

DAVID A. ROBERTSON'S

THE BARREN GROUNDS

INDIGENOUS PEOPLES AND
CANADIAN LAW LEARNING GUIDE

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

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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.

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



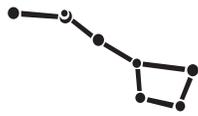
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INTRODUCTION

Saskatchewan’s English Language Arts 6 Curriculum asks that students Comprehend and Respond to a range of contemporary and traditional grade-level texts from First Nations, Métis, and other cultures. To help teachers fulfill this requirement, PLEA created *David A. Robertson’s The Barren Grounds: Indigenous Peoples and Canadian Law Learning Guide*.

The Barren Grounds, as described by the author, is

*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.**

The popularity of *The Barren Grounds* with Grade 6 English Language Arts teachers is not surprising. Robertson’s brilliant adventure shines light on Indigenous Peoples and their cultures, all while linking to several Contexts and Suggested Themes of the ELA 6 Curriculum.

For example, *The Barren Grounds* can be used to approach Personal and Philosophical—Growing Up, with the self-discovery process experienced by the main character Morgan. It can be applied to Social, Cultural, and Historical—Going the Distance, with Morgan and her foster sibling Eli’s journey that brings them closer to their Indigenous roots. It can be employed for Imaginative and

Literary—Fantastic Fiction, given the novel’s world of Askí that lays beyond a magical portal in a Winnipeg attic. Or it can integrate Environmental and Technological—Space, Stars, and Quasars, with the ways it helps us understand the Indigenous stories of the night sky that have been neglected in favour of western stories about constellations.

Whatever the Context and Suggested Theme, *The Barren Grounds* is applicable to and popular with Grade 6 ELA programs. Hence, teachers are likely familiar with two learning resources for the book.

Tundra Books, the novel’s publisher, has created the brief but useful *The Barren Grounds: Educator’s Guide*. This resource includes valuable discussion questions and follow-up activities. Find this resource at https://tundrabooks.com/wp-content/uploads/2020/05/The-Barren-Grounds_Educators-Guide.pdf.

More substantial is the Alberta Professional Learning Consortium’s adaptation of a learning resource created by the Langley School District in British Columbia. *The Barren Grounds: A Novel Study Unit*, provides teachers with a comprehensive and culturally-informed approach to *The Barren Grounds*. It includes pre-reading and post-reading activities, alongside evaluation rubrics and supporting resources that connect to Indigenous worldviews and pedagogy. Find this resource at https://apl.ca/pd-resource/barren-grounds_ns/.

PLEA’s *David A. Robertson’s The Barren Grounds: Indigenous Peoples and Canadian Law Learning Guide* does not attempt to replace these valuable works.

Rather, our resource supports the Alberta Professional Learning Consortium’s work. It takes each of the Consortium resource’s thematic sections and integrates a law-related concept into the novel’s study, in a manner that supports Saskatchewan’s ELA 6 Curriculum. PLEA’s resource unfolds as follows:

Consortium Thematic Section	Law Connection
Section 1: Belonging	Child Welfare Laws
Section 2: Land & Place	Aboriginal Title/Treaty
Section 3: Responsibility	Hunting, Fishing, Trapping Rights
Section 4: Teachings	Indigenous Languages
Section 5: Community Consciousness	Self-Government
Section 6: Identity	United Nations Declaration on the Rights of Indigenous Peoples

For each section, PLEA has developed law-related background information for teachers. Also included is a slide to guide the discussion with students, alongside review questions and looking forward questions so that students can reflect upon what has been learned and think about what is yet to come.

For teachers interested in furthering their knowledge on the topics in this resource, or to learn more about Indigenous Peoples’ rights under Canadian law and Canadian laws that impact Indigenous communities, check out the all-new indigenous.plea.org. Information on indigenous.plea.org includes Cree language videos.

On the whole, this resource will help students apply law-related knowledge to the book in specific and to the greater world in general, consistent with the Saskatchewan Ministry of Education’s Broad Areas of Learning. Particularly, it will help “students learn about themselves, others, and the world around them” so that they may “make a difference in their personal, peer, family, and community lives.”

Teachers may wish to use one, a few, or even all of the elements of this PLEA resource as part of their approach to teaching *The Barren Grounds*.

In addition to this resource’s application to English Language Arts 6, Saskatchewan’s Social Studies 6 curriculum indicator IN6.1(f) invites teachers to use youth characters in literature to understand how culture and place influences youth. This resource thus can also be a helpful tool for building a cultural, historical, and legal cross-curricular English 6/ Social Studies 6 unit of study.

Of course, no learning resource is perfect. Teachers are the people closest to the actual learning taking place in Saskatchewan classrooms. We welcome your feedback on this or any other PLEA learning resource. Drop us a line at plea@plea.org with your thoughts and suggestions.

* The Barren Grounds by David A. Robertson | The Misewa Saga | Behind the Book | Author Interview, *Bibliovideo*, 9 March 2021, www.youtube.com/watch?v=bJX1J54afJg

HELP IS AVAILABLE

Some material in this guide deals with topics that may cause trauma. Help is available from:

The National Residential School Crisis Line

1.866.925.4419

Indian Residential Schools Resolution Health Support Program

1.866.250.1529

First Nations Child and Family Services, and Jordan's Principle Settlement Trauma- Informed Health and Cultural Support Services

