

# Aboriginal land claims in canada

[Countries](#), [Canada](#)



Aboriginal land claims is the proposition contained in formal statements that are submitted to the provincial and/ or federal government by Aboriginal community claiming that the Crown has not honored its obligations or commitment in respect to treaty or Aboriginal rights as pertains land ownership and usage.

Aboriginal land claims are Aboriginal (or Native) people's claims about their land ownership rights which they inhabited before settlers, primarily Europeans arrived. It is a process that has been active for several decades in countries such as Canada, Australia and New Zealand.

This dispute has been in existence due to the native populations' displacement from their historical land or territory by the European settlers' arrival.[1]

The federal government is particularly involved in most Aboriginal land claims as the primary jurisdiction organ in this matter. The provinces are specifically involved in the sense that their involvement basically rests in ascertaining historical occurrences that gave rise to such claims. Most of these claims require such assertion on private property, natural resources and Crown lands.

The original treaties are therefore considered to evaluate the extent they have been honored or dishonored and the necessary redress in case of dishonor of the same.

There is marked difficulty in defining aboriginal rights due to the diversity of the aboriginal cultures but most commonly, these aboriginal rights are defined as collective, inherent rights flowing from their traditional land

occupation which is now the present Canada and other orders which are basically social pre-contacts.

To many, this implies independence rights through culture, land, resources, governance and other aspects in respect to their self-determination.[2] This is as the Inuit, Métis and Indian peoples of Canada assert their rights. In this respect therefore, the nation, environment and race context must be put into consideration in dealing with this controversial issue that have raised much conflict and debate for several years.

The 7th October, 1763 Royal Proclamation had been organized such that the North American's new acquisitions by the Britain's governments would not interfere with the Indian's land interests, particularly in the Ohio Valley.

It was also supposed to end the Great Abuses and Frauds. The major reason that led to this declaration was the fact that this area which was referred to as " Indian Territory" was reserved by the Royal Proclamation since it had not been ceded to or purchased by the British governments. It was thus reserved to them for their hunting endeavors and these Indians were not to be disturbed or molested even though they remained under Britain's protection.

Much of the 20th Century Northern Canada's development and settlement process has been subjected to these land claims which have been comprehensive for past thirty years, and as a result have undergone some significant transformational changes.

This is as the aboriginal people have engaged themselves in the encroachment process concerning their customary livelihood restrictions as well as the transformation of their traditional territories.

This involved; sedentarization and population relocation, governmental restrictions on fishing and hunting, river systems contamination, diversion, alterations, impoundment and pollution.[3] In the 1970s, Aboriginal legal and political action stimulated formal process establishments that were aimed at Aboriginal land claims resolution and revision of the treaty rights as well as the Aboriginal judicial interpretation.

This is particularly seen in the geographers' documentation of the claims. Furthermore, these documentations overtly expounds these remedies' effectiveness as concerns the Canadian perspective changes towards the northern Aborigines, development and environment, and how the northern Canada resource regimes have been altered by these land claims. There is therefore need for cultural understanding and personal awareness development that will foster positive attitudinal reflections on indigenous people's contribution to overall Canadian development.

[1] Charlesworth Max, 1984. The Aboriginal Land Rights Movement. New York: Hodja Educational Resources, pp. 45

[2] Brock Peggy, 2001. Words and Silences: Aboriginal Women, Politics and Land. New York: Allen & Unwin, pp. 32

[3] Crane John, 1994. Directions for Social Welfare in Canada: The Public's Review. University of British Columbia Press, pp. 12