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Framing Indigenous–Settler Relations within British Columbia's Modern Treaty Context: A Discourse Analysis of the Maa-nulth Treaty in Mainstream Media

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Abstract

Media plays an integral role in (re)producing our social construction of reality. When viewed in light of Canada's colonial legacy, media's power has undoubtedly been implicated in circumscribing Indigenous peoples and Indigenous–settler relations. Employing a discourse analysis of mainstream media covering the recent (2011) implementation of a comprehensive land claims agreement in British Columbia, this study investigates how media has framed contemporary Indigenous–settler relations within the Canadian state. Findings indicate that mainstream media predominantly relies on stereotypes of Indigenous peoples and tends to neglect historical and current political complexities, thereby perpetuating stagnant Indigenous–settler relations. Concluding with empirically derived recommendations, this article points to education reform to create more robust mainstream media able to address stagnated (re)constructions of Indigenous–settler relations.

Keywords

Indigenous–settler relations, Maa-nulth Treaty, First Nations, British Columbia, Canada, comprehensive land claims, media, settler colonialism, discourse analysis

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Framing Indigenous–Settler Relations within British Columbia's Modern Treaty Context: A Discourse Analysis of the Maa-nulth Treaty in Mainstream Media

Settler colonial states are historically predicated upon settler immigration and implantation, consequentially displacing Indigenous peoples (Wolfe, 2006). Imperial explorers who began arriving in Indigenous territories in the 16th through 19th centuries to what was deemed the “New World,” introduced new diseases (e.g., influenza, tuberculosis, small pox) that would decimate many Indigenous nations (Waldram, Herring, & Young, 2006). During this period of turbulence, settlers capitalized on the original inhabitants’ weakened ability to resist settler imposition by colonizing and permanently occupying Indigenous territories (Miller, 2009). The rapid shift in demographics combined with the ethnocentric and oppressive settler worldviews of the 19th century resulted in the “White Man’s Burden” mentality, which essentially purported that it was the duty of settlers and their governments to Christianize, colonize, control, and civilize Indigenous peoples (Cardinal, 2011).

With territoriality being asserted on a statewide scale, legal–cultural mentalities derived from state possession of land transcended to settler society (Kedar, 2003). Through this assertion and adjoining legal apparatuses, settler society positioned itself as superior to Indigenous peoples and as owners of the New World’s lands and resources (Wolfe, 2006). Specific means through which territoriality was asserted, however, varied within different settler colonial contexts. The settler colonial states of New Zealand, Australia, and Canada, for example, all have distinct histories predicated upon Indigenous dispossession (see for example Armitage, 1995). What remains common across these colonial contexts is the institutional entrenchment and normalization of settler legal–cultural rights (Armitage, 1995; Kedar, 2003). Due to the dynamic nature of Indigenous-settler relations, and the heterogeneous histories that have created these relationships, every settler colonial situation is unique thus needing to be viewed in light of specific historical, legal, and social conditions.

The Canadian state is a particularly precarious example of tumultuous settler colonial histories. Canada’s colonial roots are demonstrated on the political landscape, which resembles a patchwork of legal tapestry. In Canada, settler colonial legal–cultural frameworks hold together treaties as part of a larger project of state sovereignty, an initiative dependent upon the dispossession of Indigenous peoples. Although many territories in Canada have been decided through historic treaties, the province of British Columbia (BC) is largely left out of this tapestry because much of it remains unceded to this day¹. A recent result of the Canadian state’s historical dismissal of Indigenous territorial possession and title is that many First Nations are now seeking compensation, predominantly through the legal system byway of the negotiation of modern treaties or court bound litigation. In the BC landscape, which is incredibly diverse and with each locale shaped by a distinct colonial history, local relations have to be considered in place and over time.

The intent of this article is to explore Indigenous–settler relations in a modern settler colonial context. Mainstream print media (newspaper) coverage of the genesis of the Maa-nulth Treaty (Maa-nulth Nations, 2008), a modern treaty implemented in British Columbia, Canada in 2011, as represented in

¹ Treaty 8 (1899) encompassing some Dene territories in the northeastern region of BC and the 14 Douglas Purchase Treaties (1850-1854) covering some Coast Salish and Kwakwaka’wakw territories on Vancouver Island were the only historic treaties signed in BC (Miller, 2009).

two media sources provided the empirical data for this study. Mainstream print media was specifically chosen due to its prominent role in informing dominant society about relevant current events (Warry, 2007), its ability to accessibly provide coverage over the decade long negotiation of the treaty, in addition to its portrayal as an objective source of information (Wakefield & Elliott, 2003). The Maa-nulth Treaty was specifically chosen due to the second author's longstanding research relationship with one of the Maa-nulth signatories, Huu-ay-aht First Nations (see Castleden, Garvin & Huu-ay-aht First Nations, 2009). The first author was invited into Huu-ay-aht and Castleden's research partnership to aid in a research project concerning community re-envisioning in a post-treaty era (see Sloan Morgan, Castleden & Huu-ay-aht First Nations, in press). The need for the research reported in this article, which assesses how Indigenous-settler relations, and by extension modern treaties, were portrayed in the media, emerged from conversations amongst the research partners that involved questioning the impact that media has on the general public's understanding of modern treaties in Canada. Before these questions can be addressed, however, it is necessary to situate the modern treaty process in BC.