1.866.250.1529

Indian Residential School Survivors Society

irsss.ca

Hope for Wellness Helpline

1.855.242.3310

**First Nations, Tribal Councils and
Métis Nation-Saskatchewan
may also have supports available.**



Kids Help Phone

1.800.668.6868

Text: 686868

Métis Nation-Saskatchewan 24-hour Crisis Line

1.877.767.7572

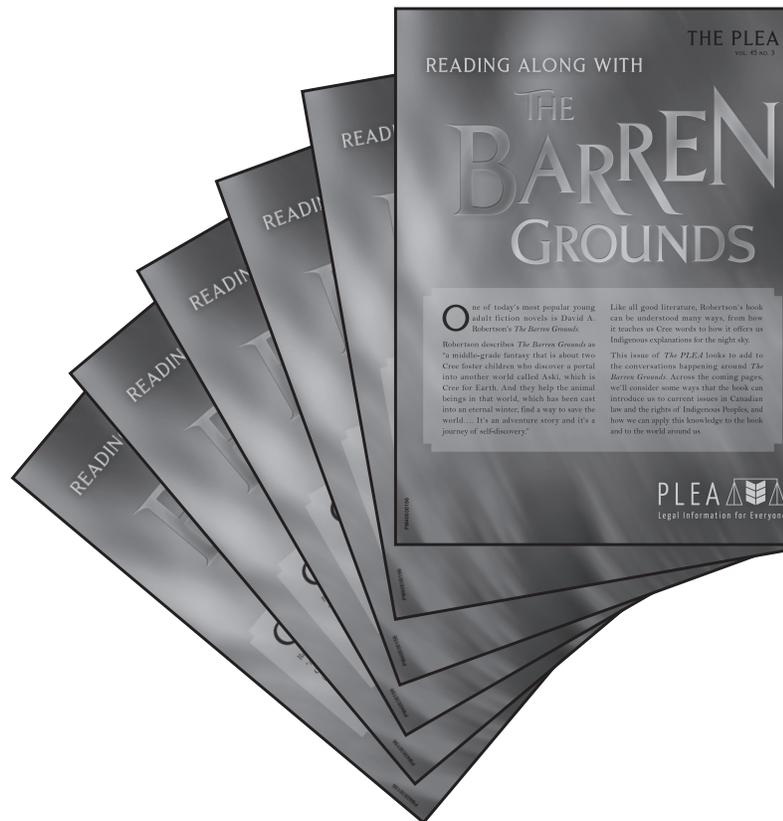
Île-à-la-Crosse Residential School Injustice

united4survivors.ca

READING ALONG WITH *THE BARREN GROUNDS*

PLEA has created a special edition of our Teachers and Schools newsletter *The PLEA* to support teaching *The Barren Grounds*. Called *Reading Along with The Barren Grounds*, it condenses several ideas across this learning resource.

Class sets are available at no charge, while supplies last. Head to teachers.plea.org and click on Order. Alternatively, copies can be downloaded free-of-charge from teachers.plea.org.



SECTION ONE

BELONGING

PAGES 1 - 53
CHAPTERS 1 - 6

Eighth-Grader Morgan and seventh-grader Eli are foster siblings living in Winnipeg. Their foster parents are Katie and James. Katie is a teacher and James is a doctor.

Katie and James are new to foster parenting. Morgan has long-time experience with the foster system. This is her eighth foster home. She joined Katie and James' home two months ago. Eli just arrived the previous week, this being his first foster home.

Eli is a talented artist. His father gave him a drawing pad that he carries everywhere, filling it with pictures based on stories from his community. He draws villages and a world of animal beings that walk on two legs.

On the way to school, the wind catches Eli's drawing pad and it is destroyed by a bus. Feeling bad for Eli's misfortune, Morgan arranges to get him a new drawing pad from the school art room.

Meanwhile, Morgan falls afoul of her teacher Mrs. Edwards. Mrs. Edwards, who takes great pride in her one published book of poetry, is not happy with Morgan's poetry assignment. She tells Morgan that her poem has the techniques right, but it comes from the head. Mrs. Edwards asks Morgan to write a new poem that comes from the heart, and hand it in the next day.

After school, Morgan introduces Eli to her secret place: a third-floor attic bedroom in Katie and James' home. The attic room has a painted-over

door. It presumably leads to another bedroom. Morgan has been told that the attic is off-limits. She speculates that this is probably because the area is under renovation, and littered with nails, tools, and various building supplies.

While the two are in the attic—Morgan is reading, Eli is drawing—a mysterious cool breeze blows across the room.

The children return to the main floor, where Katie and James serve takeout from an Indigenous-owned restaurant. Following dinner, they give Morgan a pair of Manitobah Mukluk moccasins. The two hope that these gestures will help Morgan reconnect with her culture. However, it brings out Morgan's anger, who feels that she has no connection with her culture.

Teacher Background Information: Foster Children and Child Welfare Laws

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. This is particularly true in comparison to some of Morgan's bad experiences in previous foster homes. Nevertheless, on page 6 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 in particular are most often not “at home” when they are in foster care. Being in foster care often results in children being removed from not just their families, but also their communities and their culture.

Colonial policies and programs in Canada have had and continue to have a devastating impact on Indigenous children and families. The most destructive of those policies and programs was the establishment of the Indian residential school system. At least 150,000 Indigenous children were removed from their families and placed into a system in which they experienced not only separation from family and community but also physical and emotional abuse. Students were denied access to their culture and prevented from speaking their language. The results were a catastrophic loss of culture, language, family and, in some cases, lives. The legacy of colonialism continues today with Indigenous children being nearly 20 times more likely than non-Indigenous children to be removed from their family for child welfare reasons.

According to Cindy Blackstock, executive director of the First Nations Child and Family Caring Society of Canada, the high rate of Indigenous children in foster care can be directly traced to colonialism and its related factors such as poverty, poor housing, multi-generational trauma, addiction, and domestic violence.

These harsh realities have been recognized by the Truth and Reconciliation Commission. In their calls to action, the Commission called upon the federal government to enact Indigenous child welfare legislation that would affirm the right of Indigenous governments to establish and maintain their own child-welfare agencies. The Commission also said that when children need to be put into care, having culturally-appropriate care should be a priority.

In light of this Call to Action, in 2020 the Canadian government passed the *Act respecting First Nations, Inuit and Métis children, youth and families*.

