

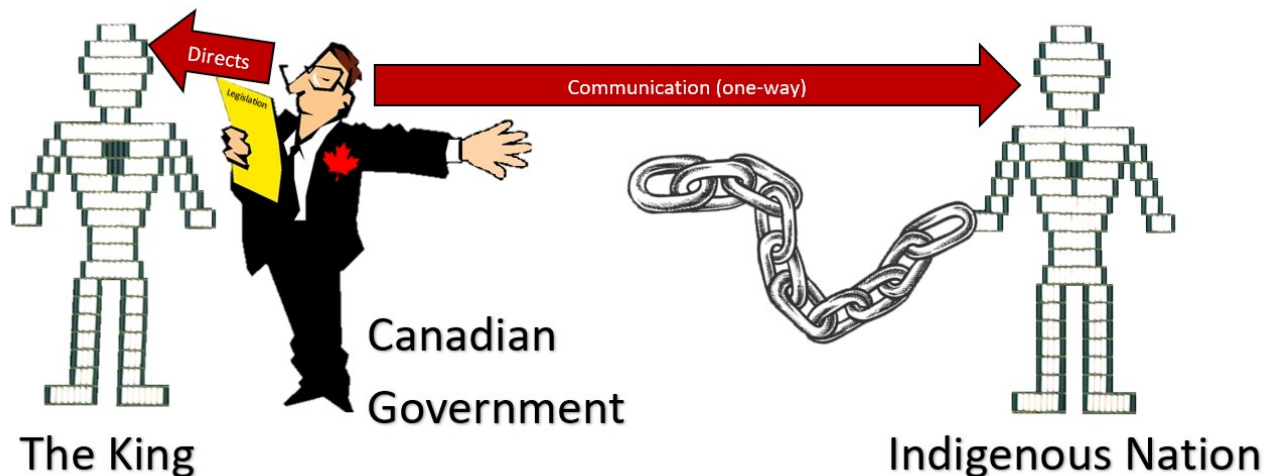
Treaty Primer: Confederation and the Betrayal of Treaties

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" is a misspelled Kanyen'keha (Mohawk) word that means "town, city, or village," and was used by the French as the name for the land during the 17th and 18th centuries, as well as by the English when the provinces of Upper and Lower Canada were created in 1791.¹ "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 subsequent Treaties) are often seen as irrelevant.
- Canada did not achieve independence from Britain in 1867 (the new dominion achieved a degree of control over its internal affairs). Canada achieved legislative independence in 1931 (Statue of Westminster), and the ability to change its 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. 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.

¹ "Canada" is a misspelling of the Kanyen'keha (Mohawk) word "kanata," where "k" is said like "g" and "t" is said like "d," so it's like "gah-NAH-duh." The word means town, city, or village. It's an absolutely non-corrupted Kanyen'keha word we still use today – Dr. Amber Meadow Adams.

- [Indigenous Nations were not invited to the various conferences leading up to Confederation](#), nor were they ever consulted. The BNA Act gave the federal government exclusive jurisdiction over "[Indians, and Lands reserved for the Indians](#)" which undermined pre-existing Treaty relationships. Instead of being treated as equal partners, the British North America Act reframed "Indians" as wards, or people who were depended upon the state.
 - The British North America 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.²
- It is for these reasons that many Indigenous Peoples question the legitimacy of Canada, as it often leaves the question of Indigenous jurisdictions hanging in the balance, since it was created outside of Treaty relationships and imposed on people that were supposed to be allies. **If viewed through the Covenant Chain, the British North America Act is a betrayal of the oldest Indigenous-Settler relationship in North America.**



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

² Through various agreements, some reserves now receive funding from both the federal and provincial jurisdictions, causing great confusion and conflict over provincial and federal authority over Indigenous lands.

