

Legislation

The Committee recommends that any changes of policy possible under existing laws that would enhance self-government and that are acceptable to designated representatives of Indian First Nations be taken without waiting for the enactment of new legislation. It must be the responsibility of First Nations themselves to select a method of designating representatives to negotiate on their behalf. (p. 60)

The Committee does not support amending the *Indian Act* as a route to self-government. The antiquated policy basis and structure of the *Indian Act* make it completely unacceptable as a blueprint for the future. (p. 47)

The Committee rejects the Department's band government proposal. Although there have been years of consultation, there was no general agreement of Indian representatives, and the proposal finally emerged from a unilateral government decision. (p. 47)

The Committee recommends that the federal government commit itself to constitutional entrenchment of self-government as soon as possible. In the meantime, as a demonstration of its commitment, the federal government should introduce legislation that would lead to the maximum possible degree of self-government immediately. Such legislation should be developed jointly. (p. 50)

The Committee recommends that the federal government and designated representatives of Indian First Nations jointly appoint and fund an independent secretariat to provide a neutral forum for conducting negotiations between them. (p. 62)

The Committee is convinced that any legislation that could apply generally must offer a framework flexible enough to accommodate the full range of governmental arrangements that are being sought by Indian First Nations. (p. 48)

The Committee recommends three legislative measures:

1. The enactment of an Indian First Nations Recognition Act committing the federal government to recognize Indian governments accountable to their people.
2. Legislation authorizing the federal government to enter into agreements with recognized Indian First Nation governments as to the jurisdiction that each government wishes to occupy.
3. Legislation under the authority of Section 91(24) of the *Constitution Act, 1867* designed to occupy all areas of competence necessary to permit Indian First Nations to govern themselves effectively and to ensure that provincial laws would not apply on Indian lands except by agreement of the Indian First Nation government.

With this legislation in place and supported by appropriate agreements, Indian First Nations could be self-governing in areas in which they wish to legislate. (p. 59)

The Committee recommends that a Ministry of State for Indian First Nations Relations, linked to the Privy Council Office, be established to manage and co-ordinate the federal government's relations with Indian First Nation governments. (p. 61)