The Land Was Taken. The Obligations Remain.

Land, broken promises, and the long shadow of cultural genocide in Canada

Some thoughts ahead of National Day for Truth and Reconciliation 2026

By Ted Yudelson | September 26 2026

I recently stumbled upon an article entitled ***"No, you are not on Indigenous land".*** It gave me pause and the impetus to offer a more substantial response. In it, the American economist Noah Smith argued that land acknowledgements rest on a troubling idea: that territory rightfully belongs to ethnic groups by bloodline. Every piece of land, he says, has been conquered and reconquered many times over, so there is no "original" owner to return it to. Assigning land by ancestry is ethnonationalism, whatever its intentions.

The argument deserves to be taken seriously, and to his credit Smith supports honouring the legal obligations owed to Indigenous nations. He even praises the Squamish Nation's Sen̓áḵw housing project in Vancouver. Our disagreement is about what those obligations rest on, and about what an acknowledgement means. In the Canadian case, it rests on a false premise. Smith assumes that Indigenous land was lost the way land has always been lost, through conquest. For the most part, that is not what happened here.

Conquest and negotiation are different things

Conquest is taking by force. It is brutal, but it is honest about what it is. The conquered know they have lost.

Negotiation is something else. When a stronger party sits down to bargain, it is choosing to make promises, and it enters a relationship with obligations. That choice was made at the very foundation of Canadian law. The *Royal Proclamation of 1763* declared that Indigenous lands could be acquired only by the Crown, and only through public agreement with the nations who held them. Canada inherited that principle. Its own legal starting point, in other words, was that Indigenous nations held land that had to be obtained by consent.

What followed was a long pattern of consent obtained in bad faith, or not obtained at all.

- **The Numbered Treaties (1871–1921)** were negotiated in English, through interpreters, often with nations facing famine and epidemic disease. The promises spoken at the treaty table (sharing the land, protecting a way of life, providing medicine and schooling) frequently bore little resemblance to the written text, which spoke of the nations agreeing to "cede, release and surrender." Canadian courts now read treaties according to their spirit and intent, precisely because the written versions so often failed to reflect what was agreed.
- **In British Columbia, most land was never treatied at all.** Apart from the small Douglas Treaties on Vancouver Island and Treaty 8 in the northeast, the colony simply took. Here in the Fraser Valley, the reserves first laid out for the Stó:lō were later sharply reduced by officials who denied that Aboriginal title existed. Further "cut-offs" followed in the early twentieth century. Stó:lō territory, including the ground Abbotsford stands on, remains unceded. The Supreme Court of Canada has confirmed that such title survives: in *Delgamuukw* (1997) and, decisively, in *Tsilhqot'in* (2014).

- **The law was then rewritten to prevent redress.** From 1927 to 1951, the Indian Act made it illegal for First Nations to raise money or hire lawyers to pursue land claims without government approval. The potlatch, the ceremonial and legal institution of many West Coast nations, was banned from 1884 to 1951. And on the Prairies, a pass system confined people to their reserves (more on this below).

This is why "conquest" is the wrong word. Indigenous nations in Canada were told they were partners. Then the rules were changed around them, and the courthouse door was locked behind them.

These are not distant disputes about which people arrived first. They concern agreements made in the Crown's name, land our governments took without agreement, and barriers they placed in the way of redress.

The distinction matters, and it answers Smith directly. **A treaty is a promise**, a continuing obligation. Where no treaty was ever made, as across most of British Columbia, the question of title and of the Crown's duties does not disappear with time. Neither depends on bloodline in the way Smith imagines. These are the claims of any party to an agreement that the other side broke, or never honoured, or never made at all when the law required it. Such obligations don't expire with time.

Like many others, Smith treats bloodline, race, ethnicity and rights as if they were the same thing. That confusion tells us more about settler assumptions than about Indigenous rights. Ancestry does matter: those who hold these rights today descend from the peoples who lived here before colonial settlement, a connection to this land reaching back thousands of years, far longer than any settler family's. But race has nothing to do with it. The Stó:lō hold these rights because they were here first, and our own law recognized that. To make a lawful place for ourselves here, that law required either conquest or treaty. Across most of British Columbia, we did neither. We simply moved in and acted as though Indigenous rights did not exist, a convenient fiction we still benefit from. Now Indigenous nations are using our own courts to hold us to account.

