

INDIAN LOCAL GOVERNMENT

prepared by

Ron Nadeau

(under contract)

for

Policy, Research and Evaluation

Department of Indian and Northern Affairs

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N.B. The views expressed in this paper are those of the author and not necessarily those of the Department of Indian and Northern Affairs.

Introduction

In order to make intelligible an examination of current Indian concepts of local government, and to systematize the current Indian perceptions of local government by region, two preliminary discussions must be presented: (1) a political, definitional framework of local government, (2) historical development in the area of local government. The former (1) is necessary because too often we confuse orthodox, conventional political terminology with the native person's particular interpretations of the same taxonomy. The latter (2) is necessary in order to enable one to understand the development of Indian local government in chronological terms indicating any changes which may have taken place in Indian perceptions of local government over time.

Definitional Framework of Local Government

Throughout the sporadic evolution of Indian Local Government, as presented (in written form) by Indian politicians, Indian organizations, and Indian leaders, there appear a plethora of politico-legal terms such as sovereignty, nationhood, local government, Indian government, self-determination, and so on. It would be useful to give expression and meaning to these terms in the technical sense so that the later parts of the paper will be better understood.

The very nature of such terminology touches the genesis of a political system: the origins of the State.

When society, in the interest of providing a minimal degree of certainty and security for its members, organizes to make political decisions, it identifies itself as a state.¹ The organization within the state making these decisions is a formal institution known in general as the government.

All states contain four elements which are necessary for their existence. These are population, territory, government, and sovereignty.² The importance of population and territory is obvious - there can be no society or state without a population. Likewise, territory is also indispensable to the existence of a state. For a society to personify itself as a state, it is imperative that it be permanently settled in a territorial area to which it holds perpetual claim.

Government is the agent that acts in the name of the state; international law recognizes states rather than governments as international persons having rights and obligations. In essence, the government is considered only an agent and an instrument of the state.

The fourth element necessary for the existence of the state is sovereignty. Sovereignty implies that the government of the state has absolute and final legal authority over all matters and is not subject to any power outside of itself.³ This supreme power applies both to domestic as well as to foreign affairs. Sovereignty allows the government, in the name of the state, complete independence of action. The concept of sovereignty is, however, not a reflection of reality since no state has unqualified, unrestricted, and unrestrained power either in internal or external matters. Policies in both areas are influenced not only by political forces within the society but also by such external factors as world public opinion, attitude of allies and friends, its international obligations, and the fear of reprisals from other states.⁴

Nation or nationhood are concepts underlying the ideology or political theory of nationalism. The modern use of the term nation or nationhood began simply as an indication of a person's place of origin; it was later seen as an entity in itself, composed of individuals who historically share a common ancestry, language, religion, culture and historical experiences.⁵ Nationalism has been termed "a fusion of patriotism with a consciousness of nationality".⁶ According to the present Indian viewpoint, Indians see themselves as a nation within a nation; this concept, of course, is founded upon a socio-cultural, not a legal base.

Self-determination is a principle centuries old which admits only of an historical explanation. Self-determination originated in the colonial era especially where colony after colony negotiated and petitioned the colonial power for the application of self-determination to their areas.⁷ The espousal of self-determination may arise in any colonial or neo-colonial situation whereby the colony seeks to achieve the power to make its own decisions, and run its own affairs. In Canadian Indian communities self-determination is being declared, demanded, or avowed as part and parcel of the notion of Indian sovereignty.

Notions of self-determination and Indian sovereignty appeal to powerful and basic instincts of political psychology. The claim of Indian sovereignty is founded upon the basis that Indian sovereignty exists in and of its own right, and on the basis that sovereignty is a gift from the Creator which has never been and can never be surrendered. When Indian people speak of the basis for "Indian Sovereignty" a clear analogy can be drawn with the concept of "aboriginal title"; both concepts are founded upon the notion that from time immemorial the native people have occupied and used this land, and on the basis of that use and occupancy they retain both title to the land and sovereignty as a nation - i.e., Indian sovereignty is perceived as being a gift from the Creator, not any special dispensation by the European. Thus, Indians invite both levels of government to recognize the inherent right of sovereign Indian nations to self-determination. Whether these Indian concepts or notions are tautological, rhetorical, or simply begging the question, the fact remains that the Indians' interests in local autonomous governmental powers are being effectively articulated, judging by the current federal government response, viz. the Indian Act Revision Process.

