

The Dakota Claim in Canada

Unlike other First Nations in Canada, the Dakota did not sign treaties with the Canadian government. Because of this they are still fighting for acknowledgment of their Aboriginal title.

The Canadian government maintains that the Dakota are American "Indians" who came to Canada as refugees in the 1860s. From this viewpoint, the Dakota are not Canadian Aboriginal people and therefore cannot gain treaty status. The Dakota feel that the Canadian government has used this explanation as an excuse to deny them the treaty rights they deserve.

There are nine Dakota bands in Canada today—four in Saskatchewan and five in Manitoba. The Sioux Valley Dakota Nation (west of Brandon) and Canupawakpa Dakota Nation (north of Pipestone) along with the Métis make up the only aboriginal groups in south-west Manitoba. A group of Dakota also lived on Turtle Mountain for nearly 50 years. Their tiny reserve was shut down in 1911 through a process of questionable legality.

The Canadian government's perspective towards the Dakota is based upon relatively recent history. In 1851 the Dakota signed a treaty with the American government, an arrangement that was influenced strongly by the guns of the American army and the words of the missionaries. The Dakota were forced to surrender all of their land. They were driven to uproot their villages, watching as strangers benefitted from the fruits of their land while they themselves became dependent upon the government for the yearly payment of goods that they received as part of the treaty arrangement.

The Dakota attempted to turn their

situation around in the summer of 1862 with the coordination of an armed revolt. This was an attempt to reclaim their lands, their lives and a different future for their children. What is known as the Dakota War or Sioux Uprising of 1862 was not a success, and in November of that year about 1000 Dakota arrived outside the gates of Fort Garry on the Red River (now the city of Winnipeg) seeking refuge from the American military. They arrived claiming that they had an historic right to be on British soil; that these lands were in fact part of their traditional territory. At the time, the Canadian government totally ignored the issue of whether or not the Dakota had title to Canadian lands, but "tolerated" the Dakota presence in Canada and allowed them to stay. This was partly a matter of grace, but also largely due to the fact that there was no army existent in Canada at the time to force the Dakota to leave. The Dakota received reserves, though these were less than half the size received by treaty First Nations.

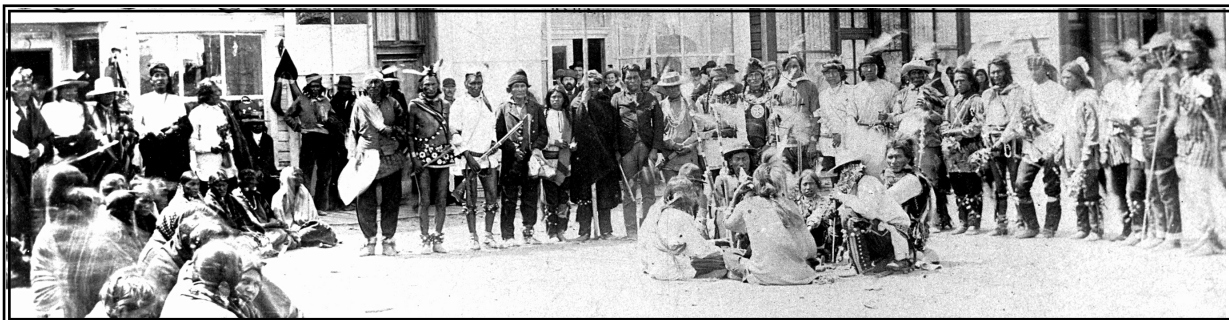
Almost a century and a half later, the Dakota in Canada are still fighting to have their claim for land and title recognised. The Canadian government's position seems flawed, especially because it is based on a very short segment of time in the long history of North America. The government's perspective is derived from the location of native bands as they were after European contact, and especially during the 1870s when treaties between the government and

"Canadian" First Nations were being negotiated. In Ottawa's opinion the Dakota have no right to Aboriginal title because they were not living in Canada during this window of time. This attitude has been adopted by successive Canadian governments so that today the perspective is 148 years out of date.

Though the Canadian government might view the Dakota as Americans, the Americans certainly don't. During the 1970s the American government was arranging a modern-day settlement with the Dakota in the United States. Canadian Dakota asked to be included in the settlement, but were denied by both the American government and the American Dakota Nations who regarded the Dakota now living in Canada as Canadian.

The argument of Aboriginal peoples being Canadian or American or stuck somewhere in between is a relatively recent creation of the European colonial system. The international boundary was officially agreed upon in 1846 but surveying and marking it on the prairie wasn't completed until 1874. Historically the continent of North America was a land unmarked by physical borders. To peoples who inhabited the plains since time immemorial, the invisible line that the United States and Canada drew between their countries was completely arbitrary, marked without the consent of resident indigenous peoples and not in line with traditional territories. Yet with the establishment of the border along the 49th parallel, suddenly it became important for Aboriginal peoples to identify as "Canadian" or "American" depending on what side of the line they lived on.