This Act, a piece of child welfare legislation, acknowledges the particular circumstances faced by Indigenous Peoples and the legacy of past government policies including residential schools. It has principles and standards for child welfare that emphasize 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 legislation recognizes Indigenous Peoples’ inherent right to govern child welfare as part of their inherent right to self-government. It provides a framework for Indigenous Governing Bodies to make laws and take jurisdiction over child and family services matters for their communities.

Since the Act came into place, nearly 90 Indigenous governing bodies have submitted notices to begin exercising their jurisdiction over child and family services. Many are now in control of their child welfare and family service systems.

In Saskatchewan in particular, more than a dozen Indigenous Governing Bodies are at different stages in this process of returning child welfare and family services to their own jurisdiction. The first to sign a coordination agreement was Cowessess First Nation. They enacted the *Cowessess First Nation Miyo Pimatisowin Act* on April 1, 2021. This law now governs child and family services for Cowessess First Nation citizens and their children.

Jessica Knutson, of the National Council of Youth in Care Advocates, believes that moving child welfare jurisdiction into the hands of individual Indigenous Nations will help heal generations-long trauma. However, this healing process will take many more generations, and this healing process needs to be nurtured with the needs of each nation in mind. As she says,

*Children and women are the heart of community.... It's so important and really significant that nations are able to use their own protocols to be able to care for their children, because Indigenous nations need to be making the decisions for their own children, and that looks different for each nation.**

Recognizing historical harms and the need for culturally-appropriate care, alongside returning jurisdiction of child welfare to individual Indigenous Nations, are important steps forward in Reconciliation. These changes to the laws governing child and family welfare will hopefully result in improved well-being for everyone, particularly but not exclusively those directly involved in the child welfare system.

Reading Reflection

In response to the Truth and Reconciliation Commission, laws have been changed to help ensure that foster care for Indigenous children is culturally-appropriate. This includes allowing individual Indigenous Nations to create their own child welfare laws.

1. Why is it important that foster care is culturally appropriate?
2. Consider Morgan and Eli's conversation on Page 12, when she tells Eli about her experiences in foster care:

"How've you been to so many homes?" he asked.

"I don't know," Morgan said. "Stuff happened."

"What kind of stuff?" he asked.

"I run away," she said, "or they don't like me. Or I run away because they don't like me. I get older and, you know, they want a cute Native kid. And I can tell, so, I don't know ... I guess I act like a jerk. They're saviors, you know. Like, all of them. Katie and James too. They want to save kids like us."

"I like them," he said.

Morgan took a deep breath, then half smiled. "Yeah," she said under her breath. "I do too."

What ways could culturally-appropriate foster care in her own community have helped Morgan avoid some of these problems?

Looking Forward

An APTN article on Indigenous people and child welfare discusses why being good to children will improve the lives of children today, and the lives of everyone in the future:

"The reason [children are a top priority for Indigenous Peoples] is that children are the keepers of the possible. They're the keepers of our tradition. They're the keepers of our peoples," said Cindy Blackstock, a noted activist for Indigenous children's rights who is a member of the Gitksan First Nation and executive director of the First Nations Child and Family Caring Society of Canada.

"If you don't pay attention to the children, then really, you're losing that. You're losing your culture, you're losing everything."

Children grow up into parents and grandparents, she noted.

*"There's an understanding that you have to treat them well, because... everything that happens to them will ripple forward to generations that we'll never know," Blackstock said.**

As *The Barren Grounds* unfolds, look for these things:

- Morgan's memories of bad experiences related to her foster care.
- How Morgan's well-being improves under the good care of Ochek.
- The efforts that Katie and James make to connect Morgan with her culture.

* 'We Need to Take Care of Our Own Children': Inside the fight for Indigenous jurisdiction over child services in Canada, *APTN News*, 23 January 2025, www.aptnnews.ca/national-news/we-need-to-take-care-of-our-own-children-inside-the-fight-for-indigenous-jurisdiction-over-child-services-in-canada/

Slide One

BELONGING



Indigenous children are more likely to be in foster care, due to colonialism and residential schools

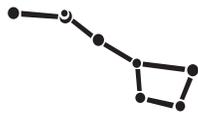


The law now recognizes the importance of Indigenous foster children staying connected with their culture and community



Indigenous communities can now choose to create their own child welfare laws





SECTION TWO

LAND AND PLACE

PAGES 54 - 96
CHAPTERS 7 - 11

Morgan is angry that Katie and James are trying to reconnect her with her culture. She retreats to her bedroom. She realizes that Katie and James are doing their best to make her feel welcomed and valued, and tries to understand her anger.

Morgan returns to the attic. She breaks open the second-room door to find another unremarkable room under renovation. Soon, Eli joins with his drawing pad. She tells him about the poor treatment she experienced in previous foster homes that led her to run away. Morgan adds that she has no intention of running away from Katie and James.

Eli gives Morgan one of his drawings. It's a fisher walking in a snowstorm, with a village in the background. When she staples the picture to the wall, the mysterious cold wind returns. This time, the wind is stronger and coming from the picture. When fully stapled up, the picture reveals a portal to a snowy world just like the one depicted in Eli's picture, including the strange fisher. Eli rips the paper from the wall and the portal closes. The two discuss what they should do, then leave the room.

Morgan wakes up in the middle of the night to discover that Eli has reopened the portal. Wearing her new moccasins, she enters the snowy world to find him. Morgan fears that Eli left in response to her unkind comment that he wants to pretend the world in the portal is his home since he has no home anymore.

In this strange world beyond the portal, the cold overwhelms Morgan. She passes out and awakens to see the fisher, Ochek. He takes her to his village

called Misewa, part of a land called the North Country, in a world known as Askí. Misewa is in the grips of a cold, snowy era called the White Time.

