

The James Bay Treaty

Treaty No. 9.

Articles of a Treaty made and entered into at the town of Fort James Bay, in the year of Our Lord one thousand nine hundred and five, by His Majesty the King of Great Britain and Ireland, by His Majesty's Commissioners, Duncan Campbell Scott, of Ottawa, Ontario, Esquire, and Samuel Steele, of Ontario, Esquire, representing the Provisional Government of the said Territory, and the said Indians of the said Territory, hereunto subscribed, of

the several dates mentioned therein, in the presence of His Most Gracious Majesty the King of Great Britain and Ireland, by His Majesty's Commissioners, Duncan Campbell Scott, of Ottawa, Ontario, Esquire; and Samuel Steele, of Ontario, Esquire, representing the Provisional Government of the said Territory, and the said Indians of the said Territory, hereunto subscribed, of

Whereas the Indians inhabiting the said Territory, representing His Majesty's Government, in the present year of 1905, to deliberate upon the said Treaty, and the said Indians of the said Territory, hereunto subscribed, of

at having been appointed to read a Commission at certain places in the said Territory in this year of His Most Gracious Majesty, of the one part,

And whereas the said Indians it is His desire to open for settlement as to His Majesty's Government, to obtain the consent thereof, to arrange with them, in that behalf, and that His Majesty's Government receive from His Majesty's Government

by His Majesty's Government, that the said Indians, in that behalf, and that His Majesty's Government receive from His Majesty's Government

And whereas the said Indians, in that behalf, and that His Majesty's Government receive from His Majesty's Government

at the said places, named here, and that His Majesty's Government receive from His Majesty's Government

TRICK OR TREATY?

AND

HI-HO MISTAHEY!

FILMS BY ALANIS OBOMSAWIN

EDUCATOR'S GUIDE



TRICK OR TREATY?

EDUCATOR'S GUIDE

HI-HO MISTAHEY!

AN EDUCATOR'S GUIDE TO TRICK OR TREATY? AND HI-HO MISTAHEY!

OVERVIEW

This educator's guide is designed to accompany the National Film Board of Canada (NFB) documentaries *Trick or Treaty?* and *Hi-Ho Mistahey!*, directed by acclaimed Indigenous filmmaker Alanis Obomsawin. The films can be used hand-in-hand to help students develop an understanding of the impacts of Treaty No. 9 on the Aboriginal peoples of Northern Ontario and Quebec. Ideally, the films should be viewed in sequence, starting with *Trick or Treaty?*

This guide will provide a framework and reference for introducing the films and examining how they relate to Indigenous issues in Canada by tracing the Canadian treaty process, with a focus on Treaty No. 9, known as the James Bay Treaty (1905). In addition, students will have the opportunity to gain an understanding of why inequities exist in the education system for Aboriginal peoples in Canada today.

In June 2015, the Truth and Reconciliation Commission of Canada (TRC) released 94 *calls to action* in a landmark report.

Among the list of TRC recommendations is the suggestion that every province and territory "make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students" (Truth and Reconciliation Recommendation #62, 2015, p. 7).

This guide is designed to assist educators in introducing their students to the TRC's *calls to action* in an engaging manner. The guide's learning outcomes focus on the emerging Indigenous youth movement, which brings to the forefront issues that continue to have an impact on all Aboriginal peoples as they relate to the historical treaty process.

Due to the complex nature of the issues involved in evaluating historical documents, the activities in this guide are best suited for students at the secondary-school level.

The filmmaker uses the documentary medium to present an Indigenous perspective on historical and current events, in contrast to the Eurocentric view that is traditionally taught, while focusing in particular on the role of youth in bringing change to their communities. Some of the concepts presented in the films can also be applied to other Indigenous treaties.



TRICK or TREATY?

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CURRICULUM CONNECTIONS

1. **Main Courses of Study** – Social Studies, Native Studies, Aboriginal Studies, First Nations Studies, Film Studies, Geography, Law, Civic (Government) Studies
2. **Cross-Curricular Opportunities** – Language Arts and History
3. **Estimated Time Allotment** – 10 one-hour classes; includes 4 one-hour classes to view the films and 6 one-hour classes for classroom activities

PURPOSE

To provide a framework or introduction to the Treaty process in Canada and follow-up lessons on the legacies of the numbered treaties for all Canadians.

- To engage students in a discussion about how Treaty No. 9, which was signed in the early 20th century, continues to have an impact on Indigenous peoples today.
- To explore the importance of the Indigenous youth movement in making Aboriginal issues relevant to all Canadians, with a focus on access to education.
- To explore and identify how youth are contributing to making changes locally, nationally and globally.