In reference now to the question of local government, de Tocqueville once said:

"A nation may establish a system of free government, but without municipal institutions it cannot have the spirit of liberty".⁸

Wherever local communities exist within a larger one, ways must be found of controlling them so that they interfere neither with each other nor with the interests of the whole. This can be done under modern democratic government by leaving citizens free to run their own local affairs within limits set down and agreed upon by their representatives in a legislature.⁹

The system of local government in most provinces is made up of four types or classes of local unit: rural municipalities, villages, towns and cities. Conspicuously absent from this listing are Indian reserves or bands. This is so because, in terms of Indian Local Government, the Indian reserve is not viewed as a legitimate unit of local government, rather it is arbitrarily controlled from above (DIAND). To some extent the local government programs are something which has been thrust upon the Indians rather than asked for.^{9a} A perfect example concerns the former Yukon agency Superintendent Fry, who wrote scathingly of the Local Government effort in 1967:

"I came here with an enthusiasm for promoting Band Councils and Band Council effectiveness but I soon discovered that the concept of a Band was ours, not theirs; that the concept of an elected Chief and Council was ours, not theirs; that the concept of an elected group making decisions for the larger group was ours, not theirs".^{9b}

This quotation readily illustrates the indirect control from above of which the writer speaks. An Indian reserve is thus ruled indirectly by the central government under the Indian Act.¹⁰ Whenever Band local affairs are controlled from above (federal government) it cannot be said that legitimate (democratic) local government exists at the local band level.

Historical Development

The history of Indian local government prior to the 1970's involves a study of the relationship between the Crown/federal government and the band councils. As Hawthorn et al noted in their well known study:

" . . . in the post-war years there has been a dramatic change in political rights available to Indians . . . The next, and more difficult step, involves extending to Indians political control over their local affairs".¹¹

This quote signifies in historical terms the relative lack of formal self-governing powers in Indian communities. At the local level most Indian communities have had only the most rudimentary control over their own collective futures.

Historically Indians have been located outside the provincial structure of local government since s.92(8) of the British North America Act¹² assigns jurisdiction for "municipal institutions in the Province" to the Provincial government. Their community existence has been characterized by a century of dependence on the federal government for financial support and by the direct administration of matters of local concern by officials (Indian agents) of the Indian Affairs Branch.¹³

The field offices of the Indian Affairs Branch at the agency level have provided Indians with services similar to those received by non-Indians through a complicated relationship of interdependence between local institutions and provincial governments.¹⁴ While this system of administration may have been historically necessary and useful, it has now been generally recognized to be inappropriate in terms of contemporary views which stress the need for Indian participation in the local decisions which affect them.

Steps which would allow Indian communities to increase their control over local affairs were taken in the revised Indian Act of 1951 which provided for a greater transfer of responsibility to band councils. However, it is clear that there is still a considerable distance to go in view of the fact that most bands are still outside the great bulk of provincial programs, which operate through municipal institutions.

Until the 1970's a discussion of Indian governmental powers in Canada did not seem possible, beyond a description of band council government on Indian reserves.¹⁵

The band councils have been seen either as a form of colonial indirect rule or as a type of rural municipal government. The term "sovereignty" has not been applied

to the powers of provincial or municipal level governments, and, equally, not to Indian reserve governments. They are seen as deriving their power from the federal Indian Act¹⁶ which governs the structure and powers of all Indian band governments in Canada. In general, the colonial history of Canada seemed inconsistent with the survival of any distinct native rights to self-government. But recent developments in the 1970's are countering that assumption.

