



NOVEMBER 2019, ISSUE 2

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# PATH MATTERS

Treaties as Guidelines for Planning

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## A LOOK AT THIS ISSUE:

THE WILLIAMS TREATIES SETTLEMENT  
AGREEMENT AS A GUIDELINE FOR PLANNING

- *Historical Background* - 2
- *A Conversation with Chief Dave Mowat* - 4

BUILDING TREATY KNOWLEDGE & CULTURAL  
COMPETENCY INTO POST-SECONDARY  
CURRICULUM BY KAREN TRAVERS - 5

AGM HIGHLIGHTS - 8

SHARED PATH NEWS - 12


FEATURED COMMUNITY: SAUGEEN OJIBWAY  
NATION (SON) - 13

UPCOMING EVENT DEADLINE & NEXT ISSUE - 14

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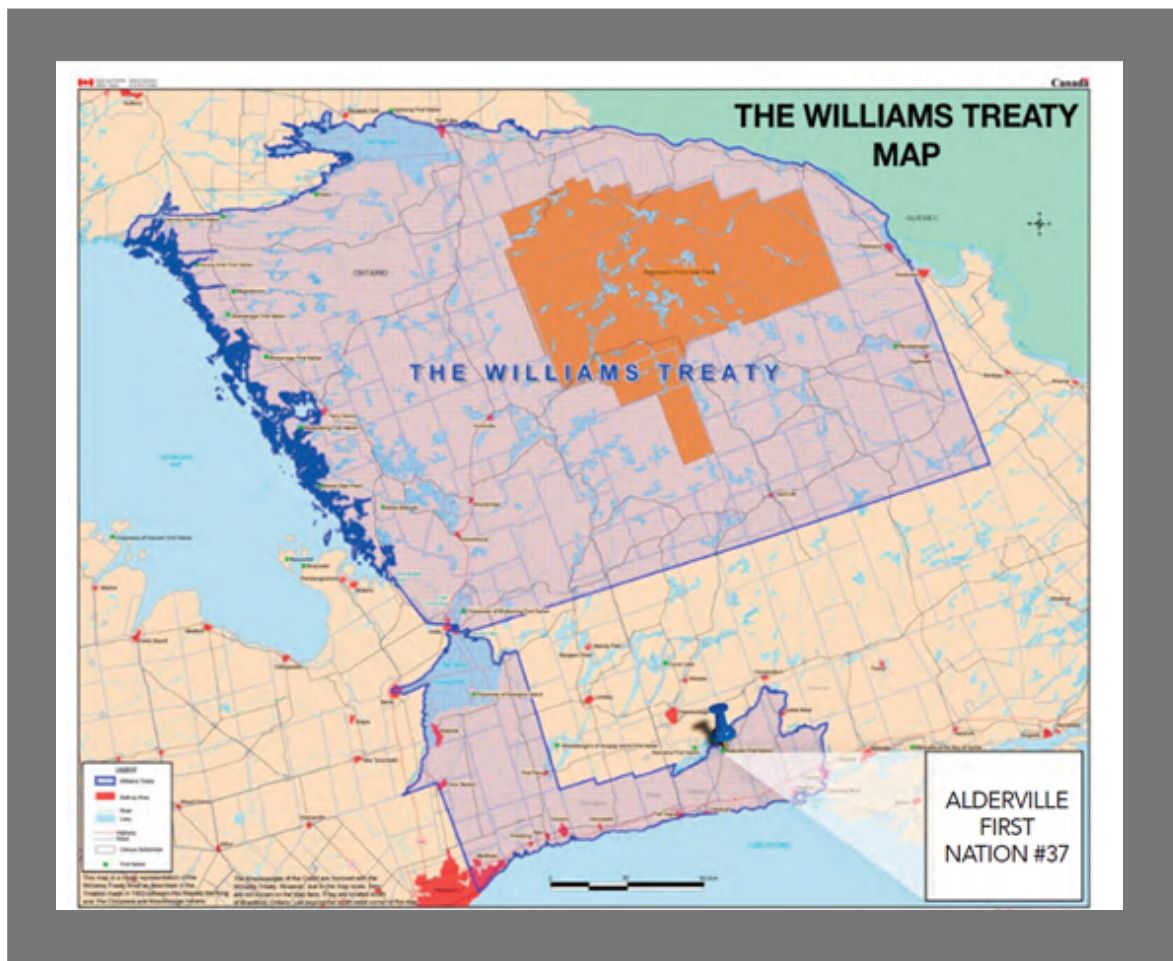
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# THE WILLIAMS TREATIES SETTLEMENT AGREEMENT AS A GUIDELINE FOR PLANNING

