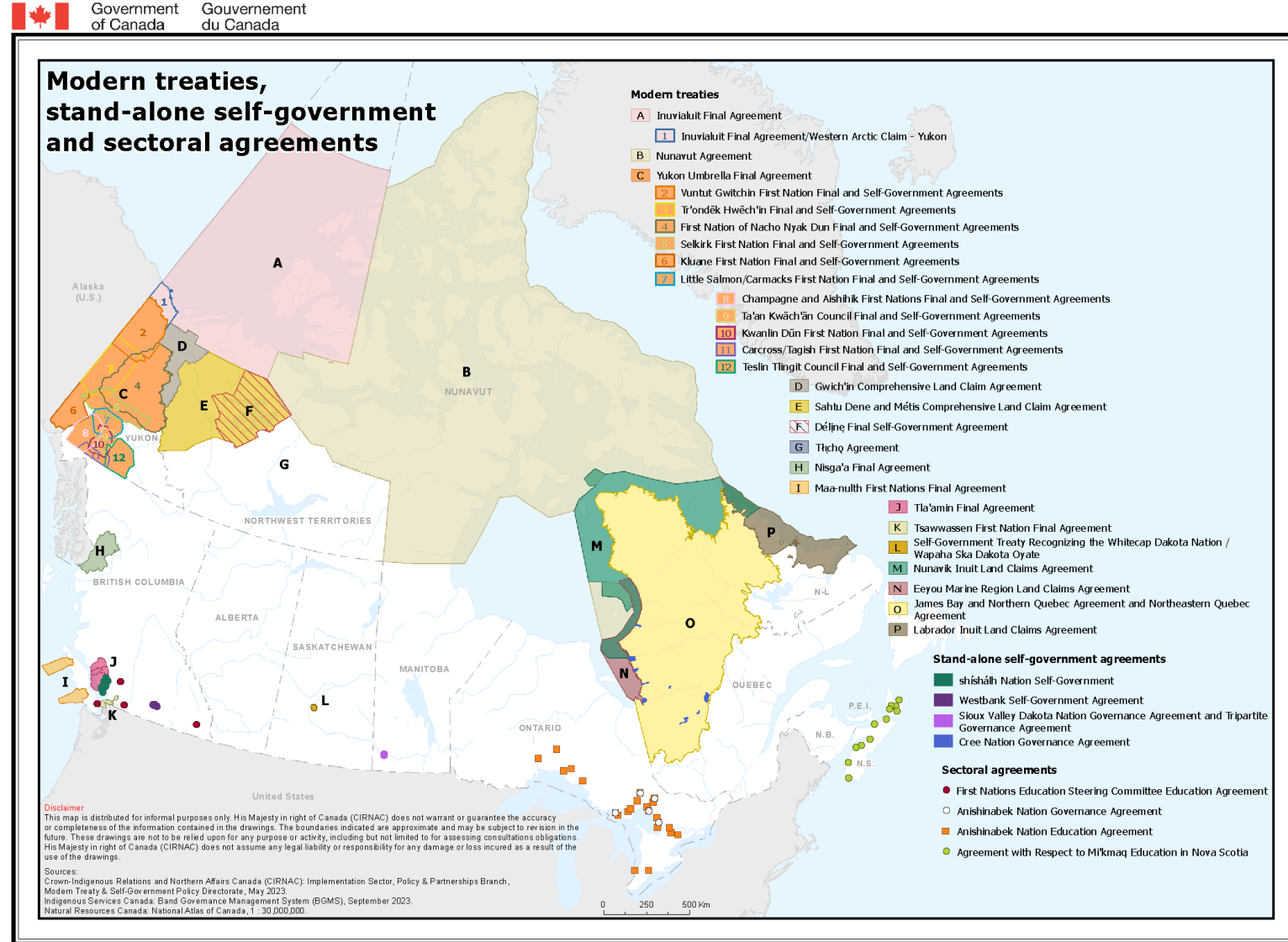


James Bay & Northern Québec Agreement (JBNQA)

