

### *Indian Land and Treaty Claims*

rallying point for anti-white sentiment and agitation. For these Indians, therefore, a treaty becomes at once a sacred document of inviolable rights and a potent symbol of current wrongs.

During the consultations and discussions with Indian groups across the country by the Indian Affairs branch of the federal government in 1968-69 for purposes of discussing the Indian Act, it was significant that the Indian Act as such received little, if any, discussion, whereas on the other hand the Indian leaders in attendance constantly expressed their concern with treaty and aboriginal rights. The concern with treaty and aboriginal rights was eloquently put in sharp focus by Chief Dan George to a meeting of teachers on the west coast:

Let no one forget it, we are a people with special rights guaranteed us by promises and treaties. We do not beg for these rights, nor do we thank you. We do not thank you for them because we paid for them, and God help us, the price we paid was exorbitant. We paid for them with our culture, our dignity, our pride and self-respect. We paid, we paid and we paid until we became a beaten race, poverty-stricken and conquered.

The treaty and aboriginal rights issue is not just a legal matter but has an important emotional and symbolic value for the aboriginal peoples. In order to deal with Indian and Eskimo claims justly, we must keep this in mind. A very interesting and informative research documentation was made possible by a grant from the Harvie foundation, published under the title "Native rights in Canada". Mr. Speaker, I should like to quote from the chapter headed "The basis of native rights":

There are perhaps three general conceptualizations of the historical relations between Indians and whites in this country.

1) The Indian nations had full sovereignty over their territories. The land was unjustly taken from them by conquest, occupation and, in some cases, by blatantly unfair treaties. In its most colourful form, this general view produces assertions of continuing sovereign independence, and the Six Nations reserve in Ontario continues to try to have a case heard before the International Court of Justice in the Hague.

2) The Indians had legal claims to the land, though not full sovereignty or full ownership, which have ended except for reserve lands. The treaties extinguished these legal claims in a proper manner. Indian claims in the non-treaty areas were dealt with before confederation by the colonial governments. In British Columbia, the major non-treaty area where colonial policy was not fully settled at union, compensatory payments have been made in lieu of treaty payments.

This view begins with an assertion of legal rights in the Indians and attempts to fit that assertion to the historical facts in Canada.

3) The Indians had no political or property rights recognized by law. Treaties were made on occasion to avoid conflict and facilitate settlement. They serve that purpose and have no current significance.

The Prime Minister (Mr. Trudeau), in his 1969 Indian policy statement stated that the federal government would recognize treaty rights since he considered treaties as contracts, but would not recognize aboriginal rights. It was the Prime Minister's contention that it was inconceivable that there should be a treaty between subgroups in a given society. It is contended that treaties that do exist should be terminated, presumably by negotiation, so that the Indian people can become equal members of our Canadian society. The Prime Minister feels that aboriginal rights as described in the policy are too general and

[Mr. Deakon.]

undefined to be considered specific claims and are something that the Prime Minister and his government are reluctant to guarantee. This is the main reason why the Commissioner of Claims is having great difficulty in justly dealing with and resolving the claims submitted to him for adjudication.

I should also like to draw attention to an article which appeared in the *Montreal Star* of Tuesday, April 27, 1971 under the heading "Indian rights 'incontestable'", with the sub-heading "Native land claims set Ottawa rethinking". This article verifies the situation at hand. It is my respectful submission that the issue of aboriginal rights has as great a significance, if not greater, to the Indians as does the French language to the French. This fact must be realized before any headway can be made. If the legal concept underlying the treaties is a recognition of aboriginal title, then there is a contradiction inherent in the government's position.

Under the circumstances, and because of the delicate nature of this matter, I respectfully submit that the motion presented should be defeated.

• (5:40 p.m.)

**Mr. Robert Simpson (Churchill):** Mr. Speaker, I wish to speak on the motion presented to the House by the hon. member for Skeena (Mr. Howard). In his motion the hon. member requests that the House issue copies of all correspondence, telegrams and other documents exchanged between Dr. Lloyd Barber and the native Indian peoples organizations across Canada. The hon. member outlined quite clearly the reason these documents should be made available to the native people. He also explained that the native people of Canada are widely spread geographically across this country and therefore are not always in a position to know from one group to another just what the thinking may be among themselves.

In recent months this difficulty has been eliminated to some extent by the formation of provincial Indian brotherhoods, and more recently by the formation of the National Indian Brotherhood with its head office in Ottawa. I believe we should support this motion very strongly because it is very necessary that all Indian groups should have access to the correspondence which has been directed to the Commissioner of Indian Claims and the replies these groups have received from the commissioner.

Spokesmen for the government have tried to indicate the interest of the government in the native people. The hon. member for High Park (Mr. Deakon) emphasized the fact that the Prime Minister (Mr. Trudeau) has indicated that he recognizes treaty rights. We hear this time and time again. This only makes us wonder, if the Prime Minister and the government are so emphatic about recognizing treaty rights, why some of the problems the Indian people have presented to the government over the years have not been brought to successful conclusion. I need mention only the hunting rights of the Indian people. Here we have the case of numerous Indian people who believed they had the opportunity to hunt at certain times and on certain lands and found that legislation or