In Ochek's tent, she is reunited with Eli. He has been there for two weeks. Time in Askí passes at a different rate than in Winnipeg: a week in Askí is a mere hour in Winnipeg. As she rests she has visions of a woman whispering "Kiskisitotaso"—don't forget who you are—while rocking a baby.

Teacher Background Information: Land, Place, and Treaty

When Eli and Morgan pass through the portal that opens up in their Winnipeg attic, they enter 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 a world that is new to them serves to remind us that the land that is now Canada was not an empty space when Europeans arrived. Rather, distinct peoples were already living here.

Because distinct Indigenous Peoples already lived here with their own laws, customs, beliefs and Traditional Territories the government could not just move on to their land. The negotiation of Treaties was required by Canadian law before settlers could move onto the land.

Treaties are formal agreements between the Government and Indigenous Nations. During the 1800s, the Canadian government, representing the British Crown, and Indigenous Nations living in what is now Saskatchewan, negotiated five

Treaties. These are Treaties 4, 5, 6, 8 and 10. While the Saskatchewan land also includes a portion of Treaty 2 lands in the southeast, there are no Treaty 2 Indigenous Nations in Saskatchewan. Within that small section of Treaty 2 land in Saskatchewan there are three First Nations who are signatories to Treaty 4.

The Treaties were oral agreements. The terms were agreed to over the course of formal negotiations between each Indigenous Nation and the government.

The written documents often included only some terms of the agreement. Often they did not match what was agreed to.

Each Treaty includes specific promises that were negotiated between Indigenous Nations and the Crown. Together, every and all Treaties address broad areas of rights. The Assembly of First Nations lists the following rights as Treaty Rights...

- Right to maintain their own systems of governance, including selection of leadership and control over their own citizenship, trade and spiritual beliefs
- Right to Shelter
- Rights to Treaty annuity or annual payments under the terms of certain Treaties
- Right to Child Welfare
- Right to Land and Resources
- Right to Education
- Right to Hunting, Fishing, and Trapping
- Right to Justice

Treaty promises are binding and can be enforced in court. The Supreme Court of Canada describes Treaties as solemn, sacred agreements. The Court has ruled that Treaty terms, both oral and written, need

to be interpreted in favour of the Indigenous Nation. The Treaties are not frozen in time, either. Treaty agreements can evolve to meet changing conditions.

Treaty Rights are protected by the *Constitution*. Under Canadian law this does not mean the government can never take away or limit these rights. It does mean that any actions that do this must be justified. Courts have created a test for when the constitutional rights of Indigenous Peoples, such as Treaty Rights, can be limited. On the other hand, Indigenous Nations see limits placed on Treaty Rights by the courts and governments as broken Treaty promises.

Because Treaties are part of the law in Canada, the Truth and Reconciliation Commission listed as a Call to Action:

We call upon the Government of Canada to replace the Oath of Citizenship with the following: I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.

As a result, the Government has changed the Oath of Citizenship to say:

I swear (or affirm) that I will be faithful and bear true allegiance to His Majesty King Charles the Third, King of Canada, His Heirs and Successors, and that I will faithfully observe the laws of Canada including the Constitution which recognizes and affirms the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples and fulfil my duties as a Canadian citizen.

Treaties, thus, form a foundational aspect of Canadian law and a foundational aspect of our citizenship. Treaties are connected to all Canadians, regardless of our background.

Reading Reflection

The Truth and Reconciliation Commission has recognized the importance of Treaties. In their Calls to Action, the Commission asks that we:

Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

1. Think about these three terms: mutual recognition, mutual respect, and shared responsibility.
 - a. What does the word mutual mean?
 - b. What does the word recognition mean?
 - c. What does the word respect mean?
 - d. What is a shared responsibility?
2. Once you have a better understanding of these terms, look again at what the Call to Action says. In what spirit are we being asked to approach Treaties?
3. Consider Ochek's words on Page 88. He says that everything and everyone is connected:

"All things are connected. Your world and this one, the sky and the land. All that is."

How are Ochek's words similar to the Call to Action for Treaty relationships?

Looking Forward

When Treaties were entered into, the government wanted to use them to open land for settlement. They saw them as Indigenous Peoples giving up their rights to their traditional lands.

Indigenous Peoples believe they were sharing the land and resources. They were misled by the government. According to the Assembly of First Nations,

First Nations never agreed to the sale of their lands and resources. Instead, they agreed to share their Indigenous lands, to the depth of a plough, as stated in the following quote: At the time, the government said that we would live together, that I am not here to take away what you have now...I am here to borrow the land...to the depth of a plough...that is how much I want.

As you read forward in *The Barren Grounds*, think about these two different interpretations of Treaties. In particular, think about:

- How do Ochek and the rest of the animal beings of Misewa share land and resources with Morgan and Eli?
- How do Morgan and Eli treat the land?
- Later, when we meet the Man who caused the White Time, how does he differ from Morgan and Eli?

Slide Two

LAND AND PLACE



The land we call Canada had distinct peoples living here before Europeans arrived



Treaties were required by Canadian law for settlers to move onto the land



Treaties are legal agreements. They created Treaty Rights that can be enforced in court



SECTION THREE

RESPONSIBILITY

PAGES 97 - 142
CHAPTERS 12 - 15

Ochek tells Morgan and Eli about the arrival of the White Time. Earlier, during the plentiful Green Time, a man entered the North Country through the Great Tree. The Great Tree is the portal where the North Country links to the attic in Winnipeg. He was not the first human to come to Askí, but he was the first human to betray the inhabitants.

The man, Napéw, was at first welcomed onto the land, but began to take more than he needed from it. The more he took, the more gaunt and unhealthy he became. Because of his disrespectful actions, Misewa's Council, under the guidance of Chief Muskwa, banished him.

Instead of returning to Earth, the man fled elsewhere in Askí. Tahtakiw the crane joined him, for reasons they can only speculate about. When the two fled, they took the summer birds with them. This theft led to the onset of the White Time, and an even greater scarcity of resources followed.

