

Royal Commission on  
Aboriginal Peoples



Commission royale sur  
les peuples autochtones

To His Excellency  
the Governor General in Council

May It Please Your Excellency

We have the honour to submit to you, pursuant to paragraph 10 of Order in Council  
P.C. 1991-1597, dated 26 August 1991, the Report of the Royal Commission on  
Aboriginal Peoples.

Respectfully submitted,

Handwritten signature of René Dussault in cursive script.

René Dussault, j.c.a.  
Co-Chair

Handwritten signature of Georges Erasmus in cursive script.

Georges Erasmus  
Co-Chair

Handwritten signature of Paul L.A.H. Chartrand in cursive script.

Paul L.A.H. Chartrand  
Commissioner

Handwritten signature of J. Peter Meekison in cursive script.

J. Peter Meekison  
Commissioner

Handwritten signature of Viola Robinson in cursive script.

Viola Robinson  
Commissioner

Handwritten signature of Mary Sillett in cursive script.

Mary Sillett  
Commissioner

Handwritten signature of Bertha Wästén in cursive script.

Bertha Wästén  
Commissioner

October 1996  
Ottawa, Canada

against the oral agreement, because of language and cultural barriers, must be given consideration when interpreting their meaning.

As we have seen from these brief descriptions of the individual treaties, from the perspective of the First Nations there were several basic elements or principles involved in the treaty-making process. In making treaties both parties recognized and affirmed one another's authority to enter into and make binding commitments in treaties. In addition, First Nations would not consider making a treaty unless their way of life was protected and preserved. This meant the continuing use of their lands and natural resources. In most, if not all the treaties, the Crown promised not to interfere with their way of life, including their hunting, fishing, trapping and gathering practices.

The Crown asked First Nations to share their lands with settlers, and First Nations did so on the condition that they would retain adequate land and resources to ensure the well-being of their nations. The Indian parties understood they would continue to maintain their traditional governments, their laws and their customs and to co-operate as necessary with the Crown. There was substantive agreement that the treaties established an economic partnership from which both parties would benefit. Compensation was offered in exchange for the agreement of First Nations to share. The principle of fair exchange and mutual benefit was an integral part of treaty making. First Nations were promised compensation in the form of annual payments or annuities, social and economic benefits, and the continued use of their lands and resources.

These principles, which were part and parcel of the treaty negotiations, were agreed upon throughout the oral negotiations for Treaties 1 through 11. They were not always discussed at length, and in many cases the written versions of the treaties are silent on them. In these circumstances, the parties based their negotiations and consent on their own understandings, assumptions and values, as well as on the oral discussions. First Nations were assured orally that their way of life would not change unless they wished it to. They understood that their governing structures and authorities would continue undisturbed by the treaty relationship. They also assumed, and were assured, that the Crown would respect and honour the treaty agreements in perpetuity and that they would not suffer — but only benefit — from making treaties with the Crown. They were not asked, and they did not agree, to adopt non-Aboriginal ways and laws for themselves. They believed and were assured that their freedom and independence would not be interfered with as a result of the treaty. They expected to meet periodically with their treaty partner to make the necessary adjustments and accommodations to maintain the treaty relationship.

Treaty negotiations were usually conducted over a three- to four-day period, with tremendous barriers created by two different cultures with very different world views and experiences attempting to understand and come to terms with one another. Negotiation and dialogue did not, and could not, venture into the meaning of specific terminology, legal or otherwise, and remained at a broad general level, owing to time and language barriers. Issues such as co-existence, non-interference with the Indian way of life, non-interference with hunting and fishing and retention of adequate lands would therefore