Indian land claims emerged as a significant national issue in the years after the second World War.¹⁷ Large scale land claims settlements have seemed necessary or likely in certain non-treaty areas in Canada. In the northern areas the native groups have been seeking special governmental powers. In the James Bay and Northern Quebec Agreement, settling Indian and Inuit claims in Northern Quebec, the federal and provincial governments were prepared to institutionalize some regional local government powers in new Indian and Inuit institutions.¹⁸ But, at present, parallel resolutions of native claims in other parts of the Canadian north are very uncertain, for example, negotiations with native groups in Baker Lake and northern Manitoba in reference to the proposed Polar Gas Pipeline have stalled. In addition, negotiations between the Dene of the N.W.T. and the federal government over the proposed development of a pipeline project have been intermittently interrupted since the inception of talks due to a lack of consensus.

Native claims settlement is of course a most significant element in the institutionalization of potential Indian local government powers in those areas of the north. This is so especially for the Dene in the N.W.T. because of their extensive land base. The Dene's territorial base is much larger than that of any other native grouping in Canada expressing concern for sovereignty and self-determination. Both the facts that the Dene are in the majority population-wise, and that they enjoy the largest territorial land base augurs well for the Dene and their demands for self-determination and a new relationship with Canada.

While the northern areas have been the focus of much of the recent debate on Indian governmental powers in Canada, there have emerged Indian assertions of jurisdiction, government or sovereignty for reserve communities in southern Canada.¹⁹ This has contrasted with the more conservative federal government policy of gradual increases in band powers. In the light of these recent developments, it is useful to discuss the history of Indian governmental powers in Canada.

The early 1970's saw the development of a plan for the construction of a natural gas pipeline from the north slope of Alaska east to the Mackenzie Delta and down the Mackenzie Valley through western Canada to the United States. This plan brought the isolated Indian areas of the Northwest Territories into national prominence.²⁰ There were unresolved Indian claims in the region, and profound disagreement between the Indian Brotherhood and the federal government about the extent of the claims.

In 1971 the Government of the Province of Quebec announced plans for a massive hydro-electric power development in the James Bay region. When negotiations with the province broke down, and while judicial proceedings were continuing, serious negotiations began and an agreement-in-principle was signed in the fall of 1974. Two complex settlements were worked out, one for the Cree and a separate one for the Inuit. The arrangement involved land and hunting rights, compensation, a guaranteed minimum income for hunters and trappers and Cree and Inuit participation in the control of local government institutions.

A more radical conceptual approach developed in the Northwest Territories. In 1975 a joint assembly of the Indian Brotherhood and the Métis Association adopted the Dene Declaration, a declaration of nationhood in which the Dene sought independence and self-determination within the country of Canada.

The Dene Declaration received a mixed reaction. To some observers, the document was the work of radical whites who were consultants to the Indian Brotherhood. Professor Peter Russell, a respected political scientist at the University of Toronto, noted, however, that the Declaration was in harmony with the concepts inherent in the formation of Canada. The document, he stated reflected a goal of "pluralistic cultural survival within a single juridical nation".²¹

In 1974 the federal government appointed Mr. Justice Thomas R. Berger to head an inquiry into the social, economic and environmental aspects of the proposed Mackenzie Valley pipeline. Public hearings were held for over a year and a half in 1975 and 1976, including a highly publicized series of hearings in southern Canada. The Berger Inquiry became the major forum for asserting Dene claims.

The first volume of the Berger Report was released in the spring of 1977.²² It counterpoised the concepts of the north as a frontier and as a homeland. It criticized the treaties of the past, for the government had not regarded them.

". . . as anything like a social contract in which different ways of life are accommodated within mutually acceptable limits . . ."

He said the northern natives were seeking a social contract

". . .based on a clear understanding that they are distinct peoples in history".

He saw the opportunity for a better deal in the north:

"Perhaps a redefinition of the relationship between the Government of Canada and the native people can be worked out in the North better than elsewhere: the native people are a larger proportion of the population there than anywhere in Canada, and no provincial authority stands in the way of the Government of Canada's fulfillment of its constitutional obligations".²³

Berger saw Dene national claims as compatible with Confederation:

"The concept of native self-determination must be understood in the context of native claims. When the Dene people refer to themselves as a nation, as many of them have, they are not renouncing Canada or Confederation. Rather they are proclaiming that they are a distinct people, who share a common historical experience, a common set of values, and a common world view. They want their children and their children's children to be secure in that same knowledge of who they are and where they come from. They want their own experience, traditions and values to occupy an honourable place in the contemporary life of our country. Seen in this light, they say their claims will lead to the enhancement of Confederation - not to its renunciation".²⁴