GUIDE OBJECTIVES

Included in this guide are introductory activities, classroom activities, extension ideas and one culminating activity to bring the two films together.

The students will:

- Examine the historical facts related to Treaty No. 9, both oral and written, as presented in the film.
- Be able to define the term "treaty."
- Study the impact of Treaty No. 9 on Indigenous peoples in Canada.
- Be able to apply the issues discussed in Treaty No. 9 to other historic treaties and/or the modern treaty process.
- Further understand how youth can be champions or advocates with regard to Indigenous issues that are important to them.
- Make connections between the two films with regard to how the youth brought change to their respective communities.

TEACHER PREPARATION

Provide background information to students on Alanis Obomsawin and the films that she has directed.

Discussion topics:

- 1) Who is Alanis Obomsawin? (See video clip below.)
- 2) Discuss with students what her motivations for making documentaries may be.
- 3) Why does she choose to make documentaries rather than dramatic films?
- 4) How is a documentary similar to an oral story?
- 5) Should a documentary follow a traditional story structure, with a beginning, a middle and an end, or could it adopt the cyclical structure of Indigenous storytelling?
- 6) Does a documentary contain biases? What is bias and point of view? What influences our biases and points of view?
- 7) Should we view documentaries with a critical eye?

About Alanis Obomsawin:

nfb.ca/film/making_movie_history_alanis_obomsawin



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THE FILMS

TRICK OR TREATY?

(DIR. ALANIS OBOMSAWIN, 2014, 84 MIN)

FILM SYNOPSIS

This documentary examines the effects and legacy of Treaty No. 9 (1905), signed by the Government of Canada and Indigenous peoples in the James Bay area. The treaty had a significant impact on Aboriginal peoples, who were relocated to reserves as a result, allowing the natural resources both below and above ground to become the property of the Government of Canada.

Trick or Treaty? chronicles the struggles of Indigenous peoples since the inception of the Treaty process in Canada, exploring the varying opinions on the stipulations of Treaty No. 9 and discrepancies between oral and written history. The film traces the oral history of a family whose grandfather was an original signatory of Treaty No. 9; he explains the interpretation of the treaty that has been passed down through generations. Evidence is provided that Treaty No. 9 has not fulfilled the intentions that were outlined in 1905 and 1906.

The film then moves on to cover recent events, where Aboriginal peoples are challenging the status quo that has resulted from the Treaty process. One example of this in the film is the story of Chief Theresa Spence, who goes on a hunger strike to bring to light the neglect of the Government of Canada in fulfilling the Treaty obligations. The Chief demands an audience with the Prime Minister and the Governor General, and this remarkable feat is followed by Aboriginal youth walking from Treaty No. 9 territory to Ottawa. The walk symbolizes that contemporary Indigenous youth are listening to their ancestors and working to ensure that Aboriginal issues are part of the discussion in a broader Canadian context. Lastly, the film also chronicles the development of the Idle No More movement.

BEFORE VIEWING *TRICK OR TREATY?*

Have the class define or identify the following:

- Indigenous, Aboriginal, First Nations (status and non-status), Inuit, and Métis
- Treaty
- The Numbered Treaties of Canada
- Nation
- Oral history
- Primary and secondary sources
- Evidence
- The Crown
- James Bay region
- Duncan Campbell Scott
- Chief Theresa Spence
- Alanis Obomsawin
- Signatory
- Idle No More
- The Royal Proclamation of 1763
- Constitution of Canada and Charter of Rights
- Reserve land

Location

Show students where James Bay is located on a map. Show the boundaries of Treaty No. 9 as outlined in 1905.

Discuss the following:

- Have students predict what natural resources the government may have been interested in.
- Why was there minimal European settlement in this area?
- Ask students to consider how the boundaries of the Treaty may have impacted traditional activities such as hunting and fishing.

AFTER VIEWING *TRICK OR TREATY?*

Activity 1

Working individually or with a partner, students examine the treaty process at the beginning of the 20th century and look at the rationale behind the Government of Canada's desire to have signed agreements—specifically Treaty No. 9—with Indigenous peoples. Students will gain an understanding of what the terms “cede,” “surrender,” “release” and “give up” mean to non-Aboriginal peoples. Through the film and other research, students examine how the Indigenous peoples interpreted the signed agreement. Lastly, students provide evidence of the differing opinions on the intended outcomes of Treaty No. 9 and give a final presentation to the class.



