Aboriginal Studies Grade 12

Theme II: Aboriginal Land Claims

Generalization
Aboriginal people are identified by distinctive cultural practices and products associated with their historical connection to the land and sea.

Rationale
Students should explore the basis of many land claims by understanding the special connection that Aboriginal people have historically maintained with the land and sea. Once permanent settlement began Aboriginal people were forced to recognize western concepts of property ownership that was a foreign ideal. This is an important aspect in the land claims and treaty rights argument.

Objectives
Knowledge
- Examine and discuss hunting and trading territories of Aboriginal people
- Define oral history, land claims, inherent rights, sovereign rights, self-determination, and property rights
- Discuss Aboriginal perspectives on property ownership or Aboriginal title
- Understand the connection between historical connection with the land, land ownership, and land claims
- Define specific and comprehensive claims

Skills
- Compare and contrast Aboriginal and western ideologies surrounding private ownership
- Categorize information in a concise manner
- Understand the concept of inherent right and how it is recognized in the Canadian Constitution Act of 1985

Attitude
- Develop an appreciation for Aboriginal land claim issues and self-determination
- Accept and appreciate others opinions that differ from own

Teacher Information
The land claim question in itself is quite complicated and comprehensive as it covers a whole range of issues. Probably one of the most commonly heard claims is that verbal promises made at the signing of treaty were not formally included in the written texts and have not been honored by the Canadian government. Another issue is that of fairness, many Aboriginal bands whose treaties claims have been honored argue that they were given an unfair portion of land, they have not received economic, resource and mineral benefits, and inadequate settlements.
Aboriginal people also argue that they have a unique relationship to the land that has been jeopardized and marginalized by land claim and treaty issues. Resources on their land have been exploited by the government with little or no revenues going to the Aboriginal people who lay claim to the lands.

From the federal government perspective, Aboriginal title was first recognized in 1885 in the St. Catherine’s Milling and Lumber Company v. the Queen whereas it was ruled that Aboriginal title contained a possessory right based on traditional use and occupancy of the land. Aboriginal title is an important aspect in land claim negotiations as Aboriginal people first have to prove existing Aboriginal title over the land in negotiation. Many Aboriginal people argue that Aboriginal title has always existed and some believe the first written proof of recognized title comes within the Royal Proclamation of 1763.

The land claims issues is one that dates back early into the 20th century. It has only been in the last 25 years or so that mainstream Canadians have become familiar with the issue. The reality, however, is that many Canadians do not understand the process of comprehensive or specific claims and often reduce the land claims issue to monetary requests on the behalf of Aboriginal people. There is, however, much more to the land claims issues than just money. Aboriginal people are concerned with maintaining their traditional lifestyles and cultures which are intricately woven with the land having moral and spiritual significance, hunting and fishing rights, resource and mineral rights etc. The land claims issue also becomes a way or process for Aboriginal people to exercise and establish their Constitutional rights as Canadians.

**Introductory Activity**
Distribute a copy of the Canadian Constitution to the students and have them read the sections that pertain to Aboriginal ‘existing’ rights. Discuss with students how the language is ambiguous and there are perhaps many meanings and interpretations as to what exactly ‘existing’ rights refer to.

How would the students interpret things if they were an Aboriginal person, a politician, a federal employee, or a regular Canadian citizen? Does this have an impact on the meaning behind the Constitution?

**Main Lesson**
Distribute the following terminology sheet and have students research the terms using the Origin and Settlement Edukit or other on-line or print resources.
Land Claims Terminology

1. Oral History:

2. Specific Land Claims:

3. Comprehensive Land Claims:

4. Land Claims:

5. Inherent Rights:

6. Sovereign Rights:

7. Self-Determination:

8. Property Rights:

9. Aboriginal Title:

10. Band Claims:
Discuss with students the correct answers/proper terminology. It is important that students have an understanding of these terms as they are engrossed in materials dealing with land claim issues.

Discuss with students to concept of oral history and how property ownership was determined from a traditional point of view. Aboriginal people do not believe that land could be surrendered as they never believed that they ‘owned’ it according to European/western standards and a lot of confusion arose over this interpretation during the signing of treaties. To reiterate this point, read a section of treaty 8 which can be downloaded off of the Origin and Settlement Student Zone. Make the connection between the language of treaty and the language of the Constitution. Do the students recognize any similarities?

Why do students think that land claim issues are so important to Aboriginal people? How do comprehensive and specific claims differ? Why is the process so complicated? Do people of the general public tend to support Aboriginal land claims? Should they?

How does history play a role in land claims issues today? What historical trends are apparent? Why is the concept of Aboriginal title so important in land claim disputes?

**Supplementary Lesson**
Perhaps one of the most well known comprehensive land claims cases is that of the James Bay Cree and Northern Quebec Agreement. Students should research both sides of the land claim dispute and prepare a case study. Students can work independently or in groups of two. Students should discuss the outcomes of the agreement from both sides and discuss revenues that have been garnered since the projects operation began. The James Bay Hydro-Electric Project is multi-faceted with the final phase scheduled for completion in 2007. Students should also discuss the present situation and disputes.

Teachers may decide the format in which they wish the students to present their information. Possible suggestions are research paper or class presentation.

**Supplementary Lesson**
Students may choose to research as specific or comprehensive land claim in Alberta. Students should examine the basis of the claim, how long the claim has been before the courts, if any action has been taken, what, if any, have the outcomes been of the claim, what is prohibiting the claim from moving forward, who is affected etc.

**Supplementary Lesson**
Students should prepare a chart that compares and contrast Aboriginal and western ideologies surrounding property rights.