

Glossary of Terms

Comprehensive Land Claims: Canada's term for modern/recent treaties.

Framework Agreement: The Framework Agreement is a government-to-government agreement signed in 1996. It gives First Nations the authority to opt out of the land management sections of the Indian Act and resume governance and management control of their reserve lands and natural resources.

Indian Act: The Indian Act is a legislation enacted by the Federal Government. The current act has been in place since 1951.

Rights:

Aboriginal Rights:

- Rights of First Nations and individuals which flow from their distinct culture and traditions at the time of contact
- Inherent rights derived from the First Nation's history – not granted by the Crown
- Aboriginal rights are for example rights to hunt, harvest medicinal plants and rights to fish
- Aboriginal title where a First Nation establishes traditional "ownership", not just use of lands in a traditional territory
- Aboriginal rights and title are constitutionally protected (section 35 of the Constitution Act, 1982)

Indigenous Rights & Other Rights:

- Rights which may not technically qualify as Aboriginal rights or treaty rights in the eyes of the courts
- UNDRIP rights and human rights
- Section 25 of the Constitution Act, 1982 – Charter rights should not derogate from Aboriginal and Treaty rights but also "other rights and freedoms that pertain to the Aboriginal peoples of Canada"

Treaty Rights:

- Treaties establish a relationship between Canada and First Nations and rights of the Nation (e.g., promise to set aside reserves) and individuals (e.g. right to hunt)
- Treaties are formal agreements setting up long term rights and obligations
- Treaty rights are constitutionally protected (section 35 of the Constitution Act, 1982)

Treaty: Treaties are formal agreements between First Nations and the Crown, intended as long-term agreements, dealing with their relationship, and establishing agreed upon treaty rights.

Treaty Types:

Pre-Confederation Treaties

Pre-Confederation Treaties are treaties between 1701 and 1923. The British and Canadian governments wanted to sign treaties with First Nations in order to support European immigration and economic developments. Disagreements over interpretation and overlap challenges remain.

Peace and Friendship Treaties (1725-1779)

Also known as the Vancouver Island Treaties. The Douglas Treaties were a series of treaties signed between British Colonists and 14 First Nations on Vancouver Island before British Columbia was created in 1871.

Douglas Treaties (1850-1854)

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Numbered Treaties (1871-1921)

Eleven Numbered Treaties were signed by First Nations and the Crown between 1871 and 1921 covering areas in Ontario, the prairies, northeastern British Columbia and lands north of 60. The First Nations leadership and the Canadian government had different goals in signing the Numbered Treaties.

The First Nations' goals were to:

- secure the survival of their people (who had been seriously affected by disease and starvation)
- establish a peaceful relationship with the settler government
- ensure their cultural and spiritual survival as separate and distinct nations by keeping their own form of government and institutions
- Obtain some assistance with agricultural and economic development

The Canadian government's goals were to:

- advance colonization across the west
- complete the Canada Pacific Railway
- extract the resources from the area

Recent Treaties: James Bay (1976- onward)

Recent treaties are those negotiated after Canada adopted its comprehensive claims negotiation policy in 1973. Recent treaties include the James Bay Northern Quebec Agreement of 1976, treaties north of 60, and a few treaties in BC including the Nisga'a Treaty. These treaties are far more complex and lengthy agreements than earlier treaties.

Many First Nations in British Columbia and elsewhere consider that the BC Treaty process and federal comprehensive claims policy must be overhauled before further progress can be made.