Because of the man's betrayal of Misewa, Ochek has kept Eli a secret. He fears how Misewa would react to new human visitors. What sets Eli apart, however, is that he greeted Ochek at the portal with "the good words"—Cree—and has earned Ochek's trust and respect by learning how to responsibly live from the land.

Because time moves more slowly back in Winnipeg, Morgan agrees to stay in Askí for a while longer, so she can accompany Ochek and Eli on their long journey to Ochek's trapline.

At the trapline, they discover a talking squirrel that stands on two legs. Her name is Arik, and she is stealing a rabbit. Ochek tries to kill Arik for food, but Eli and Morgan intervene to save her. Arik tells Ochek that she knows where the summer birds are hidden, and if he lets her live she will bring them there.

The four return to Misewa to seek council's approval to rescue the summer birds. Council members are wary of humans but determine that they cannot let one bad man's actions come to represent all humans. Ochek is granted permission to set off with Arik, Morgan, and Eli to rescue the summer birds.

Teacher Background Information: Aboriginal Hunting and Fishing Rights

Ochek invites Morgan to join him and Eli on a journey southeast of Misewa to check his traplines. The traplines provide the villagers with animals that will become clothing, utensils, and food. That is, the hunting that Ochek does is a way that the land provides Misewa with its needs for survival. This is one aspect of the special relationship that Misewa's inhabitants have with the land.

Misewa's special relationship with the land is akin to the special relationship that the original inhabitants of what is now Canada have with the land that we all share today. This special relationship is recognized in Canadian law, through Aboriginal Rights.

Aboriginal Rights include the right to:

- occupy and use Traditional Lands and resources
- continue cultural and social practices

Aboriginal Rights belong to the Indigenous Peoples who lived in what is now Canada. 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 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. Hunting with weapons that did not exist is an example of a right changing over time. The present-day activity 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 culture became Aboriginal Rights. The community does not need to be the only community that engaged in the activity. The community does not need to have continuously exercised the right.

Examples of rights that have been recognized by courts include a right to:

- fish for food, ceremonial and social purposes
- sell fish
- hunt
- 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 historically exercised. Some courts have only looked at where the activity took place and not outlined the whole area where the right exists.

Métis Activities

Under Canadian law, 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. To exercise these rights the person must:

- identify as a Métis person
- be an accepted member of a present-day Métis community
- have ties to a historic Métis community

The Supreme Court of Canada has recognized the Métis right to hunt for food as an Aboriginal Right. Most of the rules about Aboriginal Activities apply to Métis rights. The activity must have been an essential part of the Métis community's culture before colonial powers controlled the area.

Reading Reflection

Indigenous Peoples have the right to continue their practices, customs and traditions that existed before Europeans arrived here. Activities that were an essential part of the group's culture have become Aboriginal Rights.

Much the same with *The Barren Grounds*, the land in Askí has cultural significance to the animal beings of Misewa. The land's significance is not just related to how it provides food and medicines. It also includes the spiritual ways that the land is used.

1. On Page 101, Ochek explains that Eli is living the same way that the animal beings of Misewa live. He joins Ochek to “check my snares and reset them, to forage for foods and medicines, and to hunt.”
 - a. Why do we all need foods and medicines to survive?
 - b. Why are Ochek's activities an essential part of his group's culture?
2. Consider how Ochek describes Eli on page 106. As he says,

“He respects this place and the beings within it.”

How would respecting the land and the beings within it help to provide food and medicine, not just for now but also for the future?

Looking Forward

As you read forward in *The Barren Grounds*, watch for activities that Ochek engages in, from hunting to harvesting sweetgrass to saying prayers.

- How does Ochek honour the land and animals that give resources?
- What ways do Ochek's actions show us that these activities are essential parts of his people's customs and traditions?

RESPONSIBILITY



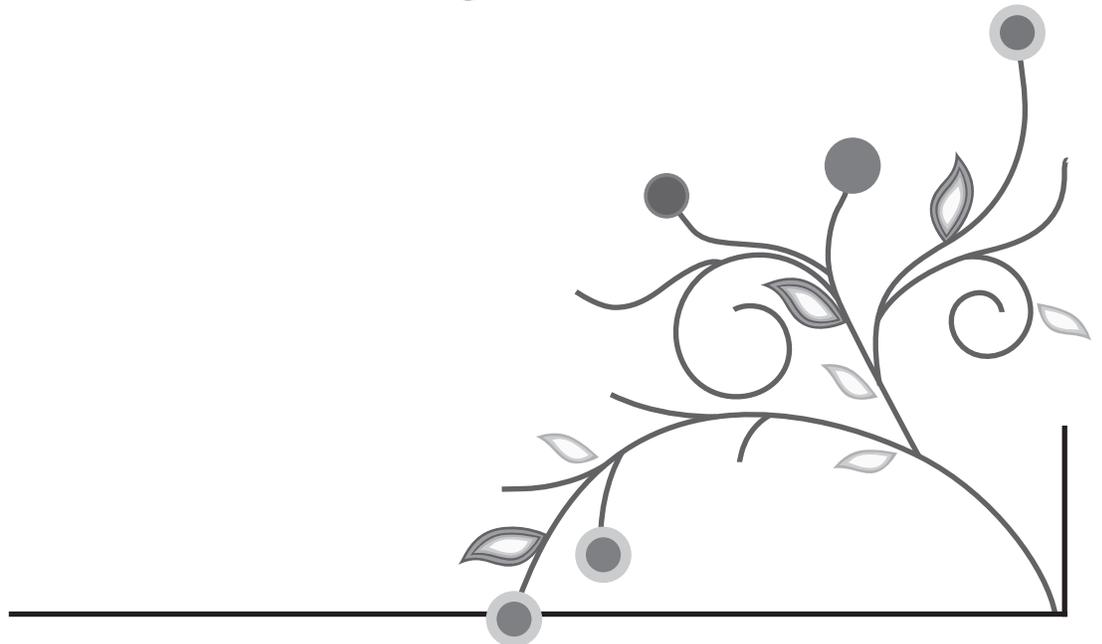
Indigenous Peoples have a special relationship with the land



The land is a place for cultural practices and provides resources



Indigenous Peoples have the legal right under Canadian law to continue their practices, customs and traditions that existed before settlers arrived or, in the case of Métis Peoples, before the area was under the control of the government.