BC's Evolving Landscape: Modern Treaties and Indigenous-Settler Relations

Home to over 30 distinct Indigenous cultures (or 203 colonially recognized First Nations), BC was initially colonized in the mid-19th century under the common law notion of *terra nullius*, or empty land. To make way for immigrating settler populations and ensure access to resources, First Nations were displaced without compensation (Harris, 2002). To regain ownership over a portion of their traditional territories and a relative level of self-determination, many First Nations in BC have entered into modern treaty negotiations with the provincial and federal government. To date, three modern treaties have been implemented in BC. Each of these treaties, the Nisga'a Treaty² (2000), the Tsawwassen Treaty (2009), and the Maa-nulth Treaty (2009), took well over a decade to negotiate. An independent tripartite body—the British Columbia Treaty Commission (BCTC, 2012)—was developed in 1992 to oversee treaty talks. In 1993, the BCTC presented a six-stage framework for negotiations (see Table 1). Despite the BCTC taking active measures to aid in the process of negotiations, the implementation of treaties (Abele & Prince, 2003) and measures to educate people about their nuances (Sloan Morgan & Castleden, 2014) are lacking.

Although modern treaty negotiations are moving forward, tensions between Indigenous and settler populations still exist in many areas of BC (Sloan Morgan & Castleden, 2014). These tensions risk being compounded since each modern treaty implemented in BC covers Indigenous and settler territory alike and encompasses resource-rich areas that settlers and Indigenous peoples depend upon for their livelihoods. Treaties are thus contested terrain with many settlers being unaware of the conditions for, reasons behind, or outcomes of treaties.

²In 1887, Nisga'a First Nation first attempted to negotiate a treaty with the Crown. Revisions to the Indian Act in 1927 prevented them from doing so by blocking their ability to raise funds to access legal council. Formal Treaty negotiation resumed in 1976; the Nisga'a Treaty was the first modern treaty to be implemented in BC.

Table 1. BCTC Six-Stage Treaty Negotiation Process

Stage	Description	Action Item	Signaled Completion
1	Statement of Intent (SOI)	First Nations signal intent to negotiate	BCTC, provincial, and federal governments acknowledge SOI
2	Readiness to Negotiate	All parties agree to negotiate	Once all parties indicate readiness to enter negotiations
3	Negotiation of a Framework Agreement	Parties determine an outlined agreement	Parties reach a consensus on outline
4	Agreement in Principle (AIP)	Public consultations and First Nations vote on AIP	AIP is voted in favour and all parties agree
5	Negotiation to Finalize Treaty	Final negotiations	All parties agree on Treaty conditions and sign off
6	Implementation	Treaty is implemented	Implementation

Note. Adapted from McKee, 2009; BCTC, 2012

The Maa-nulth Treaty

The Maa-nulth Treaty, involving five Nuu-chah-nulth First Nations on the west coast of Vancouver Island³, the provincial government, and the federal government, is the second treaty to be implemented under the BCTC framework. The Maa-nulth Nations began negotiations in 1994 under the umbrella of the Nuu-chah-nulth Tribal Council (NTC), an organization representing 14 Nuu-chah-nulth First Nations on the Island. Modern treaties are often seen as a way of answering “the Indian Land Question”—a historically evolving query concerning who owns Indigenous territories and how these territories, and subsequently Indigenous inhabitants, should be governed (Tennant, 1990). When negotiations for the NTC stalled at Stage Four of the BCTC Treaty Negotiation Process in 2001, five of the Nuu-chah-nulth First Nations formed a collective, known as Maa-nulth, and moved ahead at their own treaty table with the provincial and federal governments. When active negotiations resumed and on April 1, 2011, they successfully reached Stage Six: Treaty Implementation. The Treaty provided signatory First Nations with a level of self-determination not available to them under the long-standing federal Indian Act. Each signatory First Nation replaced the Indian Act with its own Constitution, which defined issues such as membership, taxation, the inclusion of hereditary governance in elected government, and decision-making power within fee simple, or owned, territories (Maa-nulth, 2003). Despite Maa-nulth First Nations negotiating under the banner of a single entity, the five First Nation signatories each has a geographically specific history and territory, which were addressed individually in the final agreement.

³ The five Nuu-chah-nulth Nations comprising the Maa-nulth Nations are: Huu-ay-aht First Nations, Ka:’yu:’k’t’h’/Chek’tles7et’h’ First Nations, Toquaht Nation, Uchucklesaht Tribe, and Ucluelet First Nation.

Media and the (Re)Creation of Indigenous Stereotypes

Media outlets largely act as providers of information and events impacting broader society (Herman & Chomsky, 2002; Said, 1981; Saul, 2008). Given that the federal, provincial, and Indigenous governments negotiate modern treaties on behalf of all of their citizens, these treaties impact everyone, thus begging the need for in depth media attention. However, many settler-Canadians are unaware of the structural and historical oppressions that have led to current tensions in Indigenous-settler relations (Godlewska, Moore, & Badnasek, 2010; Sloan Morgan & Castleden, 2014). It is argued that this “unknowing” results in settlers’ ignorance, which limits the ability of Indigenous and settler people to adequately redress racist and colonial attitudes that continue to exist in Canadian society (Castleden, Daley, Sloan Morgan, & Sylvestre, 2013; Regan, 2010). Journalists responsible for reporting the news are often members of the dominant society and they are privy to the same unknowing as the majority of the population (Belanger, 2002). When journalists’ lack of knowing is viewed in light of societal ignorance surrounding Indigenous issues, mainstream media is positioned to fall short in its attempt to adequately represent the complexity of modern treaties, thus losing its potential to comprehensively inform readers about current issues (Herman & Chomsky, 2002). In short, the general public continues to rely on media to guide them (Belanger, 2002; Said, 1981). The problem, though, is that these “facts” are commonly construed through the lens of dominant society (Castleden et al., 2013). Moreover, mainstream media’s tendency to simplify events is deeply problematic given that the general public is largely unfamiliar with the social and historical contexts associated with the negotiation and implementation of modern treaties in Canada (Miller, 2009; Sloan Morgan & Castleden, 2014).

