

jurisdiction over "Indians and Lands reserved for the Indians" under s. 91 (24) of the *Constitution Act, 1867*. It is often described as a trust relationship as a result of the legal and moral obligations imposed on the Crown when dealing with First Nations rights in reserve lands and in their traditional lands. As reported by the Special Committee on Indian Self-Government, aboriginal people have called for a renewal of this special relationship by rejecting paternalistic notions about the "protection" of aboriginal people and returning to the state of relations in early colonial times when First Nations were treated as political equals acting on the basis of consent and equality.

This issue of renewing the trust relationship in a manner consistent with the aspirations of aboriginal self-government, arises in a number of contexts such as relations with Treaty Nations, amendments to the *Indian Act* and the activities of the Lands, Revenues and Trusts Sector of the Department of Indian Affairs and Northern Development.

#### **10. Fiscal Arrangements**

No government can be effective without adequate financial resources at its disposal. Reserve-based governments currently operate within a complex web of financial arrangements and government programs and services in order to fulfill the most basic of community needs such as roads, sanitation, schools, public health, economic development, etc. This complex system has grown in an *ad hoc* fashion reflecting the priorities and policies of various federal governments. The burden placed on band governments of operating under this system is obvious and represents a drain on local resources and energies that could be better spent actually addressing the needs of the community. It seems clear that a review is required of the current system of financing aboriginal governments. Such a review would include band management funds as well as program and service monies in order to find more effective and less burdensome fiscal arrangements. In this regard, past work such as the Report of the Special Committee on Indian Self-Government could be built upon.

#### **11. Justice**

Justice issues in relation to aboriginal people have dominated headlines recently and are receiving an increasing amount of attention