SECTION FOUR

TEACHINGS

PAGES 143 - 182
CHAPTERS 16 - 19

Ochek, Arik, Morgan, and Eli trek southwest, towards the man and Tahtakiw, on their quest to retrieve the summer birds. They set up camp by the mountains. That night, Morgan dreams of her mother and they speak in the good words.

As they scale a mountain they meet a well-fed wolf. The wolf appears to be guarding the Green Time, and gives the four the opportunity to turn back. Ochek says they'd rather die fighting than die starving. The wolf gives them until nightfall to reconsider their decision.

They reach the mountain summit, where there is a giant sequoia tree. Up high, they see the Green Time on the other side of the mountain. Further in the distance, on an island, they see the man's cabin. It confirms that Arik was telling the truth.

At camp that night the wolf makes good on his threat. He drags Eli from his tent. Morgan rescues him, and they run back to the camp where a fight ensues between the wolf and Ochek.

Ochek overpowers the wolf, but Eli and Morgan intervene before Ochek can kill him. Even though the four tend to the wolf's injuries, he appears ungrateful and tries to provoke Eli into anger. It becomes a match of wills, with Eli determined to be kind to the wolf despite his provocations.

Teacher Background Information: 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, Ochek introduces an array of good words. No less than thirty Cree words appear across their journey. This is a learning opportunity for Morgan. The more time she spends with Ochek, the more Cree she learns.

Two of the many words Morgan learns are Kiskisitotaso (don't forget who you are) and Iskwésis (girl). However, a key moment in her learning process happens when Mahihkan—the wolf—comes to their camp to take away Eli.

As Mahihkan drags away Eli, she yells mwach—no—at him. Morgan was introduced to the word mwach in her dreams. Her mother says mwach to resist when Morgan is being taken away from her. What makes this moment significant is that this is the first time that Morgan uses a Cree word spontaneously. It's a key step in Morgan's learning process: 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.

Language is often a distinguishing feature of a culture and part of an individual's connection with their cultural identity. Colonization stripped language away from Indigenous people, particularly but not exclusively through forbidding Indigenous languages at residential schools and harshly punishing children who spoke their language.

Despite these efforts to destroy Indigenous languages, today over 70 Indigenous languages are still alive in the land we call Canada, spoken by about 240,000 Indigenous people. While there has been a slight decline in the number of Indigenous people who speak an Indigenous language according to the 2021 census, some languages such as Michif are in a state of renewal.

The need to revitalize Indigenous languages was recognized by the Truth and Reconciliation Commission. In their Calls to Action, they called upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights and called upon the federal government to enact an Aboriginal languages act.

In response to this call, in 2019 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 greater rights and protections for English and French speakers in Canada under federal legislation. As well, Yukon, Nunavut, and the Northwest Territories all have stronger protections for Indigenous languages. Each of these territorial governments has passed legislation that recognizes the Indigenous languages spoken in the territory, and provides specific rights to use those languages in particular situations.

Reading Reflection

Languages are important to cultures. Often the words a culture uses tell us a lot about the values and identity of that culture. In Canada today, laws recognize the value of Indigenous languages and movements are underway to help protect and revitalize Indigenous languages.

1. One Cree word that Morgan learns is kiskisitotaso. It appears frequently in her dreams, as something her mother tells her. There is no single word for kiskisitotaso in English. In English, it means “don’t forget about who you are.”

If a culture has a single word that captures a whole idea, what can that tell us about the values of that culture?

2. How would teaching a language help a people preserve their culture?

Looking Forward

As you read forward in *The Barren Grounds*, look for ways that Cree becomes revitalized for Morgan.

- What role does Eli play in helping Morgan learn Cree?
- What does Eli’s guidance tell us about how we can learn from people younger than ourselves?

TEACHINGS



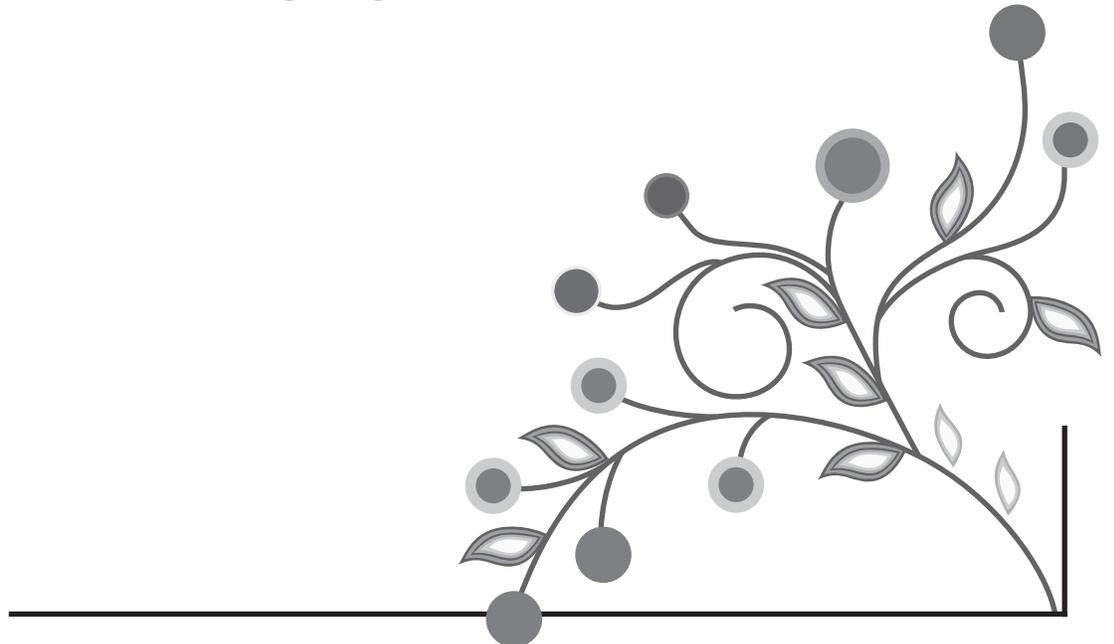
Language is an important feature of culture but colonization stripped language away from Indigenous Peoples



