

believes that the needs of Indian communities should be met within this framework.

5 Claims and Treaties

Lawful obligations must be recognized

Many of the Indian people feel that successive governments have not dealt with them as fairly as they should. They believe that lands have been taken from them in an improper manner, or without adequate compensation, that their funds have been improperly administered, that their treaty rights have been breached. Their sense of grievance influences their relations with governments and the community and limits their participation in Canadian life.

Many Indians look upon their treaties as the source of their rights to land, to hunting and fishing privileges, and to other benefits. Some believe the treaties should be interpreted to encompass wider services and privileges, and many believe the treaties have not been honoured. Whether or not this is correct in some or many cases, the fact is the treaties affect only half the Indians of Canada. Most of the Indians of Quebec, British Columbia, and the Yukon are not parties to a treaty.

The terms and effects of the treaties between the Indian people and the Government are widely misunderstood. A plain reading of the words used in the treaties reveals the limited and minimal promises which were included in them. As a result of the treaties, some Indians were given an initial cash payment and were promised land reserved for their exclusive use, annuities, protection of hunting, fishing and trapping privileges subject (in most cases) to regulation, a school or teachers in most instances, and, in one treaty only, a medicine chest. There were some other minor considerations such as the annual provision of twine and ammunition.

The annuities have been paid regularly. The basic promise to set aside reserve land has been kept except in respect of the Indians of the Northwest Territories and a few bands in the northern parts of the Prairie Provinces. These Indians did not choose land when treaties were signed. The

government wishes to see these obligations dealt with as soon as possible.

The right to hunt and fish for food is extended unevenly across the country and not always in relation to need. Although game and fish will become less and less important for survival as the pattern of Indian life continues to change, there are those who, at this time, still live in the traditional manner that their forefathers lived in when they entered into treaty with the government. The Government is prepared to allow such persons transitional freer hunting of migratory birds under the Migratory Birds Convention Act and Regulations.

The significance of the treaties in meeting the economic, educational, health and welfare needs of the Indian people has always been limited and will continue to decline. The services that have been provided go far beyond what could have been foreseen by those who signed the treaties.

The Government and the Indian people must reach a common understanding of the future role of the treaties. Some provisions will be found to have been discharged; others will have continuing importance. Many of the provisions and practices of another century may be considered irrelevant in the light of a rapidly changing society, and still others may be ended by mutual agreement. Finally, once Indian lands are securely within Indian control, the anomaly of treaties between groups within society and the government of that society will require that these treaties be reviewed to see how they can be equitably ended.

Other grievances have been asserted in more general terms. It is possible that some of these can be verified by appropriate research and may be susceptible of specific remedies. Others relate to aboriginal claims to land. These are so general and undefined that it is not realistic to think of them as specific claims capable of remedy except through a policy and program that will end injustice to Indians as members of the Canadian community. This is the policy that the Government is proposing for discussion.

At the recent consultation meeting in

Ottawa representatives of the Indians, chosen at each of the earlier regional meetings, expressed concern about the extent of their knowledge of Indian rights and treaties. They indicated a desire to undertake further research to establish their rights with greater precision, elected a National Committee on Indian Rights and Treaties for this purpose and sought government financial support for research.

The Government had intended to introduce legislation to establish an Indian Claims Commission to hear and determine Indian claims. Consideration of the questions raised at the consultations and the review of Indian policy have raised serious doubts as to whether a Claims Commission as proposed to Parliament in 1965 is the right way to deal with the grievances of Indians put forward as claims.

The Government has concluded that further study and research are required by both the Indians and the Government. It will appoint a Commissioner who, in consultation with representatives of the Indians, will inquire into and report upon how claims arising in respect of the performance of the terms of treaties and agreements formally entered into by representatives of the Indians and the Crown, and the administration of moneys and lands pursuant to schemes established by legislation for the benefit of Indians may be adjudicated.

The Commissioner will also classify the claims that in his judgment ought to be referred to the courts or any special quasi-judicial body that may be recommended.

It is expected that the Commissioner's inquiry will go on concurrently with that of the National Indian Committee on Indian Rights and Treaties and the Commissioner will be authorized to recommend appropriate support to the Committee so that it may conduct research on the Indians' behalf and assist the Commissioner in his inquiry.

6 Indian Lands

Control of Indian lands should be transferred to the Indian people.

Frustration is as great a handicap as a sense of grievance. True co-operation and partici-