The convention of excluding Indigenous voices from media further limits the ability to convey comprehensive news coverage (Anderson & Robertson, 2011). What media reports is arguably as important as what it omits (Harding, 2006) and, with this in mind, scholars have sought to explore media’s representation of Indigenous peoples, the reproduction of events impacting Indigenous peoples, and, in turn, Indigenous-settler relations to shed light on social sentiment and related policy implications (see Anderson & Robertson, 2011; Belanger, 2002; Furniss, 2001; Harding, 2005a, 2005b, 2006). For example, a study on the use of imagery and the representation of Indigenous cultures within Canadian newspapers found that “non-[Indigenous] cultures cling to historical notions of the ‘Indian’ as savage, childlike, noble, warlike, and unable to modernize,” concluding that “print-media, as an entity, is preset to defining [Indigenous cultures] in less than a favourable light” (Belanger, 2002, p. 396).

Exploring media’s representations of Indigenous peoples, Harding (2005b) suggested that due to the complexity of Indigenous rights, issues are presented in ways that “effectively deny or denigrate the inherent [and Treaty] rights of [Indigenous] people. [In doing so] the media exert a powerful and direct influence on *public policy* [emphasis added] towards [Indigenous peoples] and indirectly on their lives” (p. 314). In short, news reports have often polarized Indigenous and non-Indigenous interests, framing Indigenous-settler relations as antagonistic (Berkhofer, 1978; Harding, 2006). As a result, the general public may approach the subject of media reports with pre-conceived negativity (Lambertus, 2004).

Although mainstream media are intended to inform people, albeit in limited textual terms, we can anticipate that the media will continue to rely on stereotypes and make short mention of the complexity

of Indigenous–settler issues (Belanger, 2002). This has been demonstrated in instances where Indigenous peoples are dualistically represented in the media: if not “noble,” they have lost their “Indian-ness” (Nadasdy, 2004); if not productive, they are “lazy” and a burden to the state (Anderson & Robertson, 2011). Adding to these representations are over-simplified reports of inter- and intra-tribal conflicts, for example, First Nations’ disputes over territorial overlaps. Throwing into question Indigenous nations’ ability to self-govern (Begay, Cornell, Jorgensen, & Kalt, 2007), these reports frame self-governance as a threat to Canada’s social fabric. Within this light, media reports concerning modern treaties that do not provide historical context (i.e., relative self-determination and ownership of traditional territories) may create an ideological gridlock to uninformed readers as to the intent of the agreements and may portray treaties as antithetical to Canadian nationalism (Paine, 1999).

Discourse Analysis

Discourse is the interface through which knowledge and power operate and are (re)constructed within society (Foucault, 1978); analyzing discourse can untangle these facets of power and knowledge as they operate within a societal context, thereby extrapolating their potential implications for society (van Dijk, 1983). The intent of discourse analyses is to unravel “the social practice of language behaviour, with the dialectics between society, power, values, ideologies, and opinions expressed and constituted in and about language” (Wodak, 1989, p. xiv). Deconstructing these acts through discourse analysis is unabashedly and inherently political (Szuchewycz, 2000). It is intended to provide a small window into how language constructs relations (Porter, 2006) by employing linguistic and qualitative analysis, and discussing findings within critical social theories (Jiwani, 2006). For its ability to deconstruct relationships of power embedded in society, discourse analysis was selected as an appropriate tool to analyze media representations of the Maa-nulth Treaty.

Methods

Print-media stories pertaining to the Maa-nulth Treaty from 2003 to 2011 in two Canadian newspapers, *The Globe and Mail* (GM) and *The Times Colonist* (TC), were subjected to a discourse analysis. GM is national in scope and its offices are located in Ottawa, Canada’s capital. It releases a national and provincial edition daily. TC is the mainstream newspaper serving Victoria, BC, the provincial capital of BC, and is the largest newspaper produced on Vancouver Island—where the five Maa-nulth Nations’ traditional territories are located. The involvement of the provincial and federal governments in negotiating the Maa-nulth Treaty informed the selection of these two newspapers to reflect the geographical and political spaces in which each level of government operates.

A keyword search across two databases—ProQuest and Factiva—for “Maa-nulth” anywhere in either newspaper from September 21, 2003 to April 8, 2011 was employed to coincide with the six-stage BCTC treaty process associated with the Maa-nulth Treaty⁴. The Factiva Database revealed 46 news articles: 32 from GM and 14 from TC. Using the same criteria, a second search using the Proquest Database revealed 69 news articles: 32 from GM and 37 from TC. Duplicate articles were removed. The

⁴ On September 21, 2003, the Maa-nulth Nations submitted their Statement of Intent (Stage One of the BCTC process) to the provincial government. April 8, 2011, was Huu-ay-aht First Nations day of celebration and a week following Implementation (Stage Six of the BCTC process).

scope was narrowed further, limited to “news”⁵ only (removing editorials and letters to the editor), which resulted in 31 articles from GM and 34 articles from TC, for a total of 65 articles over the 7½ year span (see Table 2).