Applying this understanding to the experience of the Haudenosaunee Confederacy (Six Nations):

1. The Haudenosaunee Confederacy (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 in 1784, the Haudenosaunee had a nearly 200-year Treaty relationship with the Crown and had been granted 6 miles on either side of the Grand River to make up for lands in their original territory that were lost to the Americans.
2. When the Dominion of Canada was created in 1867 a Treaty relationship of nearly 250 years was fully supplanted (in the minds of settlers) by a government created by settlers without any consultation or consent of its allies. As Dr. Amber Meadows Adams explains:

The real shift came after the War of 1812, when the British Imperial government changed in several ways, one of which was the discarding of Indigenous nations as military allies. By the 1830s, the British Indian Department was no longer an arm of the British military. It started to be treated as part of administering a colony, and this was done, increasingly, by people who had never set foot in North America. They had no lived appreciation for Indigenous peoples or the treaty relationships in place.

Rick Hill also points out:

The Crown did not require the Dominion to maintain the Treaty relationship. In fact, the position of the Canadian government today is that they are not bound by what they call "pre-Confederation" treaty agreements.

See *Treaty Primer: Disrupting the Covenant Chain Relationship (Two Case Studies)* for more information.

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.
 - On August 20th, 1891, Tortoise Totem, Joseph J. Brant De-ka-ri ho-ken and 4 other Tyendinaga Mohawks sent a letter to Prince Arthur, Duke of Connaught and Chief of the Six Nations,³ recalling the Covenant Chain:

³ Prince Arthur had been given the title "Chief of the Six Nations" during a visit to the Mohawk Chapel on October 1st, 1869.

This resource is based on my knowledge as of April 2024. It is continually being updated.

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... we still remember the Covenant Chain entered into between the Six Nation and the British Government, and also to remind your Royal Highness and her Excellent Majesty that our Council Fire is to be perpetuated as long as the sun shall endure ...

... upon our first acquaintance we shook hands and finding we should be useful to one another, entered into a perpetual covenant of brotherly love and mutual friendship, and though we were at first only tied together by a rope, yet this rope might grow rotten and break, we tied ourselves together by an iron chain; lest time and accident might rust and destroy this chain of iron, we afterwards made one of silver, the strength and brightness of which would reject all decay; the ends of this silver chain were fixed to the immovable mountains and in so firm a manner that the hands of no mortal enemy might be able to remove it ...

They went on to write:

We will now refer to the actions of Her Majesty's Canadian Government; where they do not fully recognize the treaties entered into between the Six Nations and the British Government; when they have cast the treaties behind their backs and passed laws to encroach on our liberties and rights and privileges:

1st – That we are restricted by the British North American Act, that it gives the Canadian Government full power to legislate for the Six Nations and other Indians whether we are satisfied or not.

2nd – That we are to confirm according to the Indian Act which is imperious to our nationality.⁴

- 4. In 1924, the Government of Canada used the RCMP to mount a violent armed invasion of Six Nations of the Grand River in an effort to overthrow the Haudenosaunee Confederacy Council of Chiefs and impose an Elected Council following a mission by Deskaheh Levi General to Geneva, as a representative of the Haudenosaunee, which sought admission into the League of Nations as a state. (See *Treaty Primer: Disrupting the Covenant Chain Relationship (Two Case Studies)*).**

⁴ Tortoise Totem, Joseph J. Brant De-ka-ri ho-ken and 4 others to Prince Arthur, Duke of Connaught. 20 August 1891.

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For decades the Canadian Government claimed that the Council of Chiefs had no authority over the lands and resources of the Six Nations community, and their officials would only work with the Elected Council (which is accountable to the Canadian Government via the Indian Act). Recently, attempts have been made to engage with traditional Indigenous governance systems.

- a. Only a small fraction (1-4%) of the Haudenosaunee people participate in elections for the Elected Chief and Council because many see them as illegitimate. The traditional Council of Chiefs remains recognized by a significant majority of the people.

Sources:

Tortoise Totem, Joseph J. Brant De-ka-ri ho-ken and 4 others to Prince Arthur, Duke of Connaught. 20 August 1891.

Consultation With:

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