

Treaty Week Primer #4:

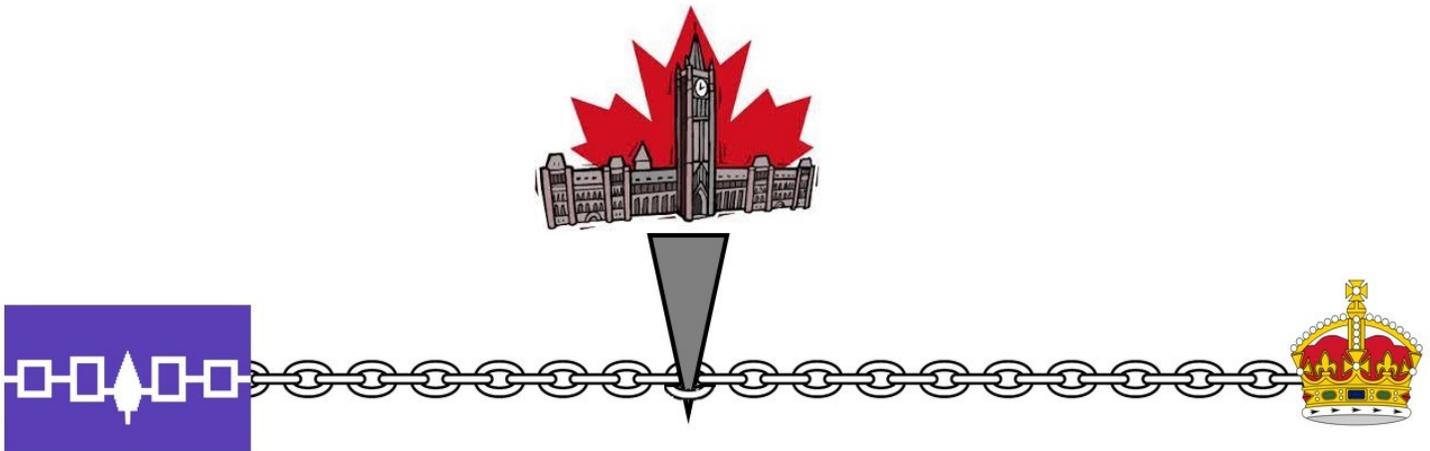
Confederation and the erosion of Treaty

Confederation (the moment three colonies – the Province of Canada, Nova Scotia and New Brunswick – formed a federation of four provinces under the name of the "Dominion of Canada") has always been problematic for Indigenous Peoples. Here are some quick reasons why:

- July 1st, 1867, was not the "birth of Canada" - the country is far older than that, especially when you consider the Treaty relationships that allowed settlement. The name "Canada" comes from New France (a corruption of an Indigenous word) and was used when the provinces of Upper and Lower Canada were created in 1791. "Canadians" were originally French settlers - the English didn't start using the term until the late 18th century. If Canada is portrayed as beginning in 1867 then anything prior to that (including the Covenant Chain and many Treaties) are often seen as irrelevant.
- Canada did not achieve independence from Britain in 1867 (we achieved a degree of control over our internal affairs). Canada achieved legislative independence in 1931 (Statue of Westminster), and the ability to change our constitution in 1982 (Constitution Act 1982). Canadian citizenship did not exist until 1947.
- 1867's British North America Act (the act that created the Dominion of Canada) created a federation with clearly defined powers for both the provinces and the federal government. Largely inspired by the Haudenosaunee Confederacy, provinces were given sovereignty over things like education, healthcare and other key files. Today, provinces see themselves as co-equal partners with the federal government.
- [Indigenous Nations were not invited to the various conferences leading up to Confederation](#), nor were they ever consulted. The BNA Act only mentions them once to say that the federal government had exclusive jurisdiction over ["Indians, and Lands reserved for the Indians"](#) which undermined pre-existing Treaty

relationships. Instead of being treated as equal partners, the BNA Act reframed "Indians" as wards of the state.

- The BNA Act is the reason why provinces have little interaction with Indigenous Peoples - the constitution places them under the umbrella of the federal order of government. All funding comes from the federal order & Reserves are considered within the federal jurisdiction (which is why provincial taxes don't apply - they are not funded by the provinces). While Ontario was in charge of the COVID-19 response (Healthcare is a provincial jurisdiction) this was not so on reserves - they must always look to Ottawa.
- It is for these reasons that many Indigenous Peoples do not recognize the legitimacy of Canada (since it was created outside of Treaty relationships and imposed on people that were supposed to be allies). Treaties are made with the Crown and not the government of the day which is why many Indigenous Nations still look to Britain, or the King directly, to intervene.



The Government of Canada has wedged itself into the Covenant Chain - disrupting the relationship established between the Haudenosaunee and the Crown.

Applying this learning to Caledonia, Ontario:

1. The Haudenosaunee (Six Nations) are allies of the Crown that settled here following the American Revolution at the encouragement of the British. At the time of settlement along the Grand River the Haudenosaunee had a nearly 200-year Treaty relationship with the Crown. They were granted 6 miles on either side of the Grand River by the Crown.
2. When the Dominion of Canada was created in 1867 a treaty relationship of nearly 250 years was supplanted by a government created by the settlers without any consultation or consent of its allies.

3. The Government of Canada changed the relationship from "Allies" to "Wards of the State" through various pieces of legislation culminating in the Indian Act of 1876.
4. **The Government of Canada forcibly overthrew the Haudenosaunee Confederacy Council of Chiefs and imposed the Elected Council in 1924 after Deskaheh, or Levi General, as a representative of the Haudenosaunee.** From that moment on the Canadian Government would only work with the Elected Council (which is accountable to the Canadian Government via the Indian Act).
 - a. Only a small fraction (10% +/-) of the Haudenosaunee people participate in elections for the Elected Chief and Council because many see them as illegitimate. The traditional Council of Chiefs still functions and is listened to by a significant majority of the people.
 - b. Permission to build the housing survey on the land in question with 1492 Land Back Road was granted by the Elected Council & not the Council of Chiefs.

**There is a history of dubious land grabs concerning the Haldimand Tract that have been detailed in this publication put out by the Elected Council of Six Nations: <http://www.sixnations.ca/SNGlobalSolutionsBookletFinal.pdf>