

Curriculum Assignment – Treaty Negotiation

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Negotiating a Treaty - Middle Years Education

The European settlers have arrived in what is now Saskatchewan. The First Nations people occupy the land and have established trade routes throughout the area. In recent years, the buffalo herds have been decimated by hunting, especially in the United States. The outcome has devastating effects on the First Nations people because they rely on the bison for food, warmth, shelter, and tools. Additionally, the European settlers have brought diseases from afar, and the Indigenous people are getting sick.

The European colonials, represented by the British Crown, are interested in claiming ownership of the territory to pave the way for economic development. The First Nation people are concerned about the impact that the colonials will have on their land and culture. Still, with the buffalo herds and fur trade diminishing, they believe they could learn agricultural methods from the immigrants and are interested in their education system.

The European settlers do not want to start a fight with the First Nations people, and thanks to the Royal Proclamation of 1763, they are required to respect the First Nations peoples' land. Both sides must work together if they want to achieve an agreement regarding the future. Both parties agree that a Treaty will be the agreement that is mutually beneficial and will help both the Crown and the First Nations people to share the land.

The exercise will be a classroom debate to simulate the Treaty 4 negotiation. The teacher will divide the class into two groups; one group will represent the First Nations Chiefs who must negotiate with the Crown representatives, the other group will represent the Commissioners who negotiated on behalf of the Crown. The student group representing the First Nations will be provided with a document outlining the importance of the negotiation and what items are up for debate. Once assembled, the group must first work together to determine how they will negotiate

and who will be negotiating each item. The group will get a half-hour to discuss the items and their strategy before the negotiation begins with the Crown.

The group representing the Crown will be provided with confidential instructions outlining the priorities that the Crown wants to be established. The information will mention the importance and the future impact of this negotiation. The group representing the Crown will get a half-hour to determine a strategy to enter a negotiation with the First Nations group.

The results of this Treaty negotiation will affect the future of the people on both sides of the debate forever.

Throughout the negotiation, a moderator (preferably the teacher) must keep the debate moving. Establishing a time limit for each item should be a consideration. At the end of each item, ensure it is clear what each side is receiving. Following the negotiation, the moderator will score the results using the scorecard provided on page 11.

Treaty 4 Negotiation

Confidential Instructions for the First Nations Representatives

The date is September 15th, 1874. This student group will act as the Chiefs of the Assiniboine, Cree and Saulteaux peoples as they enter into a Sacred covenant with the British Crown. There is tension leading up to this day. The Saulteaux are aware of dissatisfaction from the other Treaties, so they are hesitant to be there. The Assiniboine are hunting buffalo, so they are unable to attend. There is division between the different tribal lines, and it has been difficult to determine who should be representing the First Nations people at the signing of the Treaty. There is pressure to get this negotiation right because of its impact on First Nations peoples future.

Around 2000 First Nations people are on location in Fort Qu'Appelle because of the sacred covenant between these people and the Creator. Near the time the Treaty is supposed to occur, the Saulteaux decided that they do not want to negotiate at the Commissioners location because it belonged to the Hudson Bay Company (HBC), and Saulteaux didn't trust the HBC because of previous experiences. Reluctantly, the Commissioners relocated to Saulteaux grounds. After numerous delays, it is agreed by the differing Tribes that the groups must work together for the benefit of their people. The lead negotiator for the Crown has added to the tension by saying he can't stay much longer.

The lead Commissioner for the Crown outlined the Queen's promises, including reserves, agricultural provisions, schools, and annuities. The negotiation will affect the livelihood of First Nations people and the colonial settlers as well as their relationship in the future. You will need to consider how the relationship between the two sides will be affected.

Students:

You group is representing the Saulteaux, Assiniboine and Cree First Nations people in this debate. You want the best for your people, and you are cautiously optimistic that the Crown has your best interests in mind as you proceed through the process. Discuss, as a team, how you want to conduct the negotiation. First, discuss what you believe is reasonable for the six items listed below. Then decide which student(s) will negotiate each item. You will negotiate each item before proceeding to the next and you will follow the order in which they are listed below. If you are not happy with what is occurring for one or more items during the negotiation with the Crown group, you can request a pause from that item. After the rest of the items are discussed, there will be a quick team consult to discuss how to proceed with the negotiation, and then the negotiation will continue for the missed item. This option can only happen once.