Table 2. Distribution of News Articles and Sources

	2003		2004		2005		2006		2007		2008		2009		2010		2011	
Newspaper	GM	TC	GM	TC	GM	TC	GM	TC	GM	TC	GM	TC	GM	TC	GM	TC	GM	TC
# of Articles (65 total)	0	2	0	1	1	1	4	7	17	11	2	3	3	3	4	1	0	5

Note. GM = Globe and Mail; TC = Times Colonist

Following preliminary manifest and latent coding (Cope, 2005), five broad categories were identified: (a) criticism of the treaty process vis-à-vis a structural dichotomy of Indigenous-settler interests; (b) quantification of the treaty process (economic dichotomy of Indigenous-settler interests); (c) “us” versus “them” (individual or social dichotomy of Indigenous-settler interests); (d) inter or internal tribal conflict (media stereotyping); and (e) Indigenous voices representing Indigenous issues (i.e., voices previously silenced; Indigenous-settler relations). These categories were then subjected to a second round of coding using analytical linguistic and structural tools gleaned from others’ use of discourse analysis: (a) *fronting* or relevance structuring; (b) *framing* or frame analysis; (c) rhetorical strategies; and (d) semantic strategies and lexical style (Harding, 2006; Szuchewycz, 2000; van Dijk, 1983). The first three analytical strategies are concerned with the structure and context of media representation. Fronting concerns headlines and proposes that the most important aspects of a story are placed at the front of a news article (Harding, 2006; Voyageur, 2000). Framing is the elucidation of underlying assumptions within an article and includes the power of omission. Here, *what is not* reported can be critically interpreted in the same way as *what is* included in the text (van Dijk, 1983). Rhetorical strategies are the examination of dichotomies (such as “us” versus “them”), selection of sources, and repetition (Harding, 2005b). The fourth strategy, semantic strategies and lexical style, is concerned with the use of words through word choice, exaggerations, quotes, and syntax (van Dijk, 1983). These strategies have been employed in a number of studies that explore Indigenous-settler relations (e.g., Furniss, 2001; Harding, 2005a, 2005b; Voyageur, 2000) and the construction of racism in Canadian media (e.g., Belanger, 2002; Szuchewycz, 2000).

Findings

Through article headlines, the five key themes from the discourse analysis that will structure this section are below (see Table 3). Highlighting the complexities and subtleties of media reporting on the Maa-nulth Treaty, the analysis performed here—by applying the four discourse analysis tools—exposed social practices and inherently political interests concerning the negotiation and implementation of a modern treaty between Indigenous and settler peoples in Canada.

⁵The media’s intent is to uphold an objective interpretation of current events (van Dijk, 1992; Wakefield & Elliott, 2003). The omission of editorials and reader submissions was intended to ensure neutrality by excluding overtly ideological biases from the dataset and avoiding skewed analyses.

Table 3. Discourse Analysis Themes and Media Headlines

Theme	Headline
(a) Criticism of the treaty process	Panel warns problems for BC treaty process ^a
(b) Quantification of the treaty process	Price tag rises as treaty talks drag on ^b
(c) “Us” vs. “them”	Critics assail Tsawwassen treaty signing; Pact goes against ‘basic tenets,’ MP says ^c
(d) Inter/Internal tribal conflict	Maa-nulth deal ‘last straw,’ Ditidaht file suit ^d
(e) Indigenous voices representing Indigenous issues	Island’s first modern-day treaty a ‘vision of future’; Deal lets Maa-nulth leave painful past behind, chief say ^e

Note. ^a Times Colonist, December 5, 2007

^b Times Colonist, October 1, 2003

^c Globe and Mail, December 8, 2006

^d Times Colonist, January 22, 2008

^e Times Colonist, November 22, 2007

The Treaty Process: “Too Costly, [Too] Slow”⁶

In 2005, the BC Liberal Government proposed a “new relationship” with First Nations (Province of British Columbia, 2009; Wood & Rossiter, 2011). Treaty negotiations were poised to become the Liberal “legacy”⁷ in this regard. A failure, however, to define this new relationship beyond one that was to be founded on “respect, recognition, and reconciliation of Aboriginal title and rights” (Province of British Columbia, 2009), induced general uncertainty amongst public servants, First Nations leaders, and the citizens they represented. In particular, ambiguity existed regarding how Indigenous–state relations would change and how the treaty negotiation process, seen as a milestone of this new relationship, would proceed efficiently. Following the influential ruling in *Delgamuukw v. BC*⁸ (1997), and with the provincial government seeking economic reforms as part of their new relationship, First Nations were given greater decision-making abilities over establishing private contracts concerning resources within their territories. This ability for First Nations to make more self-determined decisions with industries came under scrutiny in the media. Communities able to “strike better deals”⁹ outside of the treaty process were blamed by policy-makers and government officials in the media for complicating

⁶ Times Colonist, November 29, 2006

⁷ Globe and Mail, July 27, 2007

⁸ The Supreme Court ruling in *Calder v. BC* [1973] first legally recognized Indigenous title in BC. *Delgamuukw [1997]* a precedent setting litigation case in Canada between Wet’suwet’en First Nation and the province of BC, expanded upon this recognition and upon the determination of Indigenous title.

⁹ Times Colonist, November 29, 2006

an already “fragile”¹⁰ treaty framework. Subsequently, as treaty negotiations “dragg[ed] on,”¹¹ procedures were “becoming more volatile as a large number of [A]boriginal groups push[ed] back against recent progress”¹². Through this media construction, various impediments to progress were placed upon seemingly uncooperative First Nations.

Accusing First Nations of not conforming to treaty conditions (by establishing deals outside of the treaty process) portrays a sweeping condemnation against all BC First Nations as being the primary impediment to their own prosperity. Discourses that focused on economics and inefficient processes of negotiation thus lend to perpetuating a colonial mentality that First Nations depend upon settler governments, a stereotype frequently cited as an argument against First Nations’ ability to self-govern (Warry, 2007). Moreover, this mentality serves to legitimate settler governments’ paternalistic control over Indigenous affairs (Begay et al., 2007).