Work is being done across Canada to help revitalize Indigenous languages



Each Territory (Yukon, Northwest Territories, Nunavut) has laws that grant rights for Indigenous Peoples to use or receive some services in their language



SECTION FIVE

COMMUNITY CONSCIOUSNESS

PAGES 183 - 219
CHAPTERS 20 - 24

Ochek, Arik, Morgan, and Eli descend the mountain and arrive in the Green Time. Despite there being berries and sweetgrass, there are no animals. It appears that the man has depleted the animals, and the four suspect that he will move elsewhere to continue taking resources. This makes their task of freeing the summer birds important not just for Misewa but for all of Askí, for the entire land needs to gain back its process of renewal.

Crossing the lake, they arrive at the man's cabin and find him inside the cabin. He is sleeping, Tahtakiw perched by him and the summer birds held in a sack.

They enter the cabin and grab the sack of birds, all while Tahtakiw flies away. The four escape the island on the man's canoe, planning to release the birds as close to Misewa as possible. This will bring about the Green Time where it is most needed.

The man awakens while they are fleeing, and shoots arrows as they canoe away. One arrow strikes Ochek's shoulder. Believing that the man has no way to leave the island without his canoe, the four set up camp to dress Ochek's wounds. However, he catches up with them and renews his arrow attack.

Realizing the grave danger to Askí if the man gets the summer birds back, Ochek climbs the giant sequoia tree and successfully releases them. However, being high up on the tree makes him an easy target for the man, who lethally strikes Ochek with an arrow. Before Ochek's body can drop to the

ground, a mysterious force picks him up and plants his body in the sky, creating a new constellation.

Just as the man corners Arik, Eli, and Morgan, the wolf returns. The man demands that the wolf kill the three, but he hesitates. Unable to rely on the wolf, the man raises his bow to shoot an arrow at Eli. The wolf jumps on the man and pushes him down a canyon. In the scuffle, the wolf also slips into the canyon. He hangs onto the sides for a short while, but falls despite Arik, Eli, and Morgan's efforts to save him.

Teacher Background Information: Indigenous Self-Government

As Arik, Eli, Morgan, and Ochek's journey comes to a close in *The Barren Grounds*, the four bring about a wish of Misewa's governing Council. In Chapter 15 the Council permits the four to set out to release the Summer Birds. Muskwa, the Council's head, tells the four that "Perhaps it's time we found life." The Council's decision ultimately led to the restoration of Askí's seasonal cycle.

The meeting where this took place followed protocols unique to Misewa. The decision was Council's alone to make. In other words, Misewa's Council was engaged in acts of 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. This includes Whitecap Dakota First Nation, south of Saskatoon. They began negotiations in 2009 and came to a final agreement with the federal government in 2023.

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."*

In a sense, this process of bringing self-government to Indigenous communities helps restore what we see in Misewa: unique peoples who govern themselves in their own unique ways.

* 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

CLASS DISCUSSION

Reading Reflection

1. In what ways was the journey an example of how the people of Misewa manage and govern their traditional lands?

Looking Forward

Morgan, Eli, and Arik return to Misewa's governing council following their journey. As you read forward to this moment in *The Barren Grounds*, look at what happens in the Council Hut.

- What does the Council offer to Arik? What does the Council offer to Morgan and Eli?
- How have they earned these honours?

COMMUNITY CONSCIOUSNESS



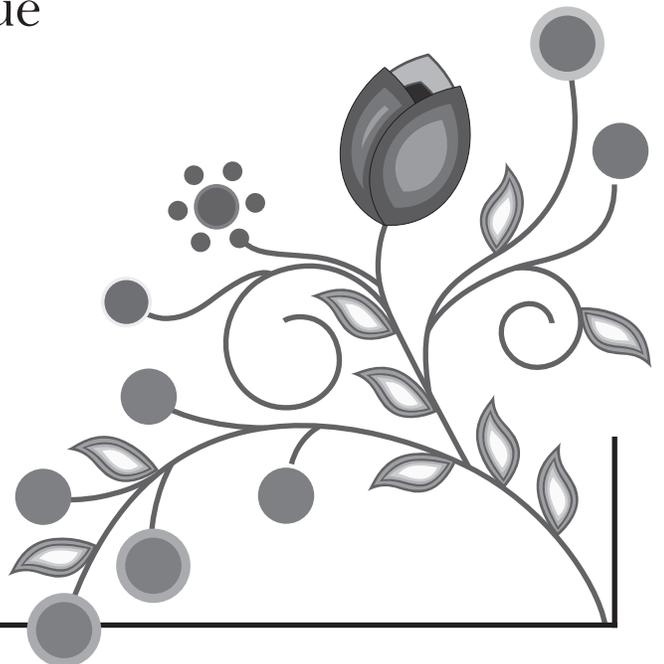
The federal government recognizes that Indigenous Peoples have an inherent Right to self-government, protected by the *Constitution*



Indigenous communities can negotiate agreements with the federal government to create laws, manage programs and deliver services in areas such as health, social services and education for the community



Almost 30 agreements for self-government have been made to-date, and every agreement is unique



SECTION SIX

IDENTITY

PAGES 220 - 247
CHAPTERS 25 - EPILOGUE

Morgan, Eli, and Arik return to Misewa Muskwa and the council offer Arik the opportunity to live in the community, and offer Morgan and Eli the opportunity to stay longer. The children, however, must return to Katie and James' house. As Arik sees them off, they promise to return the following night. Back in Winnipeg, Morgan is reunited with her mother in a dream.

