

Indian dissent



Grand Chief Solomon Sanderson, flanked by two other chiefs, presents the Saskatchewan Indians' case in London.

(UPI photo)

The final version of the patriation proposals won almost all Canadians' approval with two notable exceptions: the Government of Quebec, and a substantial proportion of Canada's native Indian population. Of the two, the Indian case was the harder to understand and certainly prompted the greater sympathy among British parliamentarians.

While Canadian Indians were the earliest inhabitants of the country, their numbers seem unlikely to have exceeded 150,000 even before the coming of the European. The 1920 population has more than trebled to some 320,000 today, but even this figure constitutes less than 1.3 percent of Canada's total population.

Although this small minority has, for many complex and sound reasons, received special privileges not accorded to other Canadians, it did not seem appropriate to either the federal or provincial governments to accede to the extensive demands for expansion of these privileges the Indians were currently demanding. It would be difficult to justify what would appear to most Canadians as iniquitous discrimination against other ethnic minorities.

An additional problem facing the federal government was the complete absence of any agreement among the Indian groups themselves as to what Indian rights should encompass. It became obvious that obtaining such agreement would require prolonged negotiations.

The federal government accordingly undertook to guarantee existing Indian rights in the constitution and to begin within one year of the constitution's proclamation the negotiations which would lead to a resolution of the whole Indian rights' question.

Far from forming a single nation with common customs and tongues, Canadian Indians are divided into ten language groups speaking 58 dialects and comprising 573 widely scattered bands. Culturally and linguistically they differ among themselves as much as do Europeans.

The figure of 320,000 refers to 'status' Indians — those claiming the special privileges accorded Canada's native people. An indeterminate number of full-blooded Indians and métis, or people of mixed Indian and European descent, have abandoned special status and for the most part blended into Canadian society, particularly in the cities. There are also some 22,000 Inuit (Eskimo) people in the Arctic, but for the most part they have expressed satisfaction with the constitutional proposals.

Respect for Indian rights in Canada was given force in law by a Royal Proclamation in 1763, which decreed that no lands occupied or used by Indians should be intruded upon by white men without the specific agreement of, and a formal treaty with, the Indians concerned, and the setting aside of quality land reserved for their permanent and exclusive use.

Outstanding business

There had of course been European settlement in Quebec and the Atlantic provinces prior to 1763, and treaties have yet to be signed with Indians in many areas of Northern Quebec, British Columbia, Yukon and the Northwest Territories not yet extensively settled by white men. It is largely in these latter areas that Indian claims are being vigorously pressed. The federal government has recognised the continuing validity of the 1763 Royal Proclamation, and in a 1973 'Statement on Claims' announced programmes to encourage Indian groups to research and pursue both claims based on aboriginal title and on perceived lawful obligations. Between 1970 and 1982 a total of \$16.7 million has been provided to Indian organisations for this purpose and as of December 1981, 250 specific claims had been presented. Cash payments of \$2.3 million have been made in the case of twelve claims, and of the 250 only 17 have been rejected as unsubstantiated. The federal government has commenced