Despite the BC government’s move towards addressing the unresolved “Indian Land Question,” negotiations were limited to provincial attempts to publically uphold their ill-defined new relationship (Wood & Rossiter, 2011). While simultaneously condemning the glacial pace of treaty negotiations, the media also criticized the provincial government for their haste with respect to reaching an agreement. Eager to achieve “a long over-due success on the treaty front,” the BC government is framed as having stopped “just short of rolling out the red carpet.”¹³ Without discussing how, exactly, the province’s new relationship with First Nations would come to fruition following implementation, the opportunity for media and the provincial government to draw a “link between the new relationship and treaty negotiation policies,”¹⁴ was never explicitly covered by media. Additionally, the tendency for the provincial and federal governments’ failure to uphold historic treaty promises or respect the nation-to-nation relationships they have with First Nations is placed at the fore of media coverage of negotiations (albeit not in context). The “take it or leave it policies of government negotiators” and “the legislation that set it up”¹⁵ is identified by the Chief of the First Nations Summit Task Force as the primary impediment to treaty progression. Focusing on placing blame diminished the importance of, and motivation behind, answering the “Indian Land Question.” Instead, media tended to focus on quarrels surrounding the negotiation process, which diminished the *sui generis*¹⁶ nature of land claims and reduces issues of legality to finger pointing and party politics.

Of the 65 articles, only one presented an argument for the long-term (financial) benefits involved in answering the Indian Land Question. In direct relation to the Maa-nulth Treaty, a Chief Commissioner for the BCTC emphasized that the cost of not negotiating will be “nothing compared to economic

¹⁰ Times Colonist, October 18, 2009

¹¹ Times Colonist, October 1, 2003

¹² Globe and Mail, November 5, 2007

¹³ Globe and Mail, December 9, 2006

¹⁴ Times Colonist, November 29, 2006

¹⁵ Globe and Mail, June 26, 2007

¹⁶ Recognizing that Indigenous peoples were the original inhabitants of Canada prior to the imposition of colonial law, *sui generis* is a legal designation indicating that Indigenous rights and title are distinct from Common Law notions of land ownership and state citizenship (Borrows, 1996). It is intended to acknowledge Indigenous peoples as the original inhabitants of the assertively sovereign Canadian state (Henderson, 2002).

uncertainty created by unsettled [Maa-nulth] claims”¹⁷. The Huu-ay-aht First Nations Chief Councilor agreed: “I’ve calculated that \$12 billion worth of forestry has been removed from the territory since white settlers arrived to the region . . . the cost of the [Treaty] is small pittance compared to that, and ultimately all of Canada will benefit”¹⁸. Calculating that \$12 billion in forest revenues had been extracted from Huu-ay-aht territories couched the Indian Land Question within economic terms, while highlighting the importance of amicable Indigenous-state relations for Canada’s economic security at the same time. Furthermore, it challenged settler perceptions of Canadians as the rightful or legal inheritors of unceded First Nations territories (Anderson & Robertson, 2011; Simpson, 2008).

Quantification of the Treaty Process: “Agreement Gives Millions, 21,000 Hectares to Six Bands”^{19,20}

Coverage of the Maa-nulth Treaty was predominantly structured around quantifying land claims with 50 of the 65 articles citing exact figures. Articles often referred directly to monetary value within headlines, for example: “A cash-and-land deal worth roughly 500 million”²¹.

Articles that reported large capital transfers often placed these monetary numbers opposite to relatively small population sizes. Prioritizing financial figures in this manner and without a discussion surrounding the complexities involved with First Nations self-provision of services, an incomplete picture was presented that dichotomized Indigenous-settler interests. This was done through perceived unequal distribution of funds and no accompanying coverage of historical transgressions. Land transfers within treaty packages were commonly framed as “given” rather than returned to First Nations, as demonstrated in a headline from an October 1, 2003 *Times Colonist* article: “Agreement *gives* [emphasis added] millions, 21,000 hectares to six bands.” But another article from the *Times Colonist* states, with more neutrality, that: “the land package [of the Maa-nulth Treaty] represents about eight percent of the Maa-nulth traditional territories.”²² At the same time, this article highlighted that lands transferred under the Treaty would be “almost twelve times as much as the reserve lands they now hold.”²³ Rhetorical structuring, as shown here, downplays First Nations reduced access to their traditional territories, which occurred alongside the establishment of reserves and extinguishment of Indigenous title, instead emphasizing gifting land in addition to preexisting reserves. “Given” treated lands overshadow initial dispossession with repossessed lands being exponentially larger than current conditions. A focus upon monetary and land-based transfers provided a fragmented interpretation of the meaning and the intent of negotiations. Colonial histories concerning the dispossession and the displacement of First Nations are reduced to quantifiable price tags that diminish the legal, political, economic, and social reasons behind establishing treaties. For those unaware of the histories of First

¹⁷ *Times Colonist*, December 10, 2006

¹⁸ *Times Colonist*, December 10, 2006

¹⁹ The article headline refers to six bands; for the purposes of treaty negotiations, the Ka:’yu:’k’t’h’ and Chek’tles7et’h’ First Nations merged politically to be recognized as one of the five Maa-nulth Nations (Maa-nulth, 2008).

²⁰ *Times Colonist*, October 1, 2003

²¹ *Globe and Mail*, December 22, 2007

²² *Times Colonist*, December 9, 2006

²³ *Times Colonist*, July 28, 2007

Nations dispossession, simplistic framing may contribute to ill-informed stereotypes that First Nations receive favouritism from settler governments (Warry, 2007).