## HISTORICAL BACKGROUND

The Williams Treaties were signed in 1923 by the Chippewas of Beausoleil, Georgina Island and Rama, and the Mississaugas of Alderville, Curve Lake, Hiawatha, and Scugog Island following the recommendations of a joint Canadian and Ontario government commission inquiring into the circumstances of previous pre-Confederation surrenders like the Gunshot Treaty,



Made in 1787 at the Bay of Quinte, this 'treaty' was essentially a blank deed reported to have included the Lake Ontario shoreline between the Etobicoke (Creek) and Trent Rivers. Parts were also included in the 1805 Toronto Purchase and were said to extend up a strip of land known as the "Carrying Place" to Holland Landing. Here it joined with an enormous block of land extending from Lake Simcoe, north to the Robinson Huron Treaty boundary and east from Georgian Bay to the Ottawa River. This latter area was never formally surrendered even though it had been settled and used for mining and lumbering for some time.



Valued by the Commission at tens of millions of dollars, government officials moved to secure title to the more than 50,000 square kilometers (nearly 13,000,000 acres) as quickly as possible, capping the payout at \$500,000 and presenting the Chippewas and Mississaugas with harsh and non-negotiable agreements. Without the benefit of legal representation, the seven communities were coerced into accepting a one-time payment of \$466,000 and an additional \$25 for each individual community member. Unlike previous agreements, the Williams Treaties did not protect the right to hunt and fish over their traditional territories.

Despite years of complaints to the government insisting they did not surrender their harvesting rights, Indigenous people in the area continued to be harassed and prosecuted for hunting and fishing off their reserves. Harvesting areas declined as a result of widespread settlement causing extreme hardship for many people. Beginning in 1992, attempts to gain compensation and recognition of their harvesting rights in the courts eventually led to a process of formal discussions and an out of court settlement in 2018. This included apologies from the federal and provincial governments for the negative impact of the treaties on livelihoods, the recognition of pre-existing harvesting rights, \$1.11 billion in compensation, and an option for each First Nation to add up to 11,000 acres to their reserves. After nearly a century of hostility and neglect, relationship-building between the seven communities and local municipal officials and residents is a work in progress, but one that holds great promise for collaboration and Indigenous participation in decision-making in the future.

FOR MORE INFORMATION:

Williams Treaty First Nations, <https://williamstreatiesfirstnations.ca/>

Robert J. Surtees, "The Williams Treaties: Research Report," Treaties and Historical Research Centre, Indigenous and Northern Affairs Canada (1986). Online at <http://publications.gc.ca/site/eng/425971/publication.html>

Government of Canada Statement of Apology for the Impacts of the 1923 Williams Treaties: <https://www.rcaanc-cirnac.gc.ca/eng/1542393580430/1542393607484>



## A CONVERSATION WITH CHIEF DAVE MOWAT

We were honoured to have Chief Dave Mowat from Alderville First Nation join us for our recent Symposium and AGM in September to speak about the Williams Treaties Settlement Agreement. For members who were unable to attend the event and others who reached out to us for highlights, we asked Chief Mowat to provide some insights about the impact of the settlement as well as the challenges with implementing it on a municipal level:

### Shared Path: As far as planning and consultation is concerned, what are the major differences between the original Williams Treaties and the recently signed Settlement Agreement?

Dave Mowat: There is no comparison. The Treaty itself was simply a means of securing the aboriginal title to a large swath of land; there were no additional reserve lands; and hunting and fishing rights were also targeted. So it was a one-sided affair and the greatest beneficiary was Ontario. The aim of the settlement agreement was to correct that wrongful history and so it includes a legal entitlement to land as well as a financial package, and it reaffirmed harvesting rights, quite the opposite of what the original treaty intended..

