

The Federation of Saskatchewan Indian Nations noted:

In the past, most of the intended legislative and administrative protections for Indian nations have proven impotent in their treatment of land claims, entitlements, resource development and redress, property and territorial jurisdiction, treaty enforcement and Crown trusteeship of these rights. Because of these problems, an institution must be established to protect Indian rights against further attrition. . . (Special 11:18)

The supporters of the concept had many different views about the functions of such an office. For some, investigation of complaints concerning violations of Indian First Nation rights was important. The independent officer recommended earlier in this chapter would exercise such investigative powers.

Advocacy of Indian First Nations' rights is an important goal to be promoted. Effective representation of First Nations' interests, particularly in aboriginal and treaty rights cases and other litigation relating to Indian lands and resources, would be significant in ensuring respect for First Nations' rights within the Canadian legal system. An organization providing legal assistance to First Nations would help to develop a new body of legal precedents. With funding at a level comparable to that available to opposing interests in litigation, it could help to bring equity to the legal process. The Native American Rights Fund in the United States is an example of a non-governmental organization fulfilling the function; its work has contributed significantly to recent legal developments in the United States. An advocacy office under Indian auspices would enable First Nations to defend their rights and interests. It should be independent of the federal government, except for the provision of funding.

**52. The Committee recommends that the federal government make available funds for an advocacy office to be established under Indian auspices. Funds would be provided to enable the office to represent Indian First Nations' interests in legal disputes affecting their rights.**

## The Trust Accounts

The "Indian moneys" or trust accounts held by the Department of Indian Affairs and Northern Development for the "use and benefit" of bands are a small but significant manifestation of the trust relationship. Trust accounts were originally established to provide a continuing economic base for First Nations. When any part of the lands reserved for a band was surrendered and sold, or when resources on reserve lands were sold, the proceeds were to be held in these accounts to finance present and future activities of the band.\*

Until recently, these proceeds from the sale of lands were the main source of funds to each band's capital account. In the last ten years, as a result of oil and gas royalties flowing into the capital accounts of a few bands, the overall trust fund balances have climbed dramatically.

Band trust funds are now held and accounted for by the Department of Indian Affairs and Northern Development under two headings: capital trust accounts and revenue trust

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\* The following discussion is drawn from pp. 12-71 of the Trust Study.