“Us” versus “Them”: “British Columbia Native Groups . . . Have Laid Claim to Nearly Every Inch”²⁴

The Federal Aboriginal Affairs Minister²⁵ quoted in the above news article stated that modern treaties are intended to provide “‘certainty of peaceful co-existence’ between settlers and First Nations.”²⁶ A lead negotiator for Maa-nulth First Nations highlighted the effect that the negotiation of treaties had on the entire population: “In a single stroke, it transforms the relationship between communities and non-[Indigenous] societies and governments,” thereby, “creating an opportunity to construct an entirely different future [by terminating] a relationship that has been markedly detrimental to these [First Nation] communities.”²⁷ Reinforcing treaties as multi-lateral agreements intended to settle state claims of sovereignty to First Nations territories, the Maa-nulth Nations’ negotiator’s quote highlighted that all Canadians are treaty peoples (Miller, 2009). With the exception of this news article, however, the media favoured framing the Maa-nulth Treaty as compromising, even threatening, settler rights, a trend demonstrated by an article covering the negotiation of the Maa-nulth Treaty in which it also mentioned the 2009 implementation of the Tsawwassen Treaty’s land package; this article explicitly assured that the treaty would not see the “removal of... protected agricultural land.”²⁸

Extending from the antithetical position of Indigenous–settler interests, the data set of media articles also referred to future treaties, discussed in a manner that threatens the physical security of settler communities. One article stated that issues of compensation are “tough . . . [as] British Columbia native groups . . . have laid claim to nearly every inch of the Greater Vancouver Area, which is already heavily populated and blanketed by urban sprawl.”²⁹ First Nations with traditional territories located in privately held lands are reported to have called upon federal and provincial governments to bring these areas into negotiation, “despite private land . . . long been considered non-negotiable,” because they “feel [it] was unfairly taken from them”³⁰. Placing Indigenous-settler interests in binary opposition, the media frames treaty negotiations as imposing on settler territoriality with claimed, “‘traditional’ territory . . . cover[ing] virtually the entire province.”³¹ Within this light, First Nations are infringing upon the assumed rightful sale of Indigenous lands to settlers (Anderson & Robertson, 2011). Additional use of devaluing terms, such as “they *feel* [emphasis added]” and the use of quotations surrounding “traditional,” belittles First Nation perspectives of territorial boundaries, thereby affirming settler authority.

²⁴ Globe and Mail, December 8, 2006

²⁵ The Aboriginal and Northern Affairs Minister of Canada is responsible for overseeing Aboriginal relations with the Federal government, including the administering of the Indian Act and other legislations involving “Indians and lands reserved for Indians.”

²⁶ Times Colonist, April 10, 2009

²⁷ Times Colonist, December 9, 2006

²⁸ Globe and Mail, November 8, 2007

²⁹ Globe and Mail, December 8, 2006

³⁰ Globe and Mail, September 28, 2005

³¹ Globe and Mail, December 7, 2006

Settler sovereignty is taken one step further, framed as explicitly threatening in another article discussing the Maa-nulth and Tsawwassen Treaty together. A federal Conservative Party of Canada Member of Parliament is quoted as calling the Tsawwassen Treaty “seriously flawed” and “quite dangerous,” with its implementation being “entrenched forever in the Constitution.” He ends by warning that, after implementation, “constituents living on treaty lands will face ‘taxation without representation.’”³² Insecurities about democratic representation are mongered by threats, not only to constituents living on treaty territories, but also to the political system operating in Canada. Media framing of treaties often challenged this system by constructing First Nations as apathetic towards dominant society. Treaties are thus framed to unsettle the democratic process contesting citizenship allocated by the Canadian state; as a result, Indigenous peoples are socially and politically “othered” (Coté, 2010), while treaties are largely perceived to undermine the security provided by the state and the rights subsequently extended to its citizenry (Paine, 1999).

Intertribal Conflict: “Ditidaht Challenge Maa-nulth Treaty”³³

Territorial conflicts between First Nations dominated the dataset of media articles in 2007. While Maa-nulth Nations were poised to vote on their Final Agreement, neighbouring Ditidaht and Tseshah First Nations³⁴ took legal action against the Maa-nulth because of overlapping land claims. Media coverage of these events brought into question the capability of First Nations leadership to address intertribal issues amongst themselves and the treaty framework’s inability to accommodate increasingly complex legal rulings. For example, a July 2007 *Times Colonist* article covering the legal conflict between the Tseshah and Maa-nulth Nations illuminated these issues: “The court battle rooted in intertribal conflict regarding overlapping land claims could set off a chain of events that would undermine the province’s already precarious treaty negotiation process.” Extending his conditional support of Maa-nulth Nations, the Elected Chief of Tseshah First Nation notes the fragility of this backing contingent upon “[Tseshah’s] toes not [being] stepped on in the process.”³⁵ Efforts to settle out of court were “rebuffed” with ratification of the Treaty, resulting in “an anticipatory *breach* [emphasis added] of the boundary agreement.”³⁶ The word choice here—breaching—implies that Maa-nulth Nations were simply ignoring the boundaries of their neighbouring First Nation’s and does not highlight the hereditary and familial complexity of historically shared territories. Neglecting to shine a light on this aspect of negotiations curtails Indigenous relations to each other and their overlying uses of the land, while focus upon intertribal altercations paints First Nations as incapable of governing their own affairs (Begay et al., 2007).