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Activity 2

Working individually or with a partner, students examine the key role that oral history plays in Indigenous culture. A viewing of the film will give students a solid understanding of the importance of oral history. Students then provide examples of how oral history is an accurate source of information for Aboriginal peoples and has led to successful court victories. Lastly, they give a final presentation to the class.

This link provides background information on the Supreme Court of Canada case *Delgamuukw v British Columbia 1997*, which supported the legitimacy of oral history:
aadnc-aandc.gc.ca/eng/1100100028623/1100100028624

EXTENSION ACTIVITIES

The film *Trick or Treaty?* provides many opportunities to extend the lesson by looking at some or all of the following:

1. Have a class discussion on the meaning of the film's title.
 - a) What is the significance of the title?
 - b) Is it ironic?
 - c) Why did the director choose this title?
 - d) What does the title imply?

After a class discussion, have students craft a written response, addressing what they feel is the significance of the title, with specific reference to material discussed in the film.

2. The constitution: oral vs. written evidence
 - a) Have students research landmark cases such as *Delgamuukw*, in which the Supreme Court of Canada states that oral history is a valid form of evidence.
 - b) Compare the Supreme Court of Canada decision in *Delgamuukw v British Columbia 1997* to the oral and written versions of the James Bay Treaty as presented in the film.
 - c) How are the two cases similar and/or different?
 - d) What is the role of oral history in the treaty process?
 - e) What is the role of oral history or evidence in the film?
3. Have students research the Treaty of Waitangi of New Zealand and the James Bay Treaty.

- a) Ask students to compare and contrast the written and oral versions of each treaty.
- b) What are the similarities; what are the differences?
- c) Why did New Zealand have two versions of this treaty?
- d) Is the Treaty of Waitangi still current, like Treaty No. 9?
4. Have a discussion on the Canadian Charter of Rights and Freedoms, including Aboriginal rights.
 - a) Does Treaty No. 9 ignore Aboriginal rights as outlined in the Charter and in the Royal Proclamation of 1763?
5. Ask students to write a film review or editorial in which they highlight specific historical concepts outlined in *Trick or Treaty?*
6. Have students complete a timeline or a map that shows the numbered treaties in Canada and the main points of each treaty.
7. Have students complete a mapping assignment that illustrates the traditional territories that make up the boundaries of the James Bay Treaty.
8. Discuss whether the components and obligations of the treaty have been met or fulfilled.



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HI-HO MISTAHEY!

HI-HO MISTAHEY!

(DIR. ALANIS OBOMSAWIN, 2013, 99 MIN)

FILM SYNOPSIS

This film chronicles the struggle of the Attawapiskat First Nation to receive access to equitable education. Alanis Obomsawin documents the experiences of the late Shannen Koostachin, a high school student who demanded that the Government of Canada fulfill its obligations to provide a school for this First Nation community.

The Attawapiskat First Nation school was closed due to a toxic spill that created health issues in the community and, ultimately, resulted in a lack of access to basic education. The film illustrates the fact that youth on the reserve were forced to leave their community to have their educational needs met. In order for youth from Attawapiskat to obtain secondary-level education, they were obliged to move away from their family unit.

Obomsawin uses the story of Shannen's fight as a case study of a young person trying to make improvements to her community and bring awareness to Canadians about the struggles of the First Nations.

After Shannen's tragic death in a car accident in 2010, her community, and specifically her peers, took up her cause in her memory. "Shannen's Dream" became her legacy and created a powerful youth movement demanding equitable access to education in Canada for all Indigenous peoples.

BEFORE VIEWING HI-HO MISTAHEY!

Have the class define or identify the following:

- Equitable and equal
- Canadian Charter of Rights and Freedoms – Education Clause
- Indian Act
- Attawapiskat First Nation
- Treaty No. 9



Activity 1

Can youth create change in society?

- Have students research examples of youth that have made significant changes in society. For example, Craig Kielburger (Free the Children), Severn Suzuki (1992 UN Earth Summit), Malala Yousafzai (Access to Education), or a youth advocate from their own community.
- What do these individuals have in common?
- How did they seek change?
- Introduce Shannen Koostachin as an Indigenous youth seeking to make changes for her community and all Indigenous youth in Canada.
- Have students read the following article about Shannen's life: huffingtonpost.ca/charlie-angus/shannen-koostachin_b_1197267.html
- Discuss the fact that the Attawapiskat First Nation reserve is within the boundaries of Treaty No. 9, which states that "His Majesty [the Government] agrees to pay such salaries of teachers to instruct the children of said Indians, and also to provide such school buildings and educational equipment as may seem advisable to His Majesty's government of Canada."
- What treaty obligations does the Government have to provide access to education for the youth of the Attawapiskat First Nation?
- Have students predict whether, after viewing the documentary, they'll feel that the Government of Canada has fulfilled the obligations of Treaty No. 9.

