

# Canada's oldest inhabitants seek new deal

By Alan Harvey

"Red Power" is becoming a reality for some 270,000 Indians engaged in multi-billion dollar bargaining with the Canadian government to right wrongs dating from pioneer days.

Along with 18,000 Eskimos, several hundred thousand Métis (those of mixed Indian and European descent) and about 250,000 non-status Indians, the nation's oldest inhabitants, are preparing claims based on longtime occupation of lands later settled by white peoples.

Their demands for compensation involve complex negotiations that will last perhaps a generation and entail eventual costs of between \$3,000 million and \$5,000 million. Whatever the ultimate historical appraisal of Canada's treatment of its native peoples, this belated recognition of ancient claims may help ease guilt complexes about white civilisation turning Indians into second-class citizens.

The Canadian government has moved in the past five years towards a more flexible position. Jean Chrétien, Canada's Minister of Indian Affairs, succeeded in persuading Prime Minister Pierre Trudeau's cabinet to recognize aboriginal rights, marking a departure from the government's rejection of those rights in a 1969 policy statement. But estimates that the claims might mount into hundreds of billions of dollars brought a disclaimer from Mr. Chrétien. "If the Indian claims become so big the country can't absorb them, the country simply will not absorb them," the Minister said.

One unusual aspect is that the government is financing the research to help document Indian claims. Thus in effect the administration is paying for evidence that could be used against it in any confrontation between government and native peoples. Total aid for research in a programme begun four years ago is expected to reach \$10 million (about £4 million) by 1977.

There are two types of claim. One involves the extinction of aboriginal titles based on native use or occupation of land before its settlement. Hunting, fishing and trapping rights are also covered. Rights can be "extinguished" by treaty. About half Canada's land area is covered by such treaties. The second claim entails reserve land set aside for Indians but not taken up because of government action now being challenged.

In 1969, Prime Minister Trudeau said Canada would recognise treaty rights but not aboriginal rights. The latter category,

he suggested, could lead to absurdities and anomalies such as French-speaking citizens claiming compensation for French General Montcalm's defeat by English General Wolfe in the historic battle of the Plains of Abraham in 1759. In another 1969 action, the government proposed to scrap the Indian Affairs department, entrust the management of the tribal reserves to the Indians themselves and gradually abolish the reserves.

## "Red Paper"

A White Paper (Government policy document) said that treaties between the government and groups within society were anomalous and "should be reviewed to see how they can be equitably ended." To the government's surprise, the Indian community came out strongly against this offer of greater independence. In a document called the Red Paper — a counterpoint to the government's White Paper — Indians rejected anything that in their view would jeopardise their official protected status under the treaties. Bowing to pressure, the government pledged it would not carry out the White Paper proposals if the Indians objected.

Canada's vast land mass of 3,852,000 square miles is the largest in the world outside the Soviet Union. It extends 3,223 miles from east to west and 2,875 miles from north to south. Great issues would arise if Indians everywhere began to "claim back the country" through the courts. In

agreeing to honour the treaties, the government saves itself from having to throw wide open the whole question of the original land transfer from the native peoples.

Queen Elizabeth, in her role as Queen of Canada, has given Indians a categorical assurance. On a 1973 visit to Canada, she spoke to representatives of the Indian people in Calgary on July 5. She said: "You may be assured that my Government of Canada recognises the importance of full compliance with the spirit and terms of your treaties."

This pledge coupled with government policy statements, signifies the administration's continuing responsibility under the British North America Act for Indians, and lands reserved for Indians. In a statement last August, Indian Affairs Minister Chrétien said the government saw its position as part of an historic evolution dating back to the Royal Proclamation of 1763, which he described as a "basic declaration of the Indian people's interests in land in Canada." At the same time, the government's jurisdiction in respect of Indian peoples was extended to include the Inuit or Eskimo people. Mr. Chrétien's statement said the government had been "fully aware that the claims (of the native peoples) are not only for money and land, but involve the loss of a way of life."

"Any settlement," he added, "must therefore contribute positively to a lasting solution of cultural, social and economic problems that for too long have kept the



George Peters, a member of the Port Renfrew settlement working on a new dug-out canoe. It has taken him 5 months to build it.