Negotiable Items

1. You know that the Crown wants your land so they can develop it. They don't seem to have the same respect for the land or any obligation to live in harmony with it, but you need to concede some land to secure your peoples' future. Protect your land. Try to secure 1 sq mile for every First Nation's person as reserve land. Expect to be challenged on this. They will likely want 1 sq mile for more than 5-10 people.
2. Your people will need help financially. Try to secure money in terms of annuities for each headman, and each First Nation person.
 - a. \$5-20 for each headman
 - b. \$5-20 for each individual

- c. Also, request clothing for the Chiefs every 2 years.
3. To help with hunting, you will need supplies. Negotiate a dollar amount of powder, shot and twine that will be provided annually. Get as much as you can: your range is \$500-\$2000
4. Education is essential. The Crown has said they will help with the teaching of First Nations' people. Brainstorm with your group to determine what would be acceptable. In the negotiation, see what is offered. Determine what would be best for your people and make a decision with what you think is reasonable.
5. Hunting/Fishing/Trapping rights are still extremely important to the livelihood of First Nations people. The right must be respected, and you are not willing to negotiate paying a license fee, or limit times when you can carry out these activities.
6. Families require supplies and animals for agriculture and carpentry. Request several options here:
 - a. agricultural supplies and seed for every family
 - b. 1 plough and 2 harrows for 5 families
 - c. 2 oxen, 2 bull, and 8 cows and carpenters' tools

Confidential Instructions for the Crown for Treaty 4

The date is September 15th, 1874. You are located in Fort Qu'Appelle to negotiate Treaty #4. There are thousands of people here to witness the signing of the Treaty. The impact of this negotiation will impact the future of this land. Alexander Morris, Lieutenant-Governor of Manitoba and the North West Territories, is the senior negotiator. He is accompanied by David Laird, Minister of the Interior and a former HBC worker, William J. Christie. Your role is to secure land for the Crown because of the potential for economic development. As per the Proclamation of 1763, the Crown cannot just take the land; it must buy it from the Indigenous people and then sell it to the settlers. You respect the rights of the Indigenous people, and you feel that a Treaty is the best way for both parties to move forward. There has been challenges up to this point and the Treaty negotiation has been delayed for several days. The First Nations groups are divided along tribal lines and are struggling to determine who should negotiate on behalf of the group. On the original date of negotiation, half of the Assiniboine people are not present because of hunting, so the date was pushed back. Lately, the Saulteaux people are unhappy that the Treaty signing will occur on the Hudson's Bay Companies land, so they requested the location to be changed to Saulteaux lands. Frustrations are high. The Chiefs have agreed to meet, and the Crown representative, Morris, has attempted to deescalate the tension by ensuring the First Nations people that the Crown will take care of them. The Crown has added to the pressure because you are required to get the Treaty signed soon in order to move on to the next group.

Students:

You will be negotiating Treaty #4. You are representing the Crown - specifically Morris, Laird and Christie. Get into the group that the teacher has assigned and discuss how, as a group,

you want to negotiate. First, read the items below and discuss what you believe are reasonable amounts to negotiate for each item. Then, decide which students will negotiate each item.

The negotiation will go in order of what is listed below with the group representing the First Nations people. If you are not happy with what is occurring for 1 or more items during the negotiation with the First Nation group, you can request a pause from that item. After the rest of the items are discussed, there will be a quick team consult to discuss what should be done, and then the negotiation will continue for the item. This option can only happen once.

The following items will be negotiated with the First Nations people.

Negotiable Items

1. You want as much land as possible for your people. There is huge economic potential, but you realize that the First Nations people don't want to give up their land. Be willing to concede 1 sq mile for every 15 persons. You may have to lower the number of people per sq mile but strive for 15.
2. The First Nations people are struggling due to the loss of bison herds. You are willing to pay annuities. They will request money for each headman, individual and clothing. Here are your ranges. Pay as little as possible. This will cost the Crown money forever.
 - a. \$5-20 for each headman
 - b. \$1-10 for each individual
 - c. Also, Chiefs need clothing every 5 years. Expect them to want this lowered but try to keep them at 5.

3. Hunting is a way of life for the First Nations people. They will expect some supplies, including powder, shot and twine. The Crown is willing to provide this, but only annually. Try to keep it around \$500 max.
4. As the Crown, we are supportive of the education of First Nations people. We don't know what it is they want, but we believe schools on their reserve should be sufficient. We are willing to build those schools for them. Listen to their requests. We are hoping that is enough contribution from the Crown.
5. Hunting/Fishing/Trapping rights are still extremely important to the livelihood of First Nations people. We would like to charge them a licensing fee that they would have to pay annually. We are not sure if they will be okay with a fee, so to make it more enticing, we will discount the license price at 50% of the cost to the settlers' license.
6. The First Nations people are trying to learn from our ways of agriculture, farming, and carpentry. We are willing to support them in their endeavours.

