

pation can come only when the Indian people are controlling the land which makes up the reserves.

The reserve system has provided the Indian people with lands that generally have been protected against alienation without their consent. Widely scattered across Canada, the reserves total nearly 6,000,000 acres and are divided into about 2,200 parcels of varying sizes. Under the existing system, title to reserve lands is held either by the Crown in right of Canada or the Crown in right of one of the provinces. Administrative control and legislative authority are, however, vested exclusively in the Government and the Parliament of Canada. It is a trust. As long as this trust exists, the Government, as a trustee, must supervise the business connected with the land.

The result of Crown ownership and the Indian Act has been to tie the Indian people to a land system that lacks flexibility and inhibits development. If an Indian band wishes to gain income by leasing its land, it has to do so through a cumbersome system involving the Government as trustee. It cannot mortgage reserve land to finance development on its own initiative. Indian people do not have control of their lands except as the Government allows, and this is no longer acceptable to them. The Indians have made this clear at the consultation meetings. They now want real control, and this Government believes that they should have it. The Government recognizes that full and true equality calls for Indian control and ownership of reserve land.

Between the present system and the full holding of title in fee simple lie a number of intermediate states. The first step is to change the system under which ministerial decision is required for all that is done with Indian land. This is where the delays, the frustrations and the obstructions lie. The Indians must control their land.

This can be done in many ways. The Government believes that each band

must make its own decision as to the way it wants to take control of its land and the manner in which it intends to manage it. It will take some years to complete the process of devolution.

The Government believes that full ownership implies many things. It carries with it the free choice of use, of retention or of disposition. In our society it also carries with it an obligation to pay for certain services. The Government recognizes that it may not be acceptable to put all lands into the provincial systems immediately and make them subject to taxes. When the Indian people see that the only way they can own and fully control land is to accept taxation the way other Canadians do, they will make that decision.

Alternative methods for the control of their lands will be made available to Indian individuals and bands. Whatever methods of land control are chosen by the Indian people, the present system under which the Government must execute all leases, supervise and control procedures and surrenders, and generally act as trustee, must be brought to an end. But the Indian land heritage should be protected. Land should be alienated from them only by the consent of the Indian people themselves. Under a proposed Indian Lands Act full management would be in the hands of the bands and, if the bands wish, they or individuals would be able to take title to their land without restrictions.

As long as the Crown controls the land for the benefit of bands who use and occupy it, it is responsible for determining who may, as a member of a band, share in the assets of band land. The qualifications for band membership which it has imposed are part of the legislation—the Indian Act—governing the administration of reserve lands. Under the present Act, the Government applies and interprets these qualifications. When bands take title to their lands, they will be able to define and apply these qualifications themselves.

The Government is prepared to transfer to the Indian people the reserve lands,

full control over them and, subject to the proposed Indian Lands Act, the right to determine who shares in ownership. The Government proposes to seek agreements with the bands and, where necessary, with the governments of the provinces. Discussions will be initiated with the Indian people and the provinces to this end.