

with respect to "Indians, and Lands reserved for the Indians" to the federal government. The government assumed increasing legislative control over Indian communities, leading to *The Indian Act, 1876*, which, with minor modifications, remains in effect today. The result, over the years, has been the steady erosion of Indian governmental powers.

Under the *Indian Act*, traditional Indian governments were replaced by band councils that functioned as agents of the federal government, exercising a limited range of delegated powers under federal supervision. The *Indian Act* also failed to take into account the great diversity of Indian peoples and cultures and treated all Indians in Canada as a homogeneous group. These two features of the Act prevail today.

The Committee's extensive inquiry has confirmed that the current relationship between Indian peoples and the federal government is unsatisfactory. Witness after witness spoke of a "legacy of injustice, exploitation, bureaucratic insensitivity and non-Indian self-interest". (Special 5:63)

In Chapters 2 and 3 we showed that despite many well-meaning attempts to improve the relationship, most Indian communities across Canada are characterized by abject poverty, malnutrition, poor health, high infant mortality rates, minimal education, and economic under-development. Chief David Ahenakew, National Chief of the Assembly of First Nations, testified that "current federal policies and institutions are operating to reinforce Indian poverty and dependence, rather than to promote self-sufficiency and self-determination. This course has taken an appalling toll in both human and financial terms." (Sub 3:5)

Indian First Nation witnesses argued that far-reaching change was needed, change that would amount to an entirely new relationship.

We could talk about inadequate housing, sewer systems, and fire protection well below Canadian standards. We could talk about the lack of economic development and high unemployment rates in our communities. We could talk about the specifics of government programs, policies and regulations. We could talk about how the energy and talent of Indian communities are drained and wasted, reacting to the self-perpetuating bureaucracy of your government.

However, we are not here to talk about the potholes on the road to self-government, which we can best pave ourselves with the jurisdictional authority to do so. We wish to put forward suggestions for creating a new order in the Canadian/aboriginal relationship. (Nishga Tribal Council, Special 7:34)

Thoughtful and knowledgeable non-Indian observers have come to similar conclusions. Speaking in 1974, Dr. Lloyd Barber, at that time Commissioner of Indian Claims, said:

...Native people are seriously talking about a distinctly different place within Canadian society, an opportunity for greater self-determination and a fair share of resources based on their original rights. No doubt this will require new and special forms of institutions which will need to be recognized as a part of our political framework.

The 1979 report of the Pepin-Robarts Task Force on Canadian Unity, *A Future Together*, also pointed to the need to act:

It is now appropriate that specific attention be paid to the issue of the constitutional position of the first Canadians. More specifically, both provincial and federal authorities should pursue direct discussions with representatives of Canada's Indians, Inuit and Métis,