

“aboriginal title” has been confirmed in several decisions of the Supreme Court of Canada. Further, subsection 35(1) of the *Constitution Act, 1982* affirms and recognizes the existing aboriginal and treaty rights of the aboriginal peoples of Canada. What is not known is the extent to which the territory of Canada is still subject to aboriginal title and the scope and content of that term. Existing federal policy in respect to land claims is intended to provide a means of negotiating the practical implications of aboriginal rights and of settling claims based upon aboriginal title without resorting to the courts. The specific and comprehensive claims policies have been reviewed by several bodies in recent years and yet there is still a very high level of dissatisfaction. In particular, the very slow rate at which comprehensive and specific claims are being dealt with, is considered symptomatic of fundamental problems in policy and process.

One recurring suggestion is that the land claims process including the funding aspect, should be managed or monitored by a body or bodies independent of the Department of Indian Affairs and the Department of Justice. Various recommendations have been made, from creating a legislative base to govern the negotiation of claims, to creating an administrative tribunal or commissioner to deal with claims and claims funding. Further, aspects of federal policy on self-government affecting the scope of land claims negotiations have met with considerable criticism.

## **2. Other Land and Resource Issues**

There are other land and resource issues apart from outstanding land claims. Many of these were reviewed by the Special Committee on Indian Self-Government, such as the nature of the legal interest of First Nations in their reserve lands and their power to manage them. These issues remain largely unresolved although some are being examined in the course of the Department's Lands, Revenues and Trusts Review.

## **3. Constitutional Issues**

Constitutional issues respecting self-government have been briefly referred to above. There are two overriding constitutional concerns of aboriginal people at the present time: to convince Canada