Berger suggested two possible mechanisms for responding to native claims in the Northwest Territories. He mentioned that a native majority in an electoral district might be entrenched by a suitable residency clause. Alternatively, native people under an ethnic franchise and within a larger political entity could control particular matters that are by tradition and right, theirs to determine.²⁵

The federal government issued a policy statement on August 4th, 1977 which rejected central parts of the Dene and Inuit proposals. The federal statement asserted that it was governmental policy to support the cohesion of ethnic communities, but

"Legislative authority and governmental jurisdiction are not allocated in Canada on grounds that differentiate between the people on the basis of race".

The statement acknowledged the existence of reserves as racially based jurisdictions:

"Accordingly, unless the Indian and Inuit claimants are seeking the establishment of reserves under the Indian Act as in the South, the Government does not favour the creation in the North of new political divisions, with boundaries and governmental structures based essentially on distinctions of race and involving a direct relationship with the Federal Government".

Since around 1975, there has been increasing discussion by Indian leaders, of the powers they feel should be exercised by Indian reserve band councils. While no literature exists on band council governments, traditionally there was clearly a negative view of these. The Indian Bands of the Yukon stated in 1973:

"Many Indians look at the social and political organizations and wonder why whitemen seem to think more about getting on top than helping those on the bottom. The organization of band councils and the Yukon Native Brotherhood has been very difficult because some Indian leaders do not want this kind of power, if they have to step on other people. When people try to get themselves elected as Chief of a band, the people often turn against him".²⁶

A radical native woman wrote:

"Usually on a reserve you know a person becomes Chief because nobody else has the crassness to run for office - mainly because the Chief is completely under the thumb of the Indian Agent. So generally these Chiefs are lazy do-nothings. They tend to be the lowest and most opportunistic people on the reserve; people who don't want to do any work, just get something for nothing by being yes men for the Indian Agents".²⁷

Chief Eugene Steinhauer, a prominent Indian leader in Alberta, has commented:

"In the past . . . when the Department of Indian Affairs introduced local government, they did it on their terms and the councils were rubber stamps".²⁸

The Hawthorn Report in the mid-1960's stated:

"We do have the impression that on most of the reserves rivalries more often than not prevail over collective interests and that under these circumstances the effective social organization of the Indians is practically impossible".²⁹

The oppressive colonial history internalized Indian political activity within the reserve communities in a very unhealthy way. The use of band councils by government as agencies of indirect rule compromised their integrity. It is an immense task to overcome this legacy.

George Manuel, former head of the National Indian Brotherhood, often talked about the possibility of reserves having powers equivalent to those of a province and sharing, as distinct jurisdictions within Canada, in the national equalization programs which have been instituted since the second World War to lessen regional disparities.

David Ahenakew, former head of the Federation of Saskatchewan Indians, emphasized the role of Indian governments. In a speech to an All-Chiefs Conference in April, 1977, he stated:

"The Canadian public as well as Indians, will have to get used to the idea that in Canada in addition to municipal, provincial and federal governments, there is an almost forgotten, but nonetheless legitimate form of government and that is Indian government. Indian leaders must not only accept but also advance their status as Leaders of State, recognizing that they head a form of government with greater power, jurisdiction and authority than that of a provincial government".

He described Indian governments as being protectorates. The treaties had placed them under the protection of a stronger state. He noted that his view was not shared by the Government of Canada:

"The federal government's position is that Indians gave up all rights to self-government when they signed the treaties. This approach was supported by the passage of the present Indian Act which concentrates on managing and controlling the lives of a people".³⁰

Discussions of revising the Indian Act have occurred sporadically since the 1960's. It is generally accepted that a revised Indian Act would strengthen the powers of band councils. It is anticipated that a reform package will emerge from either government or the Indian organizations with concrete proposals for the restructuring and strengthening of band council government in the context of the Indian Act revision process.