### How might this Settlement Agreement influence Indigenous-Municipal relationships in the region?

It now reaffirms our historic rights on the land and from a Duty to Consult perspective we have more of a voice now than before the settlement came down. Now it's a matter of breaking through with the municipal side as they are entrenched in their thinking on land use planning.

### What can planners and municipalities do to help protect harvesting rights?

Learn about them first and foremost; where do they come from? Where are they rooted? Only after learning and understanding their value can they possibly then move to make decisions with those in mind. But if the law isn't on our side then the battle continues. It's all well and good I suppose to teach a local planner about those rights and treaties etc., but if the law isn't on our side then they continue to prescribe the law.

### What practices or mechanisms might help Indigenous communities work effectively together and help municipal and regional governments build relationships with neighbouring Indigenous communities?

There is a nation building process occurring among the Mississauga First Nations, however, there is also caution being employed as some First Nations do not wish to duplicate what is occurring at other levels of First Nations interaction like the Tribal Councils. From a treaty level this is the one common denominator among us; a shared treaty history, so does that act as the base from which to proceed? The success of the settlement agreement is that we stayed united and remained a force of seven First Nations. That should be the ground upon which we work from and teach planners from that perspective; enforce policy change from that level and move to change legislation from that level.

## BUILDING TREATY KNOWLEDGE AND CULTURAL COMPETENCY INTO POST-SECONDARY CURRICULUM

By Karen Travers

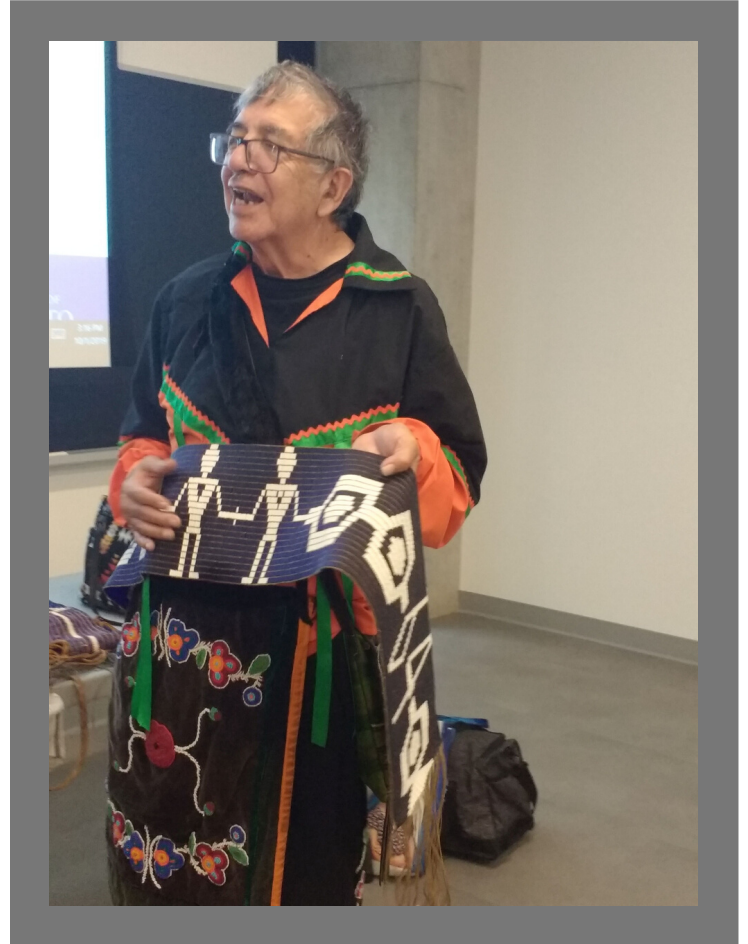
On October 1st, I was invited to sit in on a class called Anthropology and the Indigenous Peoples of Turtle Island (North America) ANT241H5F. The course is aptly taught in Maanjiwe Nendamowinan (pronounced Mahn-ji-way Nen-da-mow-in-ahn), a stunning six-story building containing over 200,000 square feet of student and instructional space at the University of Toronto, Mississauga Campus (UTM). Both the building name, which means “a gathering of minds” and the course itself, are part of a growing partnership between the suburban campus and the Mississauga of the Credit First Nation (MCFN) to create a hub for Indigenous students attending the school and address the Truth and Reconciliation Commission's (TRC) Calls to Action.