We suggest:

- a. agricultural supplies and seed for every 3 families
- b. a plough and 2 harrows for 5 families
- c. 1 ox, 1 bull and 4 cows. We will provide carpenter tools

Moderator Instructions

Allow the student 30 minutes to prepare for the negotiation. Help them to determine a plan about how they want to debate each item, who is negotiating, what are they striving for, etc.

Keep the students on task. After the 30 minutes, align the students in a way that could allow for a strong debate. At the start of the debate, recognize that this is a negotiation between the Crown and the First Nations people, and it will be a sacred agreement under the eyes of the Creator.

As the debate begins, you may have to set time limits on each item if the students are struggling to meet the time requirement of the class. Help them out wherever necessary. The goal is to learn about the challenges of the negotiation when so much is riding on the decisions.

Score both teams based on the criteria listed on the next page.

Following the debate, a class discussion is required to determine the class's performance and establish what was actually agreed to at Treaty 4. This is a great time to request thoughts about the negotiation and to ponder some of the following questions:

1. Based on what was agreed to, was it fair for both sides?
2. Will the items and annuities that the First Nations people agreed to be enough for the First Nations people to survive with for generations?
3. The Crown promised that they would take care of the First Nations people. Would you say the First Nations' people were taken care of?
4. How would this negotiation have gone if one side could not speak the same language as the other? All talks would have had to go through a mediator/translator.

First Nations group Treaty 4 scoring			
Item negotiated	Result	Scoring	
Land		1 Sq mile for every First Nations person	10 pts Deduct 1 pt for every additional person more than 1 per sq mile
Financial Annuities		20\$/headman 20\$/individual	10 pts Deduct 1 pt for every \$1 less than 20. 0 points for less than 10\$ 10 pts Deduct 1 pt for every \$1 less than 20. 0 points for less than \$10
		Clothing for Chiefs every 2 years	10 pts Deduct 1 pt for every year over 2
Financial support for hunting		\$2000 for supplies yearly	20 pts Deduct 1 pt for every \$100 less than \$2000
Education		A school on the reserves and education	20 pts Deduct 10 pts if no education. Deduct another 10 pts if no schools
Hunting/Fishing/Trapping rights		No license required, nor time restrictions	10 pts Deduct 2 pts for every restriction agreed to
Agriculture and Carpentry supplies		.5 pts for each item negotiated	10 pts Deduct .5 pts for whatever is not received
The Crown group Treaty 4 scoring			
Item negotiated	Result	Scoring	
Land		1 Sq mile for 15 First Nations persons	10 pts Deduct 1 pt for every additional person more than 1 per sq mile
Financial Annuities		5\$/headman 1\$/individual	10 pts Deduct 1 pt for every \$1 more than 5. 0 points for >\$15 10 pts Deduct 1 pt for every \$1 more than 5. 0 points for >\$10
		Clothing for Chiefs every 2 years	10 pts Deduct 3 pt for every year under 5
Financial support for hunting		\$500 for supplies yearly	20 pts Deduct 1 pt for every \$100 more than \$500
Education		A school on the reserves	20 pts Deduct 10 pts for every item agreed to in addition to the schools
Hunting/Fishing/Trapping rights		A license fee at %50 discount	10 pts Deduct 2 pts for every additional %10 discount. 0 points for no license
Agriculture and Carpentry supplies		.5 pts for each item negotiated	10 pts Deduct .5 pts for every additional item accepted

Scoring Chart

Treaty Results – Actual

The written terms of Treaty 4 included:

- reserves of one square mile for every five persons,
- annuities of \$25 for a chief, plus coat and medal,
- a \$15 annuity per headman,
- and a \$5 annuity for each individual,
- a suit of clothing every three years per chief,
- blankets, calicoes and British flag (given once),
- \$750 worth of powder, shot and twine annually,
- two hoes, a spade, scythe, axe and seed per family,
- a plough and two harrows per ten families,
- oxen, a bull, four cows, carpenter's tools, five hand saws, five augers, a crosscut saw, a pit saw and a grindstone per chief,
- there was to be a school on the reserve,
- no liquor was to be allowed, and
- hunting, fishing and trapping rights would be respected.

Source:

Stonechild, B. (n.d.). Treaty 4 In *Indigenous Saskatchewan Encyclopedia*. Retrieved from https://teaching.usask.ca/indigenoussk/import/treaty_4.php

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