- JBNQA: The first modern treaty
 - Allowed the construction of the hydroelectric dams
 - Province recognized specific rights of Cree and Inuit
- Land management approaches and defined relationship between Quebec and Indigenous peoples to promote future economic development



Self-Government in the Modern Treaty Era



Modern Treaties Can include:



Land and Resources Management



Ownership & Resource Revenue Sharing



Government Procurement

Self-Government Agreements Can Include:



Governing Structure, Constitution, elections



Program & Service Delivery



Relationship of Laws

Agreements in Negotiation



Break (10 minutes)



JORDAN PETERSON

Former Deputy Grand Chief,
Gwich'in Tribal Council

Section 1

Section 2

Section 3

Section 4

Section 3:
What does this mean for me?

A faint, light-colored background image of a person in a wheelchair with their hands raised, set against a light blue and white background. The person is wearing a dark shirt and a light-colored vest. The wheelchair is a standard manual wheelchair. The person's hands are raised in a gesture of praise or celebration. The background is a soft, out-of-focus image of a person in a wheelchair with hands raised, set against a light blue and white background.

Treaties as ...

Legal Agreements

- Legal obligations

Relationships

- Based on rights, respect, and partnership
- Spirit and Intent



Tools

CAU

Consultation & Accommodation Unit

- Provides Whole of Government support on engagement, consultation and accommodation, through information, advice, guidance, training, and/or policy.

ATRIS

Aboriginal and Treaty Rights Information System

- An online geographic information system (GIS) tool that [maps and locates](#) Indigenous communities, organizations and agreements.
- Assists in preliminary duty to consult research and understandings of Indigenous rights.

AMTI

Assessment of Modern Treaty Implications

- Aids in determining the modern treaty implications that should be addressed in the design and delivery of initiatives.

