

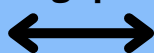
"TRICK OR TREATY?"

A FACTSHEET ON A FILM BY ALANIS OBOMSAWIN AND THE WORK OF TAIIAIAKE ALFRED

Treaty 9

- Signed in **1905**
- Covers most of Cree and Ojibwa land now known as northern Ontario
- Two different versions

93 year gap



Delgamuukw

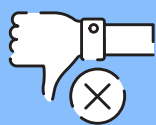
- **1998**, *Delgamuukw v. Queen* was a court case that expanded the definition and extent of 'Aboriginal title' in Canadian settler law

What are treaties? A

modern colonial method to further the attempted assimilation and control of Indigenous people? **YES!**

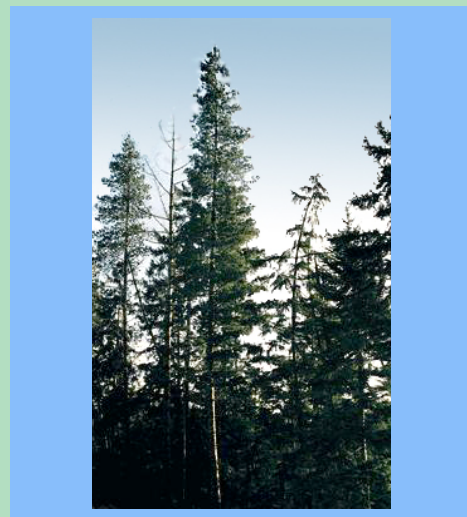
The film *Trick or Treaty* by Alanis Obomsawin and the work of Taiaiake Alfred both provide a comprehensive overview of the prejudiced colonial treaty process and Canada's racist facade & hidden agenda.

- Indigenous people continue to struggle against: racism and ignorance in the mainstream, co-option of Indigenous leadership, & aggressive manipulation of the process by the colonial state



- Alfred asserts that **all** land and territory claims in Canada, arise and stem from the **incorrect and baseless** premise that Canada and its colonizers own the land it is situated on.

- There is **zero validity** or merit to any 'Crown title' to land. Indigenous people have **never surrendered** their lands by treaty. Those who accept and further these **racist assumptions** in the form of treaty based land claims from earlier centuries, **continue to promote a lie.**



- Crown claims to Indigenous lands are completely **null and void**

Treaty 9 signed in 1905 - two versions

Oral Agreement:

- Ojibway & Cree interpretation
- Never once mentioned any land or resource surrender
- Sharing agreement based on peace and prosperity
- If the "official interpretation" was mentioned and explained to the Ojibway and Cree people, it would have never been signed

Written Document:

- "cede, release, surrender and yield up forever" of all rights and titles to Indigenous land and resources."
- This was the state's "official interpretation"
- Daniel MacMartin's diary details commissioner Duncan Campbell Scott's confirmation and agreement that land surrender was not mentioned nor agreed upon, which affirms the oral interpretation

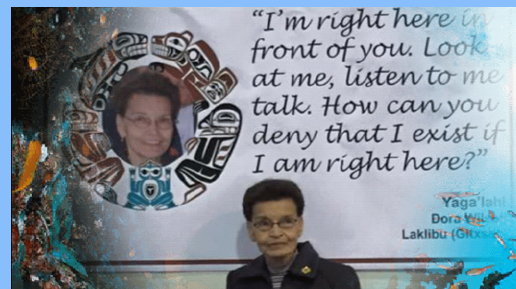
- All treaties are different in some sense, BUT they all share the same underlying racist and prejudice colonial logic



"**Aboriginal**" & "**Aboriginalism**"

- According to Alfred, both of these ideologies/identities are **legally & socially constructed** by the state, and it is disciplined by **racialized violence** and **economic oppression** to serve a larger **agenda** of **silent surrender** and **attempted assimilation**

- This overarching colonial agenda of assimilation is part the "Aboriginal self-termination movement". This means that the Crown will only enter into negotiations with Indigenous people in order to recognize their 'aboriginal right' or 'title' to land, in order to extinguish it. This is part of a larger colonial agenda of attempted assimilation of Indigenous people, not to rebuild and repair Indigenous communities based on justice and honour



- "I'm right here in front of you," reads her quote on the banner.
- "How can you deny that I exist if I am right here?" - Chief Yagalahl Dora Wilson.
- Here Chief Yagalahl Dora Wilson is responding to the Canadian land claims procedure in which Indigenous people need to prove they exist

Taiaiake Alfred: Oppression by Placation

Delgamuukw v. Queen

- The well-known and much heralded 1998 decision *Delgamuukw v. The Queen* was generally viewed as somewhat progressive because it expanded the definition of 'Aboriginal title' - defined as: "the right to exclusive use and occupation of land", and this title is 'inalienable' except to the Crown.

- Yet, the *Delgamuukw* decision determined that in order to have any Indigenous title recognized, Indigenous people must prove their exclusive and consistent occupation and sovereignty to the land. In this process, the Crown is exempt from having to prove its sovereignty on these lands as it is assumed. However, 'title' does not mean 'ownership', much less any governing authority.

- In essence, the *Delgamuukw* decision, according to Alfred, refines the racist colonial logic of dispossession that has underpinned Canadian policy since the arrival of colonial settlers. The ugly proof is seen in the court's clarification of the nature of 'Aboriginal title' in relation to the Crown, as Canada itself has the ability to "infringe upon aboriginal title for valid legislative objectives, including, but not limited to, settling foreign populations and instituting economic development projects"

- The conception of 'Aboriginal title' detailed in the *Delgamuukw* decision is essentially meaningless to Indigenous people as it offers them zero protection. Instead, it continues to promote the flawed and racist rationales that colonial settlers have been spreading since their arrival

- The Canadian state continues to offer self-government and economic development to Indigenous people precisely because these paths are of no effect and useless to Indigenous people in their struggle against the settler colonial state. This is because these pathways are nonthreatening to both the settler state and settlers alike.

A factsheet by: Alex G

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