A reserve is not a homeland

What was taken wasn't only acreage. It was a way of life.

Before contact, most Indigenous nations lived across wide territories, moving with the seasons and following the rhythms of salmon runs, game migrations, berry harvests and plant cycles. Some were largely nomadic. Others, like the Stó:lō, kept permanent winter villages but travelled a seasonal round across a broad territory to fish, hunt and gather. Either way, their economies, their laws and their spiritual lives were bound up with the land as a living whole. They were not simply occupying it; they were in relationship with it.

The reserve system cut that relationship. Nations were confined to small parcels, often chosen for settlers' convenience rather than for the needs of the people placed on them. In British Columbia, reserves were a small fraction of the size of those set aside under the Prairie treaties. A people who had lived by moving across a landscape was now expected to stay put on a patch of it.

On the Prairies, that expectation was enforced. The ***pass system***, introduced in 1885, required First Nations people to obtain written permission from the local Indian agent to leave their reserve, whether to hunt, visit family, or sell goods in town. It was never law; it was an administrative practice, enforced by the North-West Mounted Police, and it

persisted in places into the 1940s. Elsewhere, fishing and hunting regulations did similar work, increasingly criminalizing the very practices people had always lived by. On the Fraser, the river at the heart of Stó:lō life, Indigenous fishing methods were restricted and the sale of fish forbidden, even as commercial canneries flourished downstream.

The effect was to make self-sufficiency impossible and dependence inevitable, and then to treat that dependence as a failing of the people rather than a consequence of policy.

Worse than taking the land

Land can be returned. Land can be compensated. What the residential school system took cannot.

For more than a century, until the last school closed in 1996, some 150,000 First Nations, Inuit and Métis children were removed from their families and placed in institutions funded by the federal government and run by the Catholic, Anglican, Methodist (later United) and Presbyterian churches. The stated purpose was assimilation: to remove the Indigenous identity from the child. Languages were forbidden. Siblings were separated. Abuse was widespread. Thousands of children died, many of them buried without record and without their families ever being told. Two such schools stood within a short drive of Abbotsford: St. Mary's in Mission and Coqualeetza in Chilliwack.

In 2015 the *Truth and Reconciliation Commission* concluded that the system amounted to ***cultural genocide***. The federal government, and eventually each of the churches involved, have apologized.

The reserve system had taken the land. The schools went after something deeper: the ties that carry a people from one generation to the next. Indigenous nations survived, and their resilience is real. But much of what they would ordinarily pass down was deliberately broken: language, ceremony, extended family, and the simple experience of being raised by one's own parents. Children who grew up in institutions returned home unable to speak with their grandparents, and often without ever having been parented themselves. Many carried that trauma into their own families, not by choice, but because no one had shown them anything else.

This is what the Commission meant by ***cultural genocide***. It does not set out to physically kill but rather to quash the essence of a person. In some ways I find it worse than killing. It rips the soul from its victims and leaves them to live on without any firm foundation of personal identity, cut off from the world they were taken from and never truly welcomed into the one that took them.

Seen this way, the ***intergenerational harm*** that followed is not at all surprising, and it is excruciating to witness. It is a documented pattern of harm, passed down as surely as any inheritance, weighing on the spirit of a people who are still very much alive and still living with its consequences.

Against all of this, Indigenous nations have worked hard to preserve and renew their languages, cultures and family ties, and they continue to do so today.

The taking of children did not stop

When the residential schools began to wind down, the removal of Indigenous children did not end. It moved to a new institution: *child welfare*.

Beginning in 1951, amendments to the Indian Act allowed provincial child welfare laws to apply on reserves, without the funding or cultural understanding to go with them. Social workers began removing Indigenous children in large numbers, often for reasons of poverty disguised as "neglect": overcrowded housing, no running water, a family judged by standards it had no means to meet. In what became known as the **Sixties Scoop**, which ran into the 1980s, an estimated 20,000 or more Indigenous children were taken and adopted out, mostly into non-Indigenous homes across Canada, the United States and beyond. Many lost their names, their languages and any link to their families and nations. Some did not learn they were Indigenous until adulthood.