Currently funded through a three-year Connaught Community Connections grant in partnership with Councillor Veronica King-Jamieson from MCFN and Dr. Nicole Laliberte (Departments of Geography and Planning), Anthropology and the Indigenous Peoples of Turtle Island is taught by Dr. Sherry Fukuzawa, Assistant Professor, Teaching Stream, in the Department of Anthropology. The community-engaged learning (CEL) course focuses on the importance of land and land-based learning, cultural and language revitalization, cultural resource management and ownership, and the experiences of urban Indigenous peoples in post-secondary institutions. Community-engaged learning is centred around mutually beneficial and reciprocal learning experiences so in addition to talks and lectures given by faculty and Indigenous educators and knowledge-holders, students participate in walks, trips and Indigenous community events that highlight Indigenous history and the many ways it informs our present. In June, I attended another class where historian Donald S. Smith spoke about his research on Nahnebahnwequay, an Indigenous woman from the Mississauga Credit Village who travelled to England to advance her rights to land she owned near Owen Sound in the nineteenth century. In attendance were several of Nahne's descendants as well as former MCFN Chief Carolyn King, MCFN community members, academics, heritage advocates and employees, and interested members of the public.

This most recent class was opened by Elder Garry Sault, who sang and drummed and then spoke briefly about the importance of learning and preserving the Anishinaabe language (Anishinaabemowin). Professor David Smith gave an overview of Pre-Contact Indigenous history between 10,000 BC and AD 1650 that focused on the Greater Toronto Area and the City of Mississauga, giving students an understanding of the rich Indigenous cultural heritage around them.

This includes the Scott O'Brien site, a fishing station on Mississauga Road occupied from the Middle Archaic to Iroquoian periods (3000 BC-AD 1650). The Scott O'Brien sites and others contain precious artifacts and in some cases, human remains belonging to the ancestors of present-day Anishinaabe, Haudenosaunee and Huron-Wendat peoples.

While the fields of anthropology and archaeology have contested pasts, the importance of Indigenous community partnerships in Cultural Resource Management is vital to protect heritage sites that are becoming increasingly threatened by rapid development in the Greater Golden Horseshoe. Professor Smith explained that UTM is offering a course on Cultural Heritage Management titled "The Past in the Present and for the Future" (ANT380H5S) in Winter 2020 with the goal of adding courses on other relevant topics and creating a certificate program in the field. Margaret Sault, Director of Lands, Research and Membership for MCFN followed with a power point presentation illustrating important dates in the community's history from the 1690s to present-day including treaties, settlement and land claims.



*Elder Garry Sault explaining the significance of the 1764 Treaty of Niagara Covenant Chain Belt*

Garry Sault returned to end the day with a discussion of wampum belts and brought several replicas including the Dish with One Spoon made between the Anishinaabe and Mohawk, the 1764 Covenant Chain Belt, and the Chief Yellowhead Belt, all of which elicited much interest from the students. Sault joined the ends of the Yellowhead belt to show how the half-diamonds at each end match up to become an unbroken circle representing the unified Anishinaabe council fires at Sault Ste. Marie, Manitoulin Island, Beausoleil, Rama, and the Credit River.

In addition to biological anthropology, Dr. Fukuzawa's research focuses on adult education and post-secondary teaching and learning, and part of the Connaught Grant funds a three-year longitudinal study on Indigenous cultural competency. Dr. Fukuzawa, along with other faculty, educators and researchers from UTM and MCFN are also the recipients of a 2018 Indigenous Research Capacity and Reconciliation Grant from the Social Sciences and Humanities Research Council (SSHRC) that will fund a symposium on Indigenous curriculum in the classroom and address the TRC's Calls to Action with respect to Indigenous culture, histories and pedagogies in the classroom.