Teacher Background Information: United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Morgan and Eli's journey reveals a land that is new to them, Askí, populated by a distinct set of beings with a distinct culture. Askí can be considered a metaphor for the land and peoples that lived 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 United Nations is an international organization of 193 Member States "where all the world's nations can gather together, discuss common problems, and find shared solutions that benefit all of humanity."

One result of the UN's work to bring states together to discuss common problems and find shared solutions is the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

UNDRIP is a document that outlines minimum standards that will contribute to the survival, dignity, and well-being of the world's Indigenous Peoples. UNDRIP is not a law that countries must follow. Rather, it is a guide for countries, courts, and other institutions to take into consideration when making their own laws.

UNDRIP recognizes several rights of Indigenous Peoples, such as rights to:

- self-government
- decide membership using their customs and traditions
- lands and resources they have traditionally owned, occupied or acquired
- establish and control their educational systems
- practice their traditions and customs
- use, develop and pass on their languages, and oral traditions
- maintain and develop their economic systems
- develop and, as far as possible, administer their own social programs
- practice, develop and teach their spiritual traditions
- recognition and enforcement of Treaty Rights

Countries may make the rights in UNDRIP the law in their own land. Canada has taken steps towards this. In June 2021, the federal government passed

Action Plan

the *United Nations Declaration on the Rights of Indigenous Peoples Act*. The purpose of this Act is 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 June 2023. The action plan sets out priorities for making UNDRIP part of Canadian law. It also outlines steps that need to be taken for each priority area that the law identifies. The Act does not create stand-alone rights that can be enforced against the government.

Priorities include making sure 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 the government, in consultation with Indigenous Peoples, must make sure Canadian law is consistent with UNDRIP.

CLASS DISCUSSION

Reading Reflection

The United Nations Declaration on the Rights of Indigenous Peoples recognizes rights that all Indigenous Peoples across the world should have. Some of these rights include...

- self-government
- decide membership using their customs and traditions
- lands and resources they have traditionally owned, occupied or acquired
- establish and control their educational systems
- practice their traditions and customs
- use, develop and pass on their languages, and oral traditions
- maintain and develop their economic systems
- practice, develop and teach their spiritual traditions

Many of the practices that UNDRIP seeks to preserve and promote are seen in action, in the lives of the inhabitants of Askí. For example, think about Misewa's governing council. It governs Misewa with its own unique processes. The inhabitants of Misewa, thus, have their own form of self-government.

Go through each of the rights listed above, line-by-line.

1. How did Askí's inhabitants practice the ideas listed in each right? Describe it in as much detail as you can.
2. Think about the people on the land we call Canada today.
 - a. How will preserving and promoting UNDRIP rights improve the lives of Indigenous Peoples?
 - b. Look back to Ochek's words on Page 88.

"All things are connected. Your world and this one, the sky and the land. All that is."

How will implementing UNDRIP in Canada improve the lives of everyone?

3. As the action of *The Barren Grounds* comes to a close, the book says:

It looked as though the White Time had never been there at all, but of course, that wasn't the case. Too much had happened. Too many lives had been lost over the years since the White Time began its unrelenting stay, and too many had been lost just in the last week. They were all crying, in their own way and for their own reasons. At the hope the Green Time brought..." (220)

Implementing UNDRIP is an ongoing task in Canada. Why is it important to recognize harms of the past when making plans for the future?

Looking Forward

Think about what Mrs. Edwards wrote in her evaluation of Morgan's poem.

"I knew that you could do more, and I hope you know that now. Now do even better. B+." (245)

- Is our work in making things better ever done?
- How will things like UNDRIP help guide our path to a better future?

IDENTITY



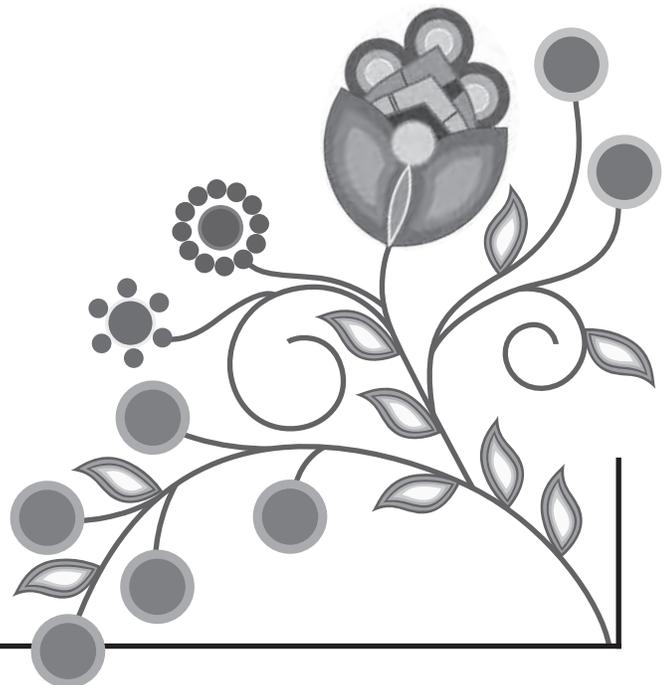
The United Nations recognizes the distinct nature of Indigenous Peoples, and has created the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)



UNDRIP recognizes several rights of Indigenous Peoples



UNDRIP is part of Canadian law and Canadian laws must be consistent with UNDRIP



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