

V. M. GRAN



Indian and
Northern Affairs

Affaires indiennes
et du Nord

NATIONAL EXECUTIVE PLANNING
COMMITTEE MEETING

November 15, 16 and 17, 1978

Regina, Saskatchewan

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1978

The National Executive Planning Committee meeting was held in Regina, Saskatchewan on November 15, 16 and 17, 1978. The pages of this booklet contain:

Agenda

Minutes of Meeting

Minister's Remarks

Dr. Lloyd Barber's Address

List of Participants

The success of a meeting can be measured in many ways. Each participant arrived with certain expectations and how well these expectations were fulfilled will be each persons measure of the success of the meeting.

To bring together E.P.C. members and Indian delegates from across Canada required planning and hard work by many people. The planning committee worked hard on the agenda and format of the meeting. Many people worked hard in the background, before, during and after the meeting. To Arlene Kardynal, Carol Sanderson, Elsie Roberts, Phil Kershaw, Alex Greyeyes, Sharon Dumélie, Joanne Senos and several others, many thanks for a job well done. Your contribution to the success of the session is appreciated by all.

Special thanks to the Elders and all participants in the Pipe and Grand Entry ceremonies.



"THE FUTURE OF THE INDIAN IN CANADA"

National Executive Planning Committee

Regina, Saskatchewan

November 15, 16 and 17, 1978

Tuesday, November 14

7:30 pm

Canadiana Room, Regina Inn

*Registration and Hospitality extended
by the Federation of Saskatchewan Indians*

A G E N D A

Wednesday, November 15

- 6:00 am Pipe Ceremony - Canadiana Room, Regina Inn (optional)
- 7:00 - 8:00 Group Breakfast - Elizabethan Room
- 8:15 Bus Departs for University at Front Entrance
- 9:00 Meeting at University Adhum Boardroom
- Grand Entry
- Welcoming Remarks by the Province of Saskatchewan
- Prayer
- Opening Remarks:
1. Assistant Deputy Ministers R.D. Brown
P.C. Mackie
 2. Chief, Federation of Saskatchewan Indians A. Bellegarde
 3. Director General, Indian Affairs O. Anderson
 4. National Indian Brotherhood
 5. Regional President's Remarks
- Luncheon
- Minister's Address
- Question Period
- Discussion co-chaired by: F. Walchli
R. Flett
- 6:30 Reception in Elizabethan Ballroom, Regina Inn
- 7:00 Dinner in Elizabethan Ballroom, Regina Inn
- Reception and Dinner hosted by the Saskatchewan Indian Agriculture Program
- 9:00 Dance

Meeting at University Adhum Boardroom

Thursday, November 16

8:15 Bus Departs for University

Entry

Prayer

9:00 Opening Address Lloyd Barber

10:00 Panel - Future of Economic Development

Chairpersons: A. Charles
S. Pooyak

Members of Panel: W. Twinn
D. Cuthand
J. Beaver
M. Gros Louis
R. Rodgers
K. Thomas

11:30 Luncheon

12:30 Bus Departs for R.C.M.P. Training Academy

Tour of R.C.M.P. Training Academy

3:00 Panel - Future of Indian Government

Chairpersons: C. Starr
Maritime Representative

Members of Panel: C. Mackie
D. Nicholson
A. Rickard
S. