

READING ALONG WITH

THE BARREN GROUNDS

One of today's most popular young adult fiction novels is David A. Robertson's *The Barren Grounds*.

Robertson describes *The Barren Grounds* as "a middle-grade fantasy that is about two Cree foster children who discover a portal into another world called Askí, which is Cree for Earth. And they help the animal beings in that world, which has been cast into an eternal winter, find a way to save the world.... It's an adventure story and it's a journey of self-discovery."

Like all good literature, Robertson's book can be understood many ways, from how it teaches us Cree words to how it offers us Indigenous explanations for the night sky.

This issue of *The PLEA* looks to add to the conversations happening around *The Barren Grounds*. Across the coming pages, we'll consider some ways that the book can introduce us to current issues in Canadian law and the rights of Indigenous Peoples, and how we can apply this knowledge to the book and to the world around us.



CHILD WELFARE

The *Barren Grounds* opens by introducing Morgan, an eighth-grader who has been in foster care since she was a young girl, alongside seventh-grader Eli who is in foster care for the first time.

Katie and James, the foster parents of Morgan and Eli, are doing their best to care for the two. Nonetheless, Morgan makes an important comment that speaks to the experience that many Indigenous children have in foster care.

“But this isn’t my home,” Morgan said. “The last seven places weren’t my home either.”

An idea underpinning this comment is that Indigenous children are in many cases not “at home” when they are in foster care. Indigenous foster children are often removed from their families, their communities, and their culture. The history of colonialism and its related factors such as poverty, poor housing,

multi-generational trauma, addiction, and domestic violence has resulted in high numbers of Indigenous children in foster care.

To help rectify these issues, in 2020 the *Act respecting First Nations, Inuit and Métis children, youth and families* became law. It acknowledges the circumstances faced by Indigenous Peoples and the legacy of past policies including residential schools. The law emphasizes a child’s physical, emotional and psychological safety, security and well-being and the importance of culture, connection to language and territory, and relationship between a child and the Indigenous group, community or people to which they belong.

Importantly, this law recognizes Indigenous Peoples’ inherent right to govern child welfare as part of their inherent right to self-government.

Since this law was passed, Indigenous Governing Bodies have been, one-by-one, taking steps to control their own child welfare.

In Saskatchewan, over a dozen Indigenous Governing Bodies are at different stages of returning child welfare and family services to their own jurisdiction.

In *The Barren Grounds*, Morgan and Eli experience something similar to what we are seeing with the revamping of child welfare laws. When the two children cross through the portal into Askí, they come under the stewardship of a Cree-speaking fisher named Ochek. Ochek’s culturally-appropriate care helps connect the children with their culture, the land, and their language. It is no exaggeration to say that the two—and particularly Morgan—return from Askí with improved well-being, having been given culturally-appropriate care.

Hence, *The Barren Grounds* helps show us the importance of recognizing historical harms and the need for culturally-appropriate care. Laws that return jurisdiction of child welfare to Indigenous Peoples are important steps forward in Reconciliation. These changes will hopefully result in improved well-being for everyone, particularly but not exclusively those directly involved in the child welfare system.

Discuss

What ways would culturally-appropriate foster care in one’s own community help heal and build both individuals and society?

LAND, PLACE, AND TREATY

When Eli and Morgan pass through the portal that opens up in their attic, they leave Winnipeg and enter into a land that is new to them. This land is not theirs to take. Rather, it is home to a world of animal beings. The place is Askí, Cree for earth or ground.

Eli and Morgan's entrance into this world reminds us that the land that is now Canada was not an empty space when Europeans arrived. Rather, distinct Indigenous Peoples already lived here with their own laws, customs, beliefs and Traditional Territories. Thus, Treaties were required by Canadian law for settlers to move onto the land.

Treaties are formal agreements between the Government and Indigenous Nations. In the 1800s, the Canadian government, representing the British Crown, and Indigenous Nations living in what is now Saskatchewan, negotiated five Treaties on the land that is now Saskatchewan. Treaties are the terms for how we will coexist and share the land. They form a foundational aspect of Canada and its laws.