Section 1

Section 2

Section 3

Section 4

Moving Towards Self-Determination through Collaborative Relationships

Engagement



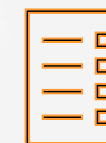
Duty to Consult



Co-Development



Co-Management



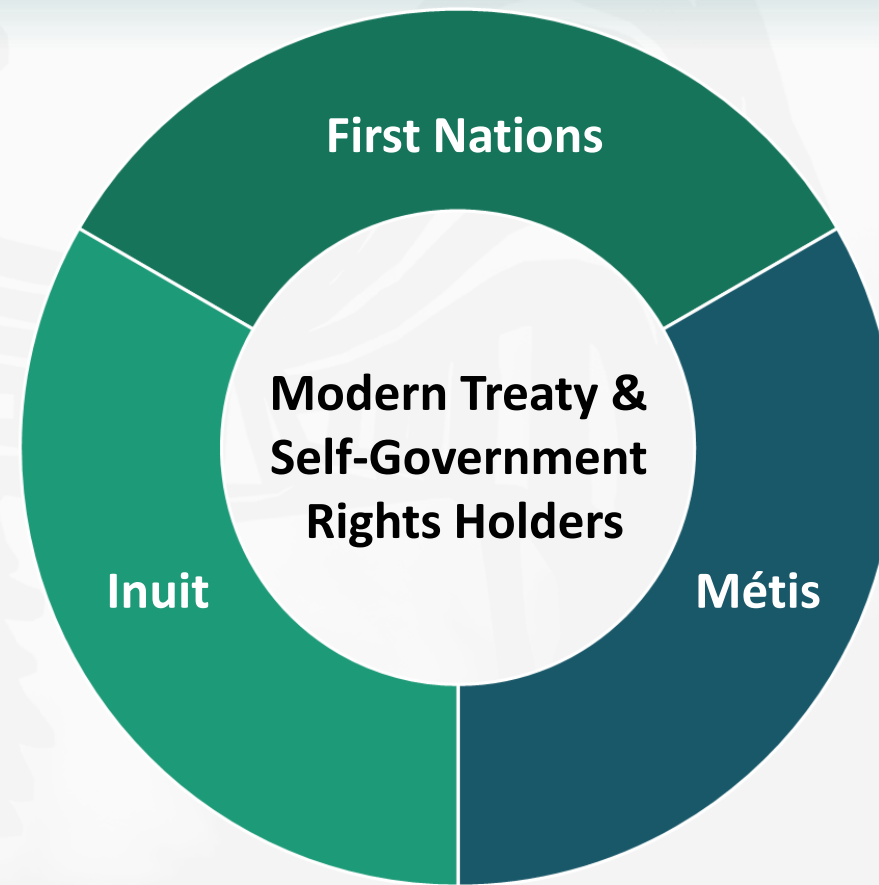
Section 1

Section 2

Section 3

Section 4

Distinctions-Based Approach



Section 1

Section 2

Section 3

Section 4

United Nations Declaration on the Rights of Indigenous Peoples

UN Declaration Act Action Plan

United Nations Declaration Act (UNDA)

**United Nations Declaration on the Rights
of Indigenous Peoples (UNDRIP)**

Human Rights

Modern Treaty Partners & UNDA



1. Continue co-development of Canada's Collaborative Modern Treaty Implementation Policy
2. Direct federal public servants to implement the UN Declaration Act in a way that promotes, recognizes and respects that:
 - Modern treaties are constitutionally protected agreements
 - Indigenous Modern Treaty Partners have a unique relationship with Canada and provinces and territories
 - Particular obligations, interests, rights, jurisdictions and authorities of partners are recognized
 - Partners are a distinct element within the distinctions-based approach



"Indigenous Modern Treaty Partners are a distinct element within the distinctions-based approach that includes First Nations, Inuit, and Métis peoples, as recognized within Canada's Collaborative Modern Treaty Implementation Policy."

New Implementation Policy

Co-developed with MT Partners:



Supporting strong Indigenous-Crown intergovernmental relationships



Address uneven approaches to modern treaty implementation, and promote systemic change



A work in progress

Section 1

Section 2

Section 3

Section 4

Key Takeaways

Keep Learning

Explore Tools

Connect with Experts

Section 1

Section 2

Section 3

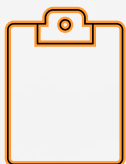
Section 4

Section 4: **Tools & Resources**

Contact Us



[CIRNAC's Modern Treaty Implementation Office](#): for training on Modern Treaty and Self-Government Agreement or questions on them

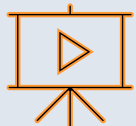


[CIRNAC's Modern Treaty and Self-Government Policy Directorate](#): for policy expertise and advice on engaging with Modern Treaty and Self-Governing partners

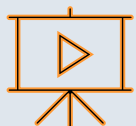


[CIRNAC's Consultation and Accommodation Unit](#): for information on engagement and duty to consult

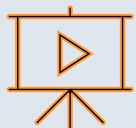
Videos for Further Learning



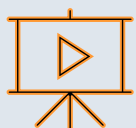
[Treaty Talks | Jordan Peterson - YouTube](#)



[LCAC Modern Youth Treaty Video - April 4, 2023 - YouTube](#)



[Gordon Foundation – Treaty 101 – Historic Treaties](#)



[Gordon Foundation – Treaty 101 – Modern Treaties](#)

Online Resources

- The Gordon Foundation [video series and illustrative graphics on Modern Treaties](#) (EN)
- The Inuvialuit Regional Corporation [101 course on the Inuvialuit Final Agreement](#) (EN)
- The Canada School of Public Service [Indigenous Learning Catalogue](#) (EN/FR)
- The University of Alberta [Indigenous Canada course offered through Coursera](#) (EN)
- Self-guided course on Indigenous People hosted by Anishinaabe Ryan McMahon – [Home on Native Land](#) (EN)
- The Royal Canadian Geographical Society – [Indigenous Peoples Atlas of Canada](#) (EN/FR)
- The Land Claims Agreements Coalition [online courses on Modern Treaties](#) (EN)

Section 1

Section 2

Section 3

Section 4

Tell us how we did!


Join at [menti.com](https://www.menti.com) | use code 7356 0668

Instructions

Go to
www.menti.com

Enter the code

7356 0668



Or use QR code