The partnership between UTM faculty and students and MCFN is just one example where the process of naming a new building provided a catalyst that has now evolved and deepened into a broader community cultural exchange program. This partnership will not only provide valuable information for policy makers, educators and others about Indigenous curriculum and the post-secondary classroom. For the more than 70 students enrolled in the course this year, experiential and hands-on activities and events provide them with a real-world understanding of the legacy of colonialism from an Indigenous perspective and introduces them to the importance of cultural competency in the workplace. Shared Path has repeatedly heard from planners, archaeologists, cultural heritage and municipal government managers that education is fundamental to reconciliation. Indigenous historical and cultural knowledge, while crucial in virtually every field, is often lacking in the workplace.

This course also addresses many goals in U of T's response to the TRC *Calls to Action* to build relationships with Indigenous communities and engage the broader non-Indigenous community, provide spaces to Indigenous students and faculty, and Indigenize research and curriculum. It's hoped that the university will offer continued support beyond the current three-year funding to enable the course to become a permanent offering.

#### FOR MORE INFORMATION

"Upright Woman: Catharine Sutton, or Nahnebahnwequay, "Nahnee" (1824-1865)" in Donald B. Smith, *Mississauga Portraits: Ojibwe Voice from Nineteenth-Century Canada* (Toronto: University of Toronto Press, 2013), Chapter 3.

Frank Dieterman, ed, *Mississauga: The First 10,000 Years* (Mississauga: Mississauga Heritage Foundation, 2002).

Ontario Professional Planners Institute, Indigenous Planning Perspectives Task Force Recommendations, <https://ontarioplanners.ca/inspiring-knowledge/indigenous-perspectives-in-the-planning-profession/recommendations>

Wecheehetowin, *Final Report of the Steering Committee for the University of Toronto, Response to the Truth and Reconciliation Commission of Canada*, <https://www.provost.utoronto.ca/wp-content/uploads/sites/155/2018/05/Final-Report-TRC.pdf>



## AGM HIGHLIGHTS



*Panel participants John Cutfeet of Kitchenuhmaykoosib Inninuwug First Nation, Professor Andrée Boisselle from Osgoode Hall Law School, Chief Dave Mowat of Alderville First Nation, and Dean Jacobs from Walpole Island First Nation.*

### MORNING PRESENTATIONS AND PANEL DISCUSSION

On September 13th, 2019 the Shared Path Consultation Initiative held our first Symposium and public Annual General Meeting (AGM). We were pleased to welcome roughly 50 individual participants throughout the day.

Elder Garry Sault opened the event by gathering everyone into a circle for a ceremony. He captivated participants with a ceremonial song accompanied by his drum and then said a few words to set a positive and collaborative tone for the day.

Chief Dave Mowat of Alderville First Nation then spoke about his experiences negotiating the Williams Treaties Settlement Agreement (see pages 2-4 of this issue for more information). We then heard from Dean Jacobs, Consultation Manager for Walpole Island First Nation and current Shared Path Board member. Dean discussed the history, traditional territory, and treaties signed by Walpole Island First Nation and mutually-beneficial collaborative projects with adjacent municipalities. He emphasized that Walpole Island has never ceded any body of water or land under the water and spoke to their current title claim (submitted in 1985) asserting that title to the beds and waters remain unsurrendered.



Participants then had the opportunity to hear from Professor Andrée Boiselle of Osgoode Hall Law School and John Cutfeet of Kitchenuhmaykoosib Inninuwug (KI) First Nation who gave personal accounts of KI's experience challenging non-Indigenous legal processes imposed on the community. Boiselle and Cutfeet discussed several differences between colonial and Indigenous legal traditions and concluded that only Treaty law can mediate disputes and resolve ambiguities.



*Drum and braided sweet grass belonging to Elder Garry Sault*

*"Attending the Shared Path Symposium provided me with an incredible opportunity to hear from a wide range of leaders who spoke candidly about past and present challenges and opportunities. Overall, it was an inspiring day, and I am excited to be involved with the organization!"*

*- Andrew O'Brien, Student Member*

### AFTERNOON SPEED NETWORKING SESSION

Following a hearty lunch, attendees were invited to participate in a fun "speed networking" session. This activity was designed to eliminate the awkwardness associated with approaching strangers by organizing introductions in a more structured way. Timed conversations allowed participants to rotate around the circle and converse with many new people they otherwise would not have met.