The pattern continues today, in what some now call the "Millennium Scoop." In 2021, Indigenous children made up 7.6% of all Canadian children under 15, but 53.7% of children in foster care, up from 47.8% a decade earlier. A First Nations child is roughly eighteen times as likely to be in foster care as a non-Indigenous child. About half of First Nations and Inuit foster children, and nearly two-thirds of Métis foster children, live with non-Indigenous foster parents. Many of these children are the grandchildren of residential school survivors.

Numbers like these cannot be explained by the judgment calls of individual caseworkers. They were built into how the system was paid for. In 2016 the *Canadian Human Rights Tribunal* found that the federal government had knowingly underfunded child and family services on reserves, so that it was easier to take children into care than to help families keep them. That ruling led to a $23-billion compensation settlement for First Nations children and families, approved by the Federal Court in 2023. It also gave force to ***Jordan's Principle***, named for Jordan River Anderson, a Cree boy from Norway House who died in hospital in 2005, never having gone home, while governments argued over who should pay for his care.

There are signs of change. Since 2020, federal law has recognized Indigenous nations' own jurisdiction over child and family services, and the Supreme Court upheld that law in 2024. A growing number of nations are now building their own systems, grounded in keeping children within their families, communities and cultures.

Where the harm shows up today

The consequences of all this are still with us, and they can be measured.

- **Homelessness.** Indigenous people make up about 5% of Canada's population, but about 35% of people counted as homeless in the most recent national point-in-time counts. Federal researchers note the true figure is likely higher, since Indigenous people are more often among the unsheltered and the "hidden" homeless.
- **Incarceration.** Indigenous people now make up about a third of all federal prisoners, roughly double their share when Canada's last Correctional Investigator began his term. Indigenous women account for about half of all federally incarcerated women.
- **Child welfare.** As described above, more than half of children in foster care are Indigenous.

Worse yet, the reserves themselves often lack what the rest of Canada takes for granted.

- **Clean water.** As of May 2026, 40 long-term drinking water advisories remained in effect in 37 First Nations communities. *Neskantaga First Nation* in northern Ontario has been under a boil-water advisory since February 1995, more than thirty years. Progress has been real since 2015, when the federal government pledged to end these advisories, but the pledge has not been kept. That a wealthy country in the twenty-first century cannot guarantee safe drinking water to all its people is a travesty.
- **Access to goods.** Many reserves are remote, reachable only by air or by winter roads that are growing less reliable as the climate warms. Food, fuel and building materials must be flown in at great cost. In fly-in communities in northern Ontario, a bag of flour has cost as much as $40. Fresh, healthy food is often the most expensive of all, and food insecurity is widespread.

Remoteness is not an accident of geography. Many of these communities are where they are because government placed them there, on land no one else wanted. The hardship that follows is part of the same story.

All of this places heavy pressure on the systems we all fund and rely on: shelters, hospitals, courts, prisons, and child protection. But it matters how we frame that pressure. It is not a burden Indigenous people place on society. It is the bill for a century of policy, coming due, paid first and most painfully by Indigenous people themselves, and then by everyone.

The Supreme Court recognized this in 1999, directing judges in *R. v. Gladue* to consider the systemic and historical factors behind Indigenous offending. Ivan Zinger, on leaving the Correctional Investigator's office, made the same point from the other end: the way to reduce incarceration is to do better at the front end, with housing, education and health care.

What an acknowledgement is for

Which brings me back to Smith. He is wrong about what land acknowledgements rest on. In Canada, and especially in British Columbia, an acknowledgement isn't a blood-and-soil claim. It is a statement of legal fact (this land was never ceded) and a record of promises made and broken.

My own objection is a different one. Too often, the land acknowledgement has become an expected procedural performance rather than a heartfelt offering of recognition and conciliation. It is read from a card at the top of the agenda, in the same tone as the fire exits and the Wi-Fi password, and then the meeting moves on. Nobody in the room is changed by it. At its worst, it becomes a kind of permission slip: having said the words, we feel free to carry on exactly as before.