Current Concepts

While there is no one Indian government that can be easily defined and readily applied as a model throughout Canada, there are basic principles which one could say, are common to all notions of Indian Government: a land base, a spiritual base, an exercise of jurisdiction and an appreciation of Indian human rights and freedoms - to name just a few.³¹

National

According to the National Indian Brotherhood's March 26, 1979 draft relating to the principles of Indian Government, Indian sovereignty exists in and of its own right. It is a gift from the Creator, which has never been and can never be surrendered. The N.I.B. presently asserts sovereignty and the right to create their own unique forms of self-government.

In accordance with the principle of self-determination the N.I.B. will exercise the right to make and administer decisions on all matters pertaining to Indians and Indian bands. Indian Government is the expression of this inherent right of sovereign nations to self-determination.

The N.I.B. anticipates a Third Order of Government within Confederation. Indian governments will exercise full internal sovereignty. Indian government is responsible for peace, order and good government within Indian territory and for the maintenance and well-being of Indian people.

Indian Governments have exclusive legislative, executive and administrative jurisdiction over Indian lands and resources and people within its territory. Indian Governments have jurisdiction in determining Indian citizenship. Indian jurisdiction will not be limited to Indian territory when areas of social and cultural responsibility for its citizens extend beyond it.

The N.I.B. position also reveals that Indian people will develop their own constitutions. Whether they choose to be single units or to amalgamate to preserve common goals as Indian nations is to be determined by themselves. The forms these political units take will be based on the needs and aspirations of the Indian people involved.

Finally, in accordance with aboriginal rights, rights confirmed by the Royal Proclamation, the British North America Act and the Treaties and the Trust Relationship between Indians and the Federal Government, the Federal Government is responsible for providing the resources, including land, that will enable Indian Governments to attain the goal of economic self-sufficiency, which is a necessary complement to Indian political and cultural self-determination.

Regional

Several regional native organizations in Canada have informal positions, if not formal position papers, dealing with Indian Local Government. The recent Indian Government Conference³² in Montreal provided a forum for several of the organizations to present their views on Indian Government.

Foremost among the native organizations is the Federation of Saskatchewan Indians which has mapped out a comprehensive well-defined position paper³³ on Indian Government. The Saskatchewan position on Indian Government begins with the spirit and intent of Treaty. Saskatchewan Indians have been governing themselves by the Treaties. Treaties originally were meant to guarantee them a separate social, economic, political and spiritual status. Most importantly, separate political status was guaranteed under Treaty which is the cornerstone of Indian Government. The F.S.I. would design a system of government that would recognize the unique status of various Indian tribes in relation to their right to govern.

The obligations assumed by Canada under treaties are viewed as similar to obligations a trustee would assume on behalf of a beneficiary. According to this view, treaties created a trust relationship by implication.

Although a strictly defined trust relationship was not created by treaties, Canada did assume certain binding legal obligations. Among several other things, Canada did promise to protect and, by implication, preserve Indian nations in exchange for receiving the use of vast tracts of land. Although treaties form one base for the creation of Canada's trust obligations to Indians, they are not the only source.

Laws and court decisions, as well as the Royal Proclamation of 1763, have also contributed to the formulation of the Federal-Indian trust relationships and to the special obligations of Canada to Indians living in areas not covered by the treaties.

The F.S.I. foresees a specific division of powers between the Federal Government, the Provincial Government, and Indian Governments. The F.S.I. will design their own Indian Government Constitutions. Flowing from these constitutions will come the necessary ingredients for governing; that is, Indian law, Indian policy, Indian legal administration, and Indian institutions. Indian Affairs Band offices will be replaced by Indian Government Centres. These centres will have jurisdiction not only on reserve but off reserve too, and the total governing powers of Indian government will be recognized.

The F.S.I. suggests that Parliament pass an Act that will govern Canada-Indian relationships. They talk of having an Indian Parliament of Canada, and an Indian Rights Protection office. The present Financial Administration Act³⁴ must recognize the total government responsibilities of Indian Government.

