



# Keeping the Promise:

## The Path Ahead to Full Modern Treaty Implementation

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### **Keynote Address: The 40-Year Road**

#### ***Summary Notes***

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In the mid 1960s there was the case of Calder that made its way to the Supreme Court. This was a time when judges were not familiar with the field of Aboriginal rights so it was difficult to convince lawyers and judges that Aboriginals had rights. Calder wasn't the only decision of the Supreme Court that brought about change; Aboriginal people all around the country were making their own cases in their own ways, fighting for the acceptance of Aboriginal title.

Negotiations after the case of Calder took a long time. The Nisga'a leaders had a deep concern for the future of the people. They did not want to be characterized as victims. They were not merely negotiating a land claim but the future of their people. They were engaged in redefining the relationship between the Nisga'a and the dominant Canadian society.

Modern treaties are a remarkable achievement. They have protected traditional rights of hunting, fishing and trapping, which were always in jeopardy in non-treaty areas. Under these agreements they have established parks and wilderness areas and established new institutions (i.e. the Nunavut Land Claims Agreement established Institutions of Public Government, etc). The Nunavut Land Claims Agreement may be unique among modern treaties, as it acknowledges the contribution Inuit have made to Canadian Arctic sovereignty and Canadian History. This is very important.

Canadian land claim agreements are remarkable, as they provide the whole basis (in the northern regions, Arctic and sub-Arctic) for land use and land use planning. In fact, the Auditor General has pointed out that in the three northern territories (Yukon, Nunavut, North West Territories) where there are land claims agreements that are signed, there are institutions established for land use planning that involve local control and are far ahead of any measures the federal government has taken on its own to develop the land.

These agreements have made Aboriginal people major land owners and significant players in their local and regional economies. These modern treaties have altered the political, social, environmental, legal and constitutional landscape of Canada. Under s. 35 of the Constitution, the rights of Aboriginal people that have been established and written into these modern treaties are protected. These agreements are, as a result, constitutional agreements, part of the Constitution of Canada. This is an important and far-reaching development.

However, some promises have not been kept, some things have not been implemented, as often the representatives of the Crown have forgotten the idea at the heart of every land claims agreement: to start a new relationship, to reconcile in the long term.

These land claims are an important milestone in Canadian history. They are the result of the long term struggle of the Aboriginal peoples of Canada, and an important achievement for all Canadians.