Historical evidence asserts that some Dakota did live permanently in what is now Canada prior to European contact. The border split the traditional lands of the Dakota into two pieces, and those that now live in Canada are in essence stranded on a portion of their own land. They



◀ Virden 1887:
Dakota pow wow.

resent that they are being made to feel unwelcome in their own territory. One Dakota elder asked the poignant question: "How would you like to be called a refugee in your own country?" Moreover, other Canadian First Nations have long recognised the Dakota as a Canadian people.

The validity of the Dakota claim to land in Canada is supported as much by archaeological evidence as by oral tradition. Early Dakota left behind fragments of pottery in Canada which date back 800 years. These fragments indicate part of the territory occupied by Dakota long before the contact era.

In addition to archaeological evidence, historical accounts support the conclusion that the Dakota once occupied land in Canada. The earliest European records that are available date back to the 1700s when fur traders came into contact with North America's indigenous peoples for the first time. Records kept by the Hudson's Bay Company indicate that the Dakota were active in Canada as far north as Churchill River in northern Saskatchewan. A group of Cree living in this area called their village *Kimosopuatinak*, meaning "Home of the Ancient Dakota," which confirms a strong Dakota presence here. Further research into historical documentation brought forth proof that the Dakota once inhabited much of the territory they now claim. From every decade between 1760 and 1860, at least one document (letters, sketches, etc) or an eyewitness account was found to attest to a Dakota presence in Canada. Meetings between these recorders of history and the Dakota occurred sometimes 100 years before the Dominion Government acquired the territory that today makes up Canada.

Though the ancient history attesting to the presence of Dakota in Canada forms the basis of the Dakota's claim to more land, they also argue that the Canadian government has an obligation to them due to their military help during the War of 1812. Military alliances between the British and Dakota go back to the 1760s when Britain took over full occupation of Canada and the North-West Territories. At this time the Dakota

established a friendly relationship with the British; one of peace, economy, trade, and military alliance. They pledged that they would have nothing to do with the Americans and would defend the English king in return for prom-

"How would you like to be called a refugee in your own country?"

ises of everlasting obligation from the British Crown. This pledge was honoured in the following decades of unrest. Even when the Americans pushed the British out of what became the United States at the end of the American Revolution of 1776, the Dakota refused to shift their allegiance over to the Americans. Thus, in 1812 when the British engaged in another military struggle against the Americans the Dakota were still willing to fight for British interests.

Upholding this military alliance had a strong negative effect on the Dakota. Not only did they suffer loss of life in the 1812 conflict, they didn't have time so late in the season to stock up enough food to last them through the winter. As a result, many Dakota starved to death. Nevertheless, the Dakota stood ready to defend their lands and those of the British, as agreed.

During the conflict there was nothing but praise from the British for their Dakota allies and reiterations that their interests would be staunchly safeguarded when the fighting subsided. The War of 1812 ended in 1814 when the Treaty of Ghent was signed by Britain and the United States. However, with its signing the Dakota were betrayed by the British who reneged on their promises and abandoned them to eke out what agreements they could with the American government.

In the fall of 2007 the Canadian government made an offer to the nine Dakota bands in Canada that was designed to resolve their grievances once and for all. The government was willing to offer the Dakota a one-time lump sum of \$60.3 million if they would renounce any claim to Aboriginal treaty rights. This resounded with Frank Brown, Chief of the Canupawakpa Dakota First Nation, who had this remark: "Canada stated that Dakotas have no rights in Canada. OK, then why are they offering us \$60 million to give up our Aboriginal rights?" This offer was not designed to be a

treaty or a settlement, but a total surrender of title – title that the Canadian government denies the Dakota have in the first place. The offer failed to acknowledge the Dakota's history on the land. The nine Dakota bands spread between Saskatchewan and Manitoba unhesitatingly and unanimously rejected this offer, seeing it as an attempt by the government to buy out their treaty rights. Wendy Whitecloud of the University of Manitoba thought it was a crazy idea to begin with: "[W]hy would you do that? Why would you give up everything for \$60 million? And what's the future going to be for the children?" Though in a lump sum, \$60.3 million sounds like a lot of money, after being divided among the 5000 Dakotas in Canada, it amounts to only \$12,000 per person.

If not compensation in the form of money, then, what is it that the Dakota want? What they want is the government's recognition of their Aboriginal rights in Canada in the form of a treaty. They're looking for a land base and a future for their people. They deem that it would be appropriate to negotiate adhesions to Treaties 4 and 6 which were both settled during the 1870s among Canadian First Nations. By gaining treaty status they would earn much more land and greater economic opportunities than the cramped reserves they currently live on. In accordance with the terms of the treaties they would receive at least 127 acres per person and entitlement to the benefits that other First Nations in Canada receive. The Dakota are looking for a way to establish themselves permanently in Canada where they can be on an equal plane with other Canadian First Nations and their Canadian neighbours.

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