The Supreme Court of Canada describes Treaties as solemn, sacred agreements. Treaty agreements are not frozen in time but can evolve to meet changing

conditions. Treaty promises create Treaty Rights that can be enforced in court. When terms are in question, courts have ruled that Treaty terms need to be interpreted in favour of the Indigenous Nation.

Each Treaty includes specific, negotiated promises. According to the Assembly of First Nations, Treaty rights include the right of Indigenous Peoples to maintain their own systems of governance, the right to land and resources, the right to child welfare, the right to education, the right to justice, and the right to hunting, fishing and trapping.

In *The Barren Grounds*, the humans who enter Askí never enter into a Treaty with the animal-beings. For Morgan and Eli, it's unnecessary. They learn from and cooperate with their hosts. By respecting the land's original inhabitants and the land itself, they grow healthier.

However, another human character, named Mason, does not act in this spirit. Mason believes that "the land is mine." He is the story's villain, taking more resources than he needs. Ironically, the more Mason takes, the more unhealthy he becomes.

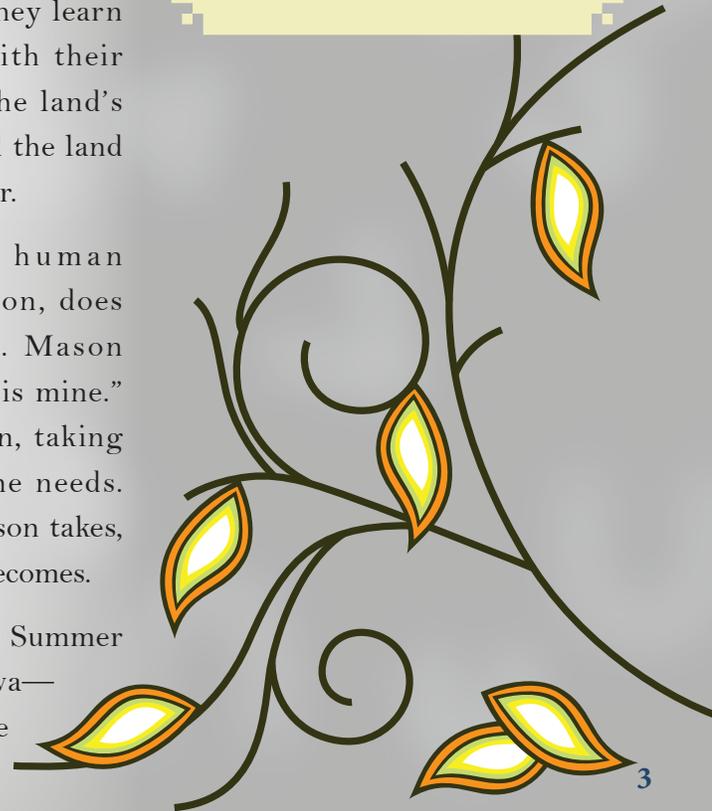
When Mason steals the Summer Birds, he plunges Misewa—the area of Askí where

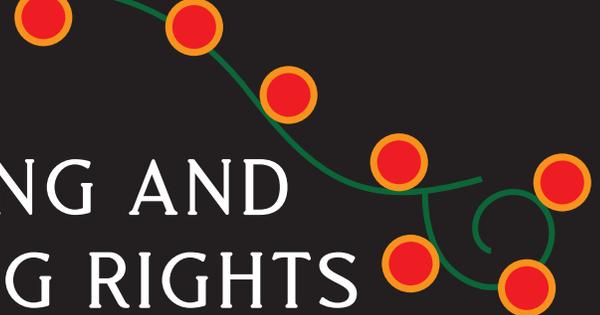
the animal beings reside—into a permanent winter. Mason's desire to live in Askí on his own terms harms everyone, himself included.

Hence, respecting and honouring our Treaty relationships can make us all more like Morgan and Eli: healthy people with a respect for all. Failure to honour Treaty relationships could make us all more like Mason: a lonely, unhealthy person whose actions harm everyone, himself included.