Finally, the F.S.I. talks of extra-territorial rights and extra-territorial jurisdictional responsibility. The F.S.I. wishes to come up with some areas of shared responsibilities, of shared jurisdiction, so that they have the right to exercise those rights that are guaranteed by Treaty off the reserves.

The Chief of the St.-Regis Band, Lawrence Francis, made a very informal presentation at the Montreal Conference. He talked mainly of establishing a counterpart to the Office of Native Claims, namely, the Office of Immigrant claims. That is, in place of the present Office of Native Claims, he (facetiously) proposes the creation of an Office of Immigrant Claims: "any White Government that had a dispute or felt that they had a claim, would be referred to the Office of Immigrant Claims. We would do this just to show the Government how ridiculous their Office of Native Claims is. Fight fire with fire".³⁵

Francis' only pertinent comments relative to Indian Government were those concerning factionalism on the reserve. Many reserve residents have different interpretations of Indian Government, but the objective remains the same: the preservation of Indian culture through the establishing of local government autonomy.

Chief Fred Plain, of Grand Council Treaty No. 9, presented the Declaration of Nishnawbe-Aski³⁶ (the People and the Land) at the Montreal conference. The Declaration is not unlike the Dene Declaration in form. The G.C.T. No. 9, according to Plain, has already begun to implement what they have declared to the federal government: Nishnawbe-Aski presented to the Government of Canada a Declaration of Nationhood -they declared their sovereignty.

The Declaration claims that the resources of the area belong to the aboriginal people; the gravel, the rock, the minerals, the trees, all of these belong to the people of this community. The Declaration says that, from this point on, no one shall cut any trees, no one shall take any fur bearing animal, no one shall shoot moose, no one shall fish, no one is to extract from the soil the mineral wealth, unless the Indian people are in total agreement.

The G.C.T. No. 9's position is founded upon a spiritual basis that was handed down to the Elders and to the spiritual leaders from time immemorial.

Robert Manuel, holder of the Union of British Columbia Indian Chiefs' Indian Government Portfolio, made a formal presentation at the Montreal Conference. The UBCIC sees three basic ingredients essential for true Indian self-determination: a land base, a resource base, and a governing authority. These ingredients can be provided legally and within the framework of the Canadian constitution; separation is not necessary.

A major point to remember, claims Manuel, is that aside from securing a land and resource base, it is absolutely necessary that the Indians have the legal authority to establish their own laws in precise and definite areas of jurisdiction. This legal authority will ultimately enable them to articulate their own needs, goals and priorities in a realistic manner, and will lead to a resolution of the many complex problems they are experiencing. The only framework within which to accomplish all of this is Indian Government. Judging from the general nature of Manuel's comments it is apparent that the UBCIC's views on Indian Local Government remain yet in the planning stages. According to Manuel, specific working plans dealing with Indian Local Government will be forthcoming in the near future as they are formulated.

Indian Government would also put Indian people in command of the integration process. This includes education, training, employment - all aspects of their day-to-day lives. The kind of co-existence they have in mind with non-Indians is integration and not assimilation. The financial resources for an Indian Government would be obtained through resource/revenue sharing with the federal and provincial governments.

Rufus Prince, Vice-President of the Manitoba Indian Brotherhood, spoke of militancy and "internal sovereignty" at the Montreal conference. He suggested that:

"Total sovereignty means bloodshed and violence. I do not condone violence. That is not to say that there will be no militancy in our country. You can rest assured that if this continues, what Government officials do to the Indian people, there will be militancy".³²

Prince's talk of militancy is significant in that he expresses the real desire and need for Indian Local Government autonomy at the grass-roots level.

Prince interpreted "internal sovereignty" to mean Indian Government. He wants the band councils to be self-governing bodies - a self-governing nation within a nation.

The M.I.B.'s current views on Indian Local Government are hard to come by because this organization at present has no formal position paper to document their approach. The only, and most recent, expression of the M.I.B.'s position on Local Government dates back to the early 1970's when they spoke of designating Indian Reserves as Reserve Responsibility Centres³⁷ (comparable to local government units).

These centres in their own right could negotiate directly with the Regional Office (DIAND), as is the case with municipalities and the Manitoba Department of Municipal Affairs. It appears that this plan has become a "dust-collector" since it first appeared in 1971. This is so in view of the fact that it has never been implemented at the reserve level.