That is not what acknowledgement is meant to be. An acknowledgement worth making is personal and specific. It names the nation whose land this is, and says something true about what the speaker has learned, what that knowledge asks of them, or what they intend to do. It is spoken as if it matters, because it does. And it is followed by something. If an acknowledgement cannot be offered sincerely, it might be better to pause and ask why, rather than recite it out of habit.

In The Human Dignity Project's *Chain of Dignity*, acknowledgement belongs to the first links: **Noticing** and **Naming**. A chain, though, holds only if every link holds. Noticing and naming have to lead on to **Knowing** the local history, to **Curiosity** about the people and nations whose land this is, to **Care**, and then to **Action** and **Change**. In practice, that can mean:

- honouring treaties and recognized title in good faith, including in local land-use and development decisions;
- supporting Indigenous-led housing and economic development. Ironically, Smith's own favourite example, the *Squamish Nation's Senáḵw development* in Vancouver, is an exercise of exactly the land rights he argues against;
- supporting Indigenous jurisdiction over child and family services, now recognized in federal law;
- tracking and pressing for progress on the *Truth and Reconciliation Commission's 94 Calls to Action*;
- learning the history of the place we live, and listening to those who carry it.

Human dignity is not conferred by conquest, and it cannot be revoked by paper. But it can be deeply wounded by paper, by promises written one way and kept another. Paper can also record promises, affirm title and change policy. The land was taken; the obligations remain. The question is whether we will honour them.

Restoring dignity begins with telling the truth about how it was taken. On this National Day for Truth and Reconciliation, let acknowledgement be a beginning: tell the truth about this place, listen to those who know it, and let that knowledge guide what we do next.

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APPENDIX: What does this mean for my home?

If the land was taken and the obligations remain, a fair question follows for those of us who live on it now: what, in practice, does honouring those obligations ask of us?

In public debate, this question often arrives under the banner of ***"decolonization"*** or ***"Land Back,"*** and many people hear in those words a threat. If the land must be given back, does that include the house I live in? The fear is understandable. It deserves a straight answer, neither reassurance nor dismissal.

The obligations are ours, through our governments. The argument of this essay does not rest on race. It rests on promises made in the Crown's name and broken by our governments, and on land taken without the agreement our own law required. Those obligations are held by the Crown, which in practice means the federal and provincial governments we elect and fund, and so, in the end, us. The remedies that follow in Canadian practice have mostly been Crown land, compensation, shared jurisdiction, co-management, revenue-sharing, and support for Indigenous-led development. They have not been the eviction of families.

Settlements have protected private property. In British Columbia's treaty process, private land is not on the negotiating table except where an owner chooses to sell. Modern treaties such as those with the Nisga'a (2000) and Tsawwassen (2009) First Nations were concluded on that basis. In 2024, British Columbia recognized Haida title across Haida Gwaii, and the Province states plainly that this "does not impact anyone's private property, whether residential, commercial or industrial." Some legal commentators argue that the agreement leaves unclear how title and private ownership fit together in law, which is itself a reason to finish the work of settling it.

The law is not fully settled. In 2025, in the Cowichan case, the BC Supreme Court declared Aboriginal title over land in Richmond, including some privately held land. It did not order anyone off their property. It found instead that governments have a duty to negotiate how private ownership and title can be reconciled, with compensation among the options. A New Brunswick appeal court reached a different view in the Wolastoqey case the same year: that where land is privately held, the remedy is compensation from the Crown rather than a declaration of title. Both cases are under appeal, and the Supreme Court of Canada may have the final word.

Uncertainty is the cost of delay. The unease people feel is real. But it was not created by Indigenous nations pressing their claims. It was created by the failure of successive governments, over more than a century, to settle title when the law required it. Negotiated settlement is what brings certainty, for Indigenous nations and for everyone else living on the land. Delay helps no one.

Belonging is not only ownership. The Stó:lō relationship with this land was never about exclusive possession. It was about shared responsibility, kinship and care. Reconciliation does not ask anyone to leave. It asks us to live here as neighbours with obligations: to the land, to one another, and to the promises made in our name.

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