Discuss

In *The Barren Grounds*, Ochek says "All things are connected. Your world and this one, the sky and the land. All that is." How are Ochek's words similar to our Treaty relationships?





HUNTING AND FISHING RIGHTS

Part of Morgan and Eli's journey is to join Ochek to check his traplines. The traplines provide animals that will become clothing, utensils, and food. That is, Ochek's hunting shows a way that the land provides. It's one aspect of the special relationship that Askí's animal-beings have with the land.

The land in Askí also has cultural significance to the animal beings, beyond the ways it provides food and resources. The land is also used in spiritual ways. It offers sweetgrass for ceremonies, and Ochek often says prayers for the resources the land provides. Ochek has a special relationship with the land.

Much the same, the original inhabitants of what is now Canada have a special relationship with the land. This special relationship is recognized in Canadian law, through Aboriginal Rights. These are rights that belong to Indigenous Peoples. It is important to understand that although these rights are recognized in Canadian law they were not created by Canadian law. They are inherent rights Indigenous Peoples have based on their prior occupation of what is now Canada. Many Indigenous

Peoples view limits placed on these rights under Canadian law as an infringement of their inherent rights.

Under Canadian law Indigenous Peoples have the right to continue their practices, customs and traditions that existed before contact. The activity can evolve over time. For instance, hunting with weapons that did not exist pre-contact is an example of a right changing over time. The present-day activity only must be connected to a pre-contact activity.

Under Canadian law, every pre-contact activity did not create an Aboriginal Right. Activities that were an essential part of the group's traditional culture became Aboriginal Rights.

Examples of rights that have been recognized by courts include a right to fish for food, ceremonial and social purposes, a right to sell fish, a right to hunt, and a right to harvest timber.

Courts have ruled that these rights are not general rights of all Indigenous Peoples. They belong to the specific group claiming the right because the activity was an essential part of their culture before contact. The right can be exercised over the area where they were historically exercised.

Canadian law is similar when it comes to Métis rights. Métis Peoples have the right to continue the practices, customs and traditions that existed after contact but before colonial powers controlled the area they inhabited. The activity must have been an essential part of the Métis community's culture.

To exercise these rights the person must identify as a Métis person, be an accepted member of a present-day Métis community, and have ties to a historic Métis community. For example, the Supreme Court of Canada has recognized the Métis right to hunt for food as an Aboriginal Right.

Hence, across *The Barren Grounds* we see many activities and instances that are culturally-significant to Askí's animal-beings. Each instance of this in the novel can help remind us of the special relationship that the original inhabitants of what is now Canada have with the land.

Discuss

In *The Barren Grounds*, Ochek speaks highly of Eli. He says that he "respects this place and the beings within it." In what ways would respect for the land be a cultural value?



REVITALIZING INDIGENOUS LANGUAGES

In *The Barren Grounds*, the language of the animal-beings is what they call the good words. The good words are a dialect of Cree. In fact, what sets Eli and Ochek off on a relationship of trust is that he greets Ochek in Cree when he first enters Askí.

Throughout their journey, no less than thirty Cree words are used. These are all new words to Morgan, and their uses create a learning opportunity.

A key moment in Morgan's learning process happens when Mahihkan—the wolf—comes to their camp to drag away Eli. In response, she yells mwach—no—at him.

Morgan was introduced to the word mwach in her dreams. Her mother says mwach to resist Morgan being taken into foster care. Morgan uses the same word to resist when Eli is being taken away from her.

Morgan's use of mwach is a significant moment, for it is the first time that she uses a Cree word spontaneously. At this point, Cree is no longer a language in her dreams, or a foreign language of the animal beings. Cree is being revitalized as her own everyday language.

A reason that Morgan, a Cree girl, does not speak her language is due to the legacy of colonialism. Indigenous Peoples had their languages stripped away, particularly but not exclusively through forbidding Indigenous languages at residential schools and punishing children who spoke in their language.

Today, efforts are being made to rectify the past and revitalize Indigenous languages. Over 70 Indigenous languages are still in use today, spoken by about 240,000 Indigenous people. Encouragingly, some languages such as Michif are in a state of renewal.

The Truth and Reconciliation Commission recognized the importance of revitalizing Indigenous languages. They called upon the federal government to acknowledge that Aboriginal rights include language rights, and to enact an Aboriginal Languages Act.

In response, the federal government passed the *Indigenous Languages Act*. This law recognizes Indigenous Peoples' language rights. It requires consultation between the government and Indigenous governments to provide funding for reclaiming, strengthening, and keeping Indigenous languages.

The law has been criticized for not including any specific rights such as the right to services or education in a person's Indigenous language. This stands in contrast to rights and protections for English and French speakers in Canada under federal legislation. It also stands in contrast to territorial laws in Yukon, Nunavut, and the Northwest Territories that recognize and provide specific rights for Indigenous languages spoken in each territory. However, the law is a starting point and we can learn much from other language laws already in place across the country.

Morgan's learning process serves to remind us that Indigenous languages can be revitalized. The task is not easy, but is key for the Reconciliation process.

Discuss

Language is a distinguishing feature of a culture. It can reveal and transmit values and identity rooted in that culture. How would revitalizing Indigenous languages help us all with the Reconciliation process?

INDIGENOUS SELF-GOVERNMENT

Twice in *The Barren Grounds*, Eli and Morgan meet Misewa's governing Council. The Council permits them to set out to release the Summer Birds, and upon successfully returning to Misewa the Council tells them they are welcome to visit again.

The meetings follow protocols unique to Misewa, and the Council is free to make their own decisions on how to govern Misewa. To think of this another way, Misewa's Council was engaged in self-governance.

Like Misewa, the Indigenous Peoples of the land we now call Canada also have the right to self-government. While Courts in Canada have not ruled on this right, the federal government has recognized that Indigenous Peoples have an inherent right to self-government that is protected by the *Constitution*.

This includes the right to govern

their internal affairs, and the right to be part of other decision-making that affects their communities.

Indigenous communities have the ability to set a path of self-government in motion. The process begins when an Indigenous community engages the federal government in a negotiation to create something known as either a Self-Government Agreement or a Self-Government Treaty.

Self-Government Agreements and Self-Government Treaties set out how the Indigenous group will exercise their Inherent Right to self-government, including:

- the structure of the Indigenous government
- how the Indigenous government will be accountable to members of the community
- how the Indigenous government will be elected
- how laws will be made
- who will manage programs and deliver services in areas such as health, social services and education for the community.

Self-government does not mean that other Canadian laws (both federal and provincial) such as the *Charter of Rights and Freedoms*, the *Criminal Code*, or human rights

codes no longer apply. When Indigenous laws are put into place, they will operate in tandem with federal and provincial laws. One exception is that Indigenous laws meant to protect language and culture will take priority. As well, the *Indian Act* as a whole will no longer apply.

To date, almost 30 Self-Government Agreements and Self-Government Treaties have been made, and over 50 more are currently under negotiation.

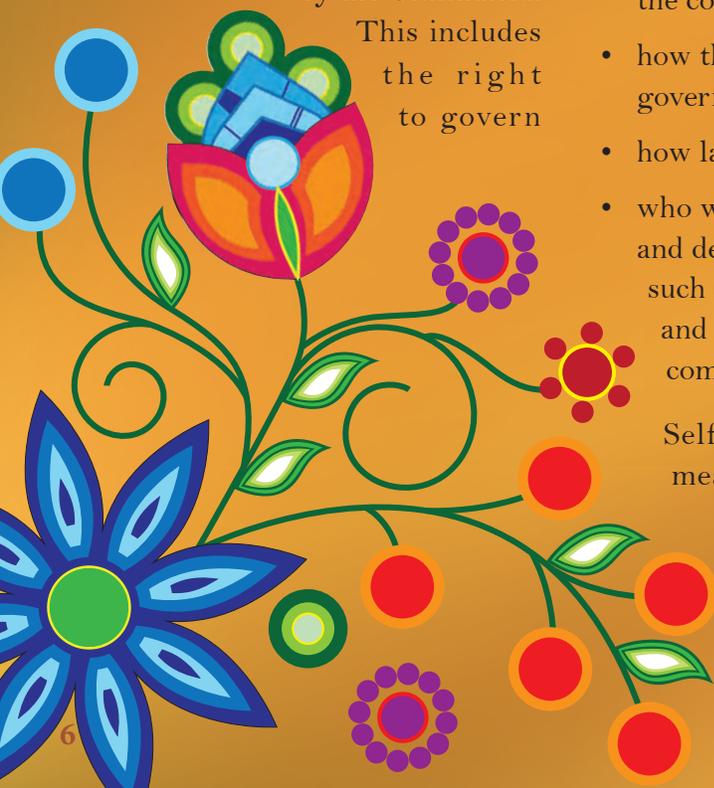
As Chief Darcy Bear of Whitecap Dakota First Nation said upon the signing of his nation's Self-Government Treaty, "It's about time as Indigenous people we make our own decisions...."