Previously, members had told us that they rarely have time to meet with peers or potential collaborators and that networking opportunities are valuable to them. We included this activity in the day's events because we wanted to give participants time to make some new and unexpected connections.



*Symposium attendees participating in a "speed networking" session.*

*"I enjoyed the breakout session with the chairs. I met people I would of never had a chance to chat with."*

*- Ruth Rendon, Associate Member*

## ANNUAL GENERAL MEETING AND RECEPTION

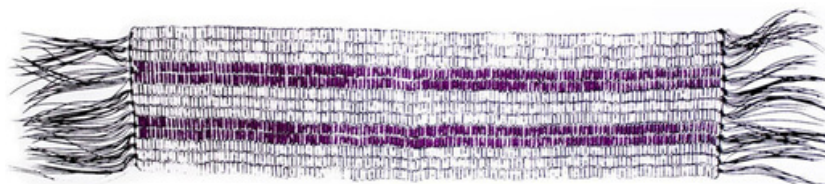
The Shared Path Consultation Initiative Annual General Meeting began at 4:00 pm, presided over by Board President Carolyn King.

Significant items of business included the decision to accept the Treasurer's recommendation to hire Wienberg & Gaspirc CPA LLP to conduct Shared Path's first audit. The Board also voted to accept the Terms of Reference of the Nominations Committee and elected Thomas Milne, Debbie Steiss and Ron Williamson (for a second term) to the Board. It was also decided that a volunteer position would be established on the Board.



*Executive Director Clara MacCallum Fraser speaking about Shared Path's accomplishments over the past year.*

An evening reception co-hosted by the CITY Institute at York University saw us joined by some of our partners. We were pleased to hear from Linda Peake, Director of the CITY Institute, Shelley Petrie, Program Director at Friends of the Greenbelt Foundation, and Calvin Brook from the Ontario Professional Planners Institute's Indigenous Task Force. The setting was cozy and intimate with music provided by volunteer Robert Busiakiewicz. Thank you to everyone who came out!



## SHARED PATH NEWS



### Charitable Status

We are delighted to announce that the Shared Path Consultation Initiative has been granted charitable status! This is an important achievement for the future of our organization and will allow us access to many more sources of stable funding that will help us grow and support our mission!

### Working Groups

Our first working groups were formed at the recent Symposium and AGM. The Land Use & Consultation Policy working group held their first conference call on Tuesday, October 8th to discuss changes to the Provincial Policy Statement (PPS). Eleven people participated in the first meeting and we appreciate everyone's time and effort to help Shared Path draft a response to the PPS review.



The Online Resource Library Working Group will hold their first meeting in November.

There is still room on this working group so if you are interested in discussing, recommending, and helping to curate and create resources on Indigenous-municipal relationship building, land use planning, and consultation law, legislation and policy for the use of our members, please contact Karen Travers at [ktravers@sharedpath.ca](mailto:ktravers@sharedpath.ca)

### Mark Your Calendars



The first Board Meeting in 2020 will be held on January 20th from 1- 4 pm at The Centre for Social Innovation, 720 Bathurst St., Toronto. All members are welcome to join us. If you plan on attending, please RSVP by email to [admin@sharedpath.ca](mailto:admin@sharedpath.ca). Space is limited.

### Update on our Website

The Shared Path website is currently undergoing a major reconstruction to make it more user-friendly and to incorporate our new member interface and online resource library. We will be unveiling our new redesigned website and launching this exciting new members section in the New Year. In the meantime we will continue to connect and share news and information with our members through our newsletters, working groups, and on social media, Stay Tuned!