³² *Times Colonist*, December 8, 2006

³³ *Globe and Mail*, January 23, 2008

³⁴ Ditidaht and Tseshah First Nations are both members of the Nuu-chah-nulth Tribal Council and are actively negotiating their treaty at the NTC table. Both Nations were also part of the NTC when Maa-nulth First Nations broke away from that table in 2001.

³⁵ *Times Colonist*, July 28, 2007

³⁶ *Times Colonist*, July 28, 2007

Indigenous Voices: “After a 135-Year Grasp on Their Daily Affairs the Indian Act No Longer Rules Their Life”³⁷

Eighteen (27 percent) of the 65 articles favourably presented First Nations voices and gave them dominance in terms of content. Of these 18, 5 articles (less than 10 percent) appropriately examined the complexities inherent within issues such as self-governance, the allocation of band membership, and historical implications of the Indian Act. Mainstream media’s (limited) provision of First Nations’ voices speaking on their own behalf marks a shift in popular representation; these 5 articles provided significant and complex representation of the Treaty in an accessible and relevant manner.

Citing his motivation for why his First Nation entering the highly criticized and costly treaty process, one Maa-nulth Chief Councilor was quoted as saying: “My thinking is, with negotiations you get to help shape where you would be, rather than let a judge decide. There’s a roll of the dice that happens when you go to court.”³⁸ The same Chief Councilor was cited in a separate article discussing the need for economic diversity so that cash allocations could be invested to ensure the long-term prosperity of the community: “[the Maa-nulth Treaty brought] a great influx of cash and land, but we need an economy to make it work.”³⁹ Throughout this interview, he addressed misconceptions of the Treaty as providing unilateral economic transfers. He offered an Indigenous perspective of the Treaty package: “We only see this treaty as a set of tools - not a silver platter. The cash and the resources will provide opportunities, but also pose challenges.”⁴⁰ Another (Hereditary) Chief expanded upon this notion: “After a 135-year grasp on [our] daily affairs, the Indian Act no longer rules [our] life.”⁴¹ Highlighting his perception of the Maa-nulth Treaty’s ability to cut paternalistic ties with the federal government, this quote emphasizes the importance of self-determination for First Nations while presenting the Treaty as a means for Maa-nulth Nations’ to achieve greater autonomy.

During the week the Maa-nulth Treaty went into effect (April 2011), the Provincial Premier of BC reiterated the importance of First Nations determining their own path towards self-determination stating: “[the Treaty is] great because [the Maa-nulth signatories] decided it’s what they want. I think that’s what’s critical.”⁴² One of the Maa-nulth Chief Councilors further highlighted the importance of his Nation choosing their own journey forward, especially in relation to the complex task of treaty implementation. Centering the discussion around economic diversity, his First Nation’s vote in favour of the Agreement in Principle (Step Four) was seen not only as approval for the Treaty, but as a signal that Huu-ay-aht members “understood the possibilities of economic development.”⁴³ According to another media article, the importance of self-governance was articulated as: “The agreement will free [their] people from a historic burden and reclaim their right to govern themselves.”⁴⁴ The article goes on to quote another Maa-nulth Chief Councilor saying the Treaty was an “exciting journey to reintroducing and exercising our inherent right to own our way of government for our people and accountability to our

³⁷ Times Colonist, March 20, 2011

³⁸ Globe and Mail, November 21, 2007

³⁹ Times Colonist, March 7, 2009

⁴⁰ Times Colonist, April 10, 2009

⁴¹ Times Colonist, March 20, 2011

⁴² Globe and Mail, July 30, 2007

⁴³ Times Colonist, October 12, 2007

⁴⁴ Globe and Mail, November 22, 2007

people is a refreshing and welcoming reality that we have strived for.”⁴⁵ Discussing the Treaty as a measure of protecting cultural and economic welfare, he referred to the Treaty as “an expression of our vision of the future . . . it is a vision that permits us to see a future filled with opportunities. It is a vision that removes the crippling institutions of our colonial era. . . . It is a vision that permits us to move forward and leave the pain of the past behind.”⁴⁶ Breaking over-simplified, economic typecasts of treaties, testimonials from First Nations leaders were used in these articles to transcend “impoverished community” stereotypes and to paint a more complex picture of the Treaty.

Although less than 10 percent of the articles represented the Maa-nulth Treaty as a complex legal and socio-political agreement—while the vast majority framed it simply as an economic contract—these reports highlighted the importance of signatories “gaining control of . . . [their] economic future.”⁴⁷ A quote from one of the Hereditary Chiefs demonstrates this point:

“On April 1 my children will be HUU-ay-aht citizens, as will many other people who were denied aboriginal rights, despite being connected to our nation,” said Happynook, a hereditary chief. Happynook's parents and grandparents gave up their Indian status [in the early 20th century] because they did not want their children dragged off to Alberni Indian Residential School, Happynook said. “They wanted to vote in federal elections, they wanted to buy a house in Victoria, they wanted to be able to go up on the passenger deck on the B.C. Ferries. Under the old system, none of those things would have been possible if they had kept their status.”⁴⁸

Here, the media contextualized his quote, placing the Treaty within a long-standing colonial relationship and structures representing the creation of positive relations between Maa-nulth Nations and the settler society. The Hereditary Chief furthers this sentiment, exclaiming: “As of today, I am no longer 6630029501 . . . As of today, I am proud to be a HUU-ay-aht. I am proud to be a Maa-nulth. I am proud to be a British Columbian and I'm proud to be a Canadian . . . The [federal] system [under the Indian Act] was structured to deny Indian status to many people with native ancestry.”⁴⁹ Providing historical and structural background in media on injustices experienced by First Nations, including the excerpts presented here, challenges simplistic stereotypes that label all First Nations as taking advantage of social systems (Belanger, 2002) and confronts framing First Nations rights as contrary to equality (Cairns, 2000). Reporting Indigenous' perspectives in this manner defies often unilaterally represented stereotypes in mainstream media. The Hereditary Chief who, by recognizing his provincial, national, and distinctive HUU-ay-aht and Maa-nulth identities, presented the Treaty as a measure for unifying Indigenous and settler people, demonstrating the importance of multiple identities. Similarities between Indigenous and settler populations are presented; however, they were done in a manner that does not ruffle settlers' sense of place at local, regional, or national scales.

