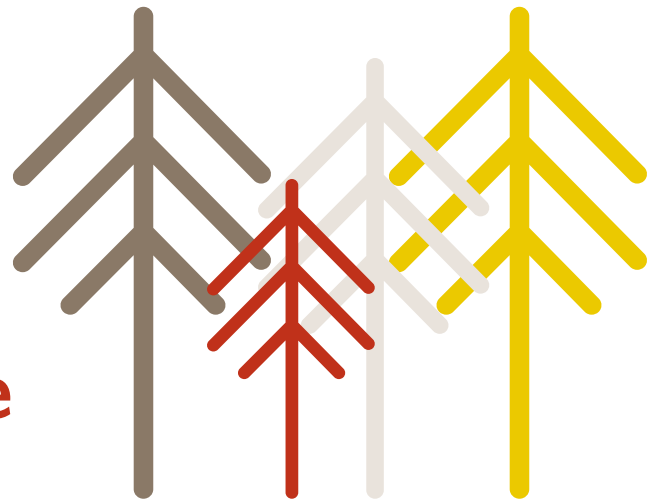


Our home on native land:

# A Brief History of the Unifor Education Centre



- APPROX. TRADITIONAL TERRITORIES OF THE SAUGEEN OJIBWAY NATIONS
- APPROX. CURRENT SAUGEEN NATION LAND



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# A Brief History of the Unifor Education Centre

## Our home

For over fifty years workers in our union have been learning about social justice and worker issues at our Education Centre here in Port Elgin. It is a place where we come together to build lasting friendships, develop our confidence to take action in the workplace, and learn about how we can build stronger unions and more inclusive communities.

In 1956 the United Auto Workers (UAW) purchased the land where the Unifor Education Centre now stands from Gobleholm Lodge, for \$37,000.00. The purchase money came from local unions that contributed at a rate of one dollar per member. To conduct needed renovations, the union's Council sold raffle tickets - 50 cents each or three for a dollar. The ongoing expenses of the Centre would be covered by an assessment of one cent per member. The official opening of the Centre was on the weekend of June 22-23, 1957.

Over the years, education programs gained increasing importance in the union. The negotiation of Paid Education Leave programs, beginning in the late 1970s, rapidly expanded the development of education and the use of the Education Centre. In the mid-1980s the Canadian Auto Workers union had gained independence from UAW, and the union could now make its own independent decisions on the future of the Centre. After extensive debate at the 1986 Council meeting, union delegates voted overwhelmingly to entirely rebuild the facility.

Today the Unifor Education Centre is a year-round, 47-acre site combining the best of a natural woodland setting and state-of-the-art technology. The buildings were constructed using union labour, and wherever possible, from products and materials that are Canadian and union made. The large wooden beams throughout the Centre are made from British Columbia fir. The Centre employs office workers who are members of the Canadian Office & Professional Employees (COPE) union and up to 75 service workers who are members of Unifor Local 2458.

## Our community

The Centre is located on the unceded territory of the Saugeen Nation. Archaeological evidence indicates that the area along the Bruce Peninsula has been populated since the early Woodland Period (1000BCE to 200 BCE) by the Saugeen Ojibway, known as Chippewa by English settlers<sup>1</sup>.

Today the Unifor Education Centre has established a positive relationship with the Saugeen Nation. Our members have been guests at the Saugeen Amphitheatre for cultural and community events and Saugeen Nation members regularly use our facilities for their gatherings. Many of our conferences and programs are opened by elders from the nearby reserve. As a union we are committed to the recommendations laid out in the Truth and Reconciliation Commission of Canada Report - Honouring the Truth, Reconciling for the Future, 2015. Unifor understand that Indigenous peoples in this country have some of the longest outstanding grievances and that Canadians and social justice activists must commit to understanding and righting the wrongs of the past.

What follows below is the story of the "surrender" of two million acres of the traditional territory of the Saugeen Ojibway, also dubbed one of the biggest government land grabs in history.

Tobermory, Meaford, Goderich, Cape Croker, Owen Sound and Orangeville are all located in the traditional Saugeen Ojibway Nation Territory. It's important that as inhabitants or occupiers of this land we understand this history.

<sup>1</sup> Iroquoian-speaking Wendat (or Wyandotte) Nation also lived in this area, as did the Petun people.

The following history has been provided by the Saugeen First Nation Newsletter Special Claims Issue Mnookmi 2011

# History of the Territory

The Saugeen Ojibway Nation's (SON) territory was approximately two million acres when the Europeans arrived in the area. The British initially dealt with the Ojibway Nation on a nation to nation basis. They formed military alliances to advance British interest in the region. As the British came to military power, the British policy began to change. The Crown sought what they considered to be Land surrenders by negotiating treaties with First Nations throughout the late 18th and into the 19th centuries. This left many bands without enough lands to support themselves.

