

Traditional Territory

The term *traditional territory* refers to the areas of land and water occupied and used by Aboriginal peoples prior to European colonization and settlement. Most Indigenous peoples in Canada and around the world have existed in symbiotic cultural, linguistic, and ecological relationships with their traditional territories for thousands of years (Cajete, 1994).

Aboriginal peoples across Canada systematically organized their traditional territories using a variety of geo-political systems. For example, trap lines, trails, hunting, fishing, farming, and gathering grounds, and prominent geographical features such as rivers, lakes, and mountains were all used to divide and manage territories (Brody, 1998; Rivard, 2008; Tobias, 2009). These systems typically ensured equitable access to resources for all members of a community (Rivard, 2008). Some of these systems, such as trap lines divided amongst family groups, are still in place today (Brody, 1998).

In some cases, communities' traditional territories were taken into account during the signing of treaties while in others they were ignored or misunderstood. Such misunderstandings and misrepresentations have led to further confusion and tension in modern day resource and treaty negotiations, especially in areas where no treaty was ever signed such as a large percentage of British Columbia (Alfred, 2009).

Aboriginal peoples' right to continue hunting, fishing, cultivating and harvesting in their traditional territories was affirmed in most treaties as well as in Section 35(1) of the Canadian Constitution of 1982 (Natcher, 2001). These rights have been further clarified through a series of court cases related to natural resource development in Indigenous territories. High profile cases such as *Delgamuukw v. British Columbia* and *R v. Sparrow* (Natcher, 2001), and most recently, *Tsilhqot'in Nation v. British Columbia* (2014) have clarified Aboriginal peoples' right to consultation, accommodation, and, in some cases, consent with regard to resource developments in their traditional territories.

One strategy commonly employed by Indigenous communities to clearly establish historical and contemporary occupation and use of their traditional territory is a *traditional land use study* (Brody, 1998; Tobias, 2009). Traditional land use studies (TLUS) are not without their limitations as it is exceedingly difficult to adequately represent thousands of years of occupation, use, and profound connection to traditional territory (Natcher, 2001), but they do assist communities in mapping their territories and confirming the uses that they had and continue to have for individual sites and subdivisions within that territory. However, there are limits to the types of knowledge that may be shared publicly (e.g. the location of sacred sites). As such, digital technologies have greatly assisted communities by providing tools to share certain types of knowledge publicly while reserving others for individual or community use only (Tobias, 2009).

Traditional land use studies not only allow communities to establish rights and title to territory for the purposes of treaty and resource negotiations; they can also serve an educational purpose as Elders' knowledge may be preserved and shared with younger generations (Tobias, 2009). Awareness of the cultural significance of traditional territories and associated Aboriginal rights is important for Indigenous and non-Indigenous peoples alike. Greater understanding of historical connections and contemporary policies will reduce sociocultural tension regarding rights to land, water, and resources and promote cooperative rather than confrontational approaches.

References

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