⁴⁵ Times Colonist, April 3, 2011

⁴⁶ Times Colonist, November 22, 2007

⁴⁷ Globe and Mail, December 8, 2006

⁴⁸ Times Colonist, March 20, 2011

⁴⁹ Times Colonist, March 20, 2011

Implications

A discourse analysis of regional and national mainstream media covering the Maa-nulth Treaty over an eight-year period demonstrated that media relies on stereotypes and oversimplifications to communicate events leading to, and surrounding, treaty negotiations and implementation. Framing events in this manner risks perpetuating settlers' often ill-informed perceptions of treaties and, by extension, ill-informed perceptions of Indigenous peoples. Relying upon the (re)production of uninformed stereotypes, media coverage commonly exhorts an underlying assumption about territoriality that places settlers as legally sanctioned inheritors of Indigenous territories and, relying upon histories void of colonialism, locates Indigenous peoples as subordinate in this regard (Smith, 2010). Neglecting to discuss ideological complexities and differences in Indigenous and settler philosophies (e.g., individual vs. collective/shared land ownership) in media invisibilizes oppression inherent in colonial processes, thus diminishing these histories and their settler colonial implications today (Warry, 2007). Within this vein, the media serves as a conduit for a shared colonial ideology normalizing inequities with respect to Indigenous-settler relations and (re)producing these relationships by framing them as social norms (Anderson & Robertson, 2011).

Unlike other studies that have examined the media's representations of Indigenous peoples and have found only that they perpetuate stereotypes (e.g., Anderson & Robertson, 2011; Harding, 2005a, 2005b, 2006; Szuchewycz, 2000), a fraction of the articles analyzed in this study included Indigenous voices, suggesting that there may be a cultural turn in media representations. Overall, however, our dataset revealed a neglect to meaningfully discuss or revisit reasons behind modern treaties. Failing to locate the Maa-nulth Treaty within the broader settler colonial spaces of Canada limits settlers comprehension of the complexity and intent of modern treaty negotiations. Attempts to form new relationships between federal, provincial, and Indigenous governments will remain a challenge unless the media moves beyond its narrow focus concerning the economic implications of modern treaties. Indigenous-settler relations will remain in a perpetual state of negativity, unless adequate information—not only on what a new relationship would look like, but why one is even necessary—is shared through the communicative medium used in today's society to convey socially relevant events, the media. For those working in policy realms seeking to improve Indigenous-settler relations, the question becomes: How can we intercept the (re)production of this enduring negative and ill-informed perspective on Indigenous-settler relations in Canada?

Understanding Indigenous-settler relations beyond what the media currently (re)produces will require settler-Canadians to become critically versed in Indigenous-settler ontological and structural relations; overcoming bi-directional racism requires both populations to understand the socio-political, historical, and legal-cultural realities that have led the current climate in Canada. A task of admitted enormity, place-based educational initiatives have the potential to intercept settler ignorance about Indigenous-settler histories and current relations (see for example Castleden et al., 2013; Tupper, 2011). Education that intercepts the substantive (re)production of stagnated Indigenous-settler relations would transcend to media through journalists' ability to conceive of the context in which contemporary issues impacting Indigenous and settler peoples, such as the negotiation of modern treaties, exist. Of further relevance would be training young people, some of whom may consider journalism, to critically engage with media to extract not only the media story, but the nuanced context in which it exists—a skill that would go well beyond the classroom.

Educational tools for school districts across Canada, developed in partnership with local First Nations, could achieve this goal. This could include, for example, highlighting the fact that Canadian history did not start when Europeans arrived; then including, for instance, early Indigenous-settler alliances, the Indian Act, the creation of reserve systems, and residential schools, and moving through the seminal political and legal events beginning in the late 1960s to present day events, such as the negotiation of modern land claims, the Royal Commission on Aboriginal Peoples, the federal apology and Truth and Reconciliation Commission regarding the abuses suffered in the residential schools, and the Idle No More Movement.⁵⁰ Such coverage would undoubtedly enrich the next generation's understanding of Canadian history and demonstrate the relevance of history to present day society, while challenging it to think critically about contemporary inequities. Using examples from the media specifically would also encourage students to explore how social movements and Indigenous–settler relations are presented in the media and thus to dominant society. Vital to this approach is that Indigenous nations themselves communicate *what* should be taught and *how* it should be facilitated. Doing so will promote respectful re-storying of Canadian history and the use of culturally appropriate educational protocols. Through education specifically targeting Indigenous-settler unknowing and its permeation through the powerful medium of media, an allegedly objective form of communication that exists to inform readers of relevant events, the next generation of students in Canada could be better suited to think through and act upon social inequities geared towards visibilizing colonial consequences with the hope of moving towards true reconciliation.

⁵⁰ Idle No More is a social initiative rooted in Canada that calls upon the federal government to respect treaty and Constitutional rights of Indigenous Nations. For more information on Idle No More, see <http://www.idlenomore.ca/>

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