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AFTER VIEWING *HI-HO MISTAHEY!*

Activity 1

Can education help alleviate the effects of poverty?

- As a class, read the following article about poverty among Indigenous children: cbc.ca/news/canada/half-of-first-nations-children-live-in-poverty-1.1324232
- Watch the following film clip about poverty among Indigenous peoples in Canada: nationtalk.ca/story/featured-video-of-the-day-11-facts-about-the-gap-between-first-nations-and-the-rest-of-canada
- Have students complete a three-circle Venn diagram comparing the above article and news clip and evidence from the film. Discuss the similarities and differences.

Activity 2

Research and create a collage or presentation about local/provincial/national youth that have made a difference through activism.

- Discuss the similarities and differences between the efforts of these young people and the work of Shannen Koostachin.
- Discuss the ways in which youth can be vital agents of change.
- Ask students: Would you like to become an agent of positive change, and if so, in support of which cause?

Activity 3

Culminating Activity: Bringing the Films Together

Each film highlights the legacy of Treaty No. 9 in terms of resources and education for Indigenous peoples in the James Bay area. And in both films, youth are instrumental in bringing to light the need for change in their communities. The examples illustrated in the films demonstrate that change is possible.

Students generate a list of current issues/situations (Aboriginal and non-Aboriginal) that they feel youth can play an influential role in changing. Students will choose one of these issues to research and give a presentation on how they would bring about change.

Potential examples:

- 1) Shoal Lake
- 2) Site C Dam
- 3) Northern Gateway
- 4) Oil tankers
- 5) James Bay Hydro Project
- 6) Murdered and missing Aboriginal women
- 7) On-reserve school funding
- 8) Reconciliation: What can I do?
- 9) Environmental issues
- 10) Stereotypes



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WEBSITE/RESOURCES

Aboriginal Affairs Canada

aadnc-aandc.gc.ca

Aboriginal Child Poverty (CBC)

cbc.ca/news/canada/half-of-first-nations-children-live-in-poverty-1.1324232

Aboriginal Poverty in Canada (NationTalk)

nationtalk.ca/story/featured-video-of-the-day-11-facts-about-the-gap-between-first-nations-and-the-rest-of-canada

Alanis Obomsawin

thecanadianencyclopedia.ca/en/article/alanis-obomsawin
nfb.ca/film/making_movie_history_alanis_obomsawin

Attawapiskat First Nation

attawapiskat.org
netnewsledger.com/2012/08/12/attawapiskat-is-not-a-pinata

Charter of Canada and Aboriginal Rights

laws-lois.justice.gc.ca/eng/Const/page-15.html
indigenousfoundations.arts.ubc.ca/?id=8375

Delgamuukw v British Columbia 1997

aadnc-aandc.gc.ca/eng/1100100028623/1100100028624

James Bay Treaty

archives.gov.on.ca/en/explore/online/james_bay_treaty/treaty.aspx

Royal Proclamation of Canada

indigenousfoundations.arts.ubc.ca/home/government-policy/royal-proclamation-1763.html

Treaties of Canada: Map

aadnc-aandc.gc.ca/eng/1100100032297/1100100032309

Treaty Maps: No. 9

archives.gov.on.ca/en/explore/online/james_bay_treaty/big/big_06_treaty_map.aspx
canadianhistoryworkshop.wordpress.com/treaties/treaty-nine
mushkegowuk.com/documents/jamesbaytreaty9_realoralagreement.pdf
mqup.ca/treaty-no--9-products-9780773537613.php

The Treaty Process Today (BC)

bctreaty.net

Truth and Reconciliation Commission of Canada

trc.ca/websites/trcinstitution/index.php?p=3

Treaty of Waitangi

teara.govt.nz/en/treaty-of-waitangi

Shannen Koostachin

cbc.ca/8thfire/2011/11/shannen-koostachin.html
huffingtonpost.ca/charlie-angus/shannen-koostachin_b_1197267.html

CREDITS:

This guide was produced by NFB Education. It was written by Brad Baker and Stephanie Maki.

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