It was an inherent right that the Creator gave us. We're just taking that back."*

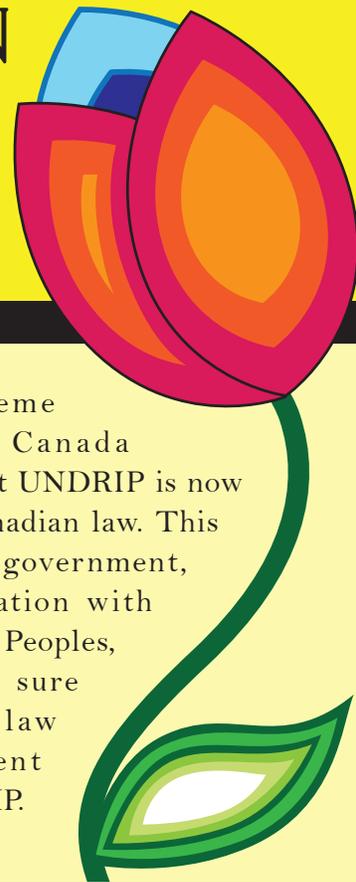
Bringing self-government to Indigenous communities helps restore what we see in Misewa: unique peoples who govern themselves in their own unique ways.

Discuss

Why is it important that communities have the power to decide on issues that directly impact the lives of people in that community?



UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP)



Morgan and Eli's journey throughout *The Barren Grounds* reveals a land that is new to them, Askí. It is populated by a distinct set of beings with a distinct culture. Askí can be considered a metaphor for the land and peoples that existed in present-day Canada before settlers arrived.

Across their journey, Eli and Morgan learn how Askí is governed, how the inhabitants manage and share their resources, and how they practice their spiritual and oral traditions. That is, they learn many ways that the inhabitants of Askí are a distinct people.

Much the same, the United Nations (UN) has recognized the distinct nature of Indigenous Peoples. The organization has created a document called the United Nations Declaration on the Rights of Indigenous Peoples, UNDRIP.

UNDRIP recognizes many rights of Indigenous Peoples. It outlines minimum standards that will contribute to the survival, dignity, and well-being of the world's Indigenous Peoples.

UNDRIP is not a law, but countries may make the rights in UNDRIP the law in their own land. Canada has taken steps towards this. In 2021, the federal

government passed the *United Nations Declaration on the Rights of Indigenous Peoples Act* to set in motion a process to make the rights in UNDRIP part of Canadian law.

The Act states that the government must ensure that Canadian laws respect the rights in UNDRIP. To accomplish this, the Act requires the government to create an action plan and implement it. Both these things are to be done in consultation with Indigenous Peoples.

The federal government released their action plan in 2023. Priorities include ensuring that...

- Canadian laws are consistent with UNDRIP
- Indigenous Peoples can exercise their right to self-government
- Treaties are recognized and enforced
- Indigenous Peoples have control of their lands and resources
- Indigenous Peoples have the right to participate in decision-making in all matters that affect them
- Indigenous Peoples are healthy, housed and safe
- Indigenous Peoples have equal rights to education, including post-secondary education, with necessary funding and supports

The Supreme Court of Canada has said that UNDRIP is now part of Canadian law. This means the government, in consultation with Indigenous Peoples, must make sure Canadian law is consistent with UNDRIP.