The Dene of the Northwest Territories are the only other organized body which has a formal position on Indian local government. The Dene Declaration, however, addresses the issue of Indian Government from a more general standpoint.

When the Dene speak of Dene Government they mean the right to self-determination. They feel that they have never given up their right to self-determination. As a nation they assert their inalienable right to continue as a self-determining people within Canada. It is the Dene right, as an aboriginal nation which does not choose to assimilate, to set up a system of government based on their traditions.

They wish to develop their own institutions. The basis for continuing self-government must be the recognition of the aboriginal nations. Historical aboriginal rights must be the cornerstone of their self-determination in the north.

Dene Government is to be based on tradition. Consensus politics is the order of the day. Traditional Dene leaders spoke for themselves on any given topic; they could only speak for their people once a consensus had been reached by the people. Leaders alone were never regarded as the decision makers.

In summary, there is a variety of formal position papers at the regional level in relation to Indian local government. A general sense of the current situation can, however, be gleaned from these and some predictions can be offered concerning the future.

It seems that all of the organizations are desirous of becoming autonomous, self-governing bodies. However, the problem remains as to how to reach that goal, and especially, how to transform that desire into a coherent, formal approach. The Dene Declaration immediately highlights the problems which may arise given the other native organizations' positions on Indian local government.

The Dene express their desire for self-determination in a consistent fashion. They utilize a concept of race in a way which only goes to strengthen their position. They draw no distinctions between Indian, Métis, status, and non-status persons. This position can be regarded as positive in the sense that it rejects the "divide-and-conquer" tactics of the colonial mentality. The Dene also are quick to point out that the "separatist-baiting" tactics of the former Liberal regime which had sought to analogize superficially the Dene situation to the aspirations of the Parti Québécois should not be applied to them as a native group seeking self-determination. It can be predicted that the federal government's ultimate response to the Dene Declaration will have significant bearing on other regional native groups' positions on local government. Should the Dene succeed in winning compromises with Canada, then the door is wide open for other Indian groups to rely on the Dene precedent.

Aside from the Dene, perhaps what can be learned from the absence of formalized positions is simply this: Indian people want to make Indian Government a reality; they want Indian government implemented immediately with their full participation in the implementation. The Indian people of Canada are demanding to be the guiding influence in their own destiny.³⁸ Whatever the future of Indian politics, one thing is apparent: Indian people are no longer satisfied with accepting limited degrees of self-determination from the government.

Perhaps the "bottom-line" with respect to speculation on Indian Local Government really relates to the current Indian Act Revision Process. We all realize that government is innately a very conservative institution; it does not respond to hypothetical situations - it reacts to real problems. The Indians of Canada are facing real problems as they seek autonomy and to control their own local government structures. The Indian Act Revision Process is the forum for government to react to the real local

government problems of the Indians. The question remains: Will Canada respond to the Indian Local Government issues? This question cannot begin to be answered unless the Indian people themselves are involved in a realistic, sincere way in the consultation process for the revision of the present Indian Act.

Footnotes

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23. These three quotations are from page 163 of the Report.
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30. The Saskatchewan Indian, April, 1977, Vol. 7, No. 4, p. 7.
31. Roberta Jamieson, comment found in Indian News, Vol. 20, No. 2, June 1979.
32. See: verbatim report of Indian Government Development Conference held in Montreal Quebec, April 3-5, 1979, produced by the National Indian Brotherhood.
33. Indian Government: Position Paper, by the Federation of Saskatchewan Indians, Prince Albert, Saskatchewan, June, 1977.
34. R.S.C. 1970, c.
35. Chief Lawrence Francis, Indian News, Op. Cit., p. 4.
36. A declaration by the Ojibway-Cree Nation of Treaty No. 9 to the People of Canada.
37. Manitoba Indian Brotherhood, Local Government and the Manitoba Indian 1971. The text of this paper can also be found in Wahbung: Our Tomorrows, Manitoba Indian Brotherhood, October, 1971.
38. Bill Badcock, Indian News op. Cit., p. 9.