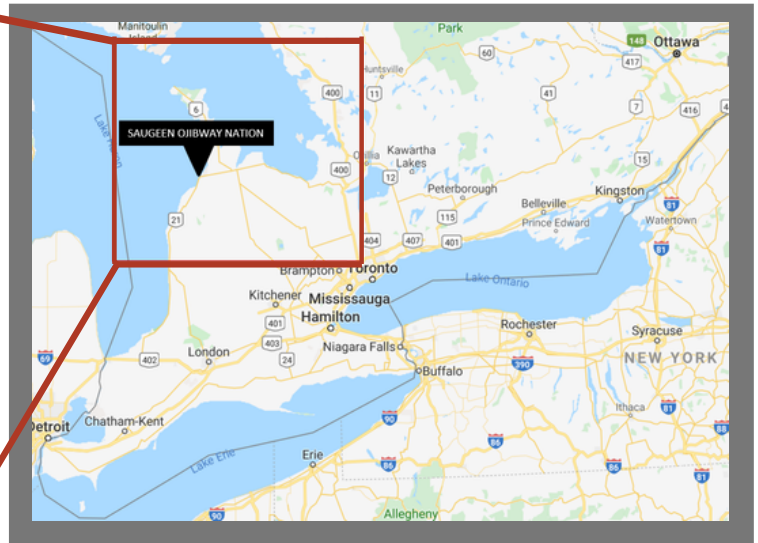


### Not a member yet?

Our website is undergoing reconstruction but you can still apply for membership by contacting us at [admin@sharedpath.ca](mailto:admin@sharedpath.ca)



## FEATURED COMMUNITY: SAUGEEN OJIBWAY NATION (SON)



Map courtesy of Saugeen Ojibway Nation  
Environment Office

The Saugeen Ojibway Nation ("SON") consists of the Saugeen Ojibway First Nation and the Chippewas of Nawash Unceded First Nation. The people of SON reside in their Traditional Territory known as Saukiing Anishnaabekiing. From the Bruce Peninsula to south of Goderich and east to Collingwood, their identity stems from and grows out their relationship with the land and waters.

### Treaty History

1836: Saugeen Treaty No. 45 ½

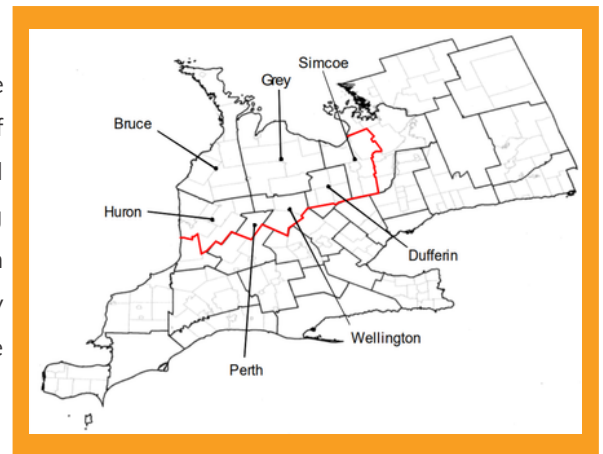
1854: Saugeen Peninsula Treaty No. 72

1994: Treaty 72 Claim

Argues that Treaty 72 is not valid and the Crown breached its fiduciary duty to protect their lands from the encroachment of white settlers.

2003: Aboriginal Title Claim

Claiming Aboriginal title to parts of the beds and waters of Lake Huron and Georgian Bay within their traditional territories.



Counties that fall within Saugeen Ojibway Nation  
traditional territory. Map courtesy of Saugeen  
Ojibway Nation Environment Office

### Community Consultation and More Information

Conducting Archaeology within the Traditional Territory of Saugeen Ojibway Nation (PDF)

Saugeen Ojibway Nation Environment Office website: <https://www.saugeenojibwaynation.ca>

Chippewas of Nawash Unceded First Nation website: <http://www.nawash.ca>

Saugeen First Nation website: <https://saugeenfirstnation.ca>



## YOU ARE INVITED!



From Saugeen Ojibway Nation (SON):

Join us for the first ever Accommodating Change: SON Natural and Cultural Heritage Forum from November 13th-15th, 2019. This three-day forum will highlight the importance of SON's innovative assessment process showing our defensible criteria, as well as how to achieve authority using consultation.

For more information and to register, please contact April Root-Thompson at 519-379-2399 or 519-534-5507.

## WE WANT TO HEAR FROM YOU!

What kinds of themes would you like us to explore in future issues of Path Matters? E-mail your suggestions to [admin@sharedpath.ca](mailto:admin@sharedpath.ca).