Discuss

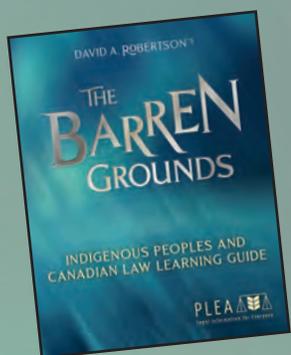
In the close of *The Barren Grounds*, Morgan receives feedback from her teacher on a poetry assignment that she was asked to re-do. The teacher writes...

"I knew that you could do more, and I hope you know that now. Now do even better. B+."

Is our work in making things better ever finished?

How can things like UNDRIP help guide our path to a better future?

ALSO AVAILABLE FROM PLEA

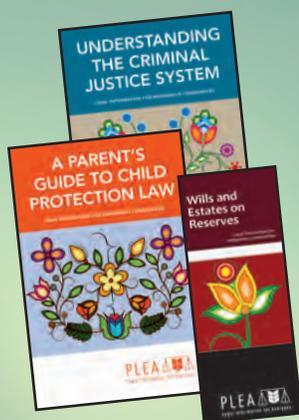
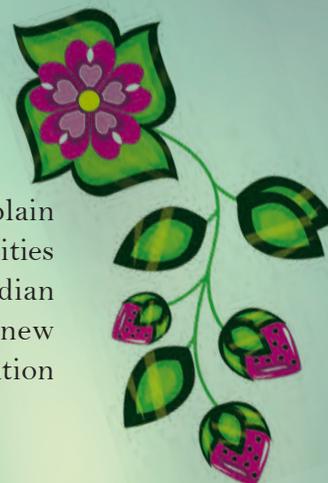


DAVID A. ROBERTSON'S *THE BARREN GROUNDS* INDIGENOUS PEOPLES AND CANADIAN LAW LEARNING GUIDE

Check out PLEA's new full-length learning resource to support Grade 6 teachers using *The Barren Grounds* in their English Language Arts programs. Find it at teachers.plea.org.

INTRODUCING INDIGENOUS.PLEA.ORG: LEGAL INFORMATION FOR INDIGENOUS COMMUNITIES

Check out PLEA's website with comprehensive, plain language legal information for Indigenous communities about their rights under Canadian law and Canadian laws that impact Indigenous communities. The new indigenous.plea.org includes videos of information from the site, translated into and read in Cree.



PRINT RESOURCES FOR INDIGENOUS COMMUNITIES

Check out PLEA's all-new library of resources for Indigenous communities that look at various aspects of Canadian law. Order print copies at plea.org.

* Whitecap Dakota First Nation signs historic treaty with Canada, *CBC News*, 3 May 2023, www.cbc.ca/news/canada/saskatchewan/whitecap-dakota-first-nation-self-governing-saskatchewan-1.6829736

PLEA gratefully acknowledges funding from the Department of Justice Canada for the development and printing of this resource.



Department of Justice
Canada

Ministère de la Justice
Canada

PLEA deeply appreciates everyone who contributed to this project by participating in the Needs Assessment or by giving feedback on draft resources, for generously giving their time and expertise.

The beautiful original artwork in this resource was created by Cree artist Linda Lavallee, owner of Cree Nisga'a Clothing.



PLEA 
Legal Information for Everyone

Public Legal Education Association of Saskatchewan
teachers.plea.org | plea@plea.org | 306.653.1868

Order Free Class Sets at teachers.plea.org

The Public Legal Education Association of Saskatchewan is located on Treaty 6 Territory and the Homeland of the Métis Nation. Our work extends across Treaty Territories 2, 4, 5, 6, 7, 8 and 10 and the Homeland of the Métis Nation.

Questions?

Comments?



© 45.3 2026-03

ISSN 0715-4224 (Print)

ISSN 1918-1116 (Online)