The First Nations had a different understanding of what treaties with the British meant. It was thought that the treaties were a means of building nation to nation relationships and protecting the relationship that Indigenous Peoples had with their land. The SON and the British concluded a treaty in 1836 that dealt with the SON's traditional territory. In exchange for opening up a portion of their land for settlement, the British promised the SON that the second Peninsula would be protected forever for their use. But not too long after, the government claimed that it could no longer protect the second Peninsula from settlers unless that land was subject to another treaty with the Crown. This resulted in treaty 72 in 1854 where the SON allowed much of the land on the peninsula to be opened up to settlement, believing that there was no other way for the Crown to protect the bands interests.

## The Treaty 72 Claim is not about:

- Return of land in private hands;
- Compensation for loss of use of the fishery;
- The validity or invalidity of Treaty 45½; or
- Implementation of the Treaty.

The claim is not about whether the treaty was properly implemented, i.e. Did the SON get full value for lands, or what happened to the money from the land sales. This would be a separate claim.

## Treaties and surrender of lands

Treaties are agreements between First Nations governments/bands and the Crown. While the Crown used treaties to gain access to land for settlement and mining, First Nations understood treaties as building nation-to-nation relationships and protecting their relationship to the Land. The Crown often promised to protect the rights of First Nations and to set aside tracts of land for the exclusive occupation and use of the First Nations and its members.

## The Treaty 72 Claim

In 1854, the SON (Saugeen Ojibway Nation) signed Treaty 72 with the Crown. The treaty dealt with land on the Saugeen Peninsula. The SON is challenging Treaty 72 based on the following:

### The Crown accepted a duty to protect the Saugeen Peninsula for the SON.

In Treaty 45 ½, 1836, the Crown assured the SON that if the First Nations allowed land in the southern part of its traditional territory to be opened for settlement, the Crown would protect the Peninsula for them forever.

### Where else do we find the Crown's duty to protect the land?

It can be found in the following legal contracts or documents:

- Royal Proclamation of 1763;
- Treaty at Niagara, 1764;
- Queen Victoria's Declaration of June 29, 1847 confirming the rights of the SON to the Peninsula; and
- Proclamation of November 1851, a declaration that provisions of the Indian Lands Protection Act applied to the Peninsula.

## The Crown breached its duty to protect the Saugeen Peninsula for the SON.

In negotiating Treaty 72, 1854, the Crown stated it was unable to protect the Saugeen Peninsula from European settlers. The Crown also said that if the SON allowed settlement on most of the Peninsula, the Crown would set aside reserves for the exclusive use of the First Nations and their members and the SON would get the proceeds of the sale of the land.

The day after Treaty 72 was signed the Crown did take steps to prevent settlers' trespass that would impact land sales, even though the Crown had claimed it could not protect the land for the SON.

The Crown did not properly advise SON about their rights to the land.

If, based on the above, a court finds that Treaty 72 was unfair to the SON, then the SON is entitled to some kind of remedy.



## What does “equitable” mean?

It's important to understand the difference between equitable validity and common law validity. The distinction stems from the way the British legal system developed historically.

Challenging the treaty's common law validity would mean asking a court to find that everything that happened to the land since 1854 is illegal and must be reversed.

Instead, the SON is challenging whether Treaty 72 is equitably valid, which means asking the questions:

Given all the circumstances, was Treaty 72 fair to the SON?

If it was not fair, what remedy can the SON be awarded without creating injustice to people who may have bought the land, but did not participate or even know about the Crown's breaches of duty?

## What if the 1854 Treaty did not happen?

- The SON would have still owned some or all of the land in the Bruce Peninsula; and
- The SON would have used some or all of the land from 1854 to present for personal use, or for profit.

To the extent possible, if the claim is successful, the court must consider this question and try to wind back Treaty 72 as much as legally possible. This is done through **compensation** and where it is appropriate, the **return of land** to the SON.

## Return of Land

If the land is privately owned, the court will not order its return.

About 10% of the Saugeen Peninsula is in the hands of the federal government, including:

- National park lands;
- All lakes and rivers; and
- Any original road allowances<sup>2</sup> and shore allowances<sup>3</sup>, which municipalities obtained without paying for them.

If the land is privately owned, the court will not order its return.

About 90% of the Saugeen Peninsula has been sold to people who bought it in good faith and are not to blame for the Crown's broken promises. However, a court may order the government to compensate the SON by paying what the land is now worth plus compensation for loss of use of the land for 150 years.

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<sup>2</sup>Road Allowances are strips of land reserved for use as road when a surveyor first surveyed the land. Sometimes roads end up being built on them, and sometimes the land is unsuitable for road building, so roads end up being built on land elsewhere.

<sup>3</sup>Shore Road Allowances are road allowances located at the edge of a river or lake.



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*“Stewardship is about taking care of our Lands, Waters and preserving all of Creation. It’s like the Miigizi (Eagle) and the Kokokohoo (Owl) who watches, listens over movements of the day.*

*If we close our eyes and ears, we are going to miss an important piece for our People. We need to take care of our Land, Waters, Fish, Animals, People, Children, Elders, and Those Ones Yet to Come. Our Anishinaabe language and Mother Earth is our base and foundation and we must continue to keep them alive and well.*

*Also, we cannot forget about our Ancestors and our burial grounds. We need to be in control and not let others walk over us. All of our community members have a voice and need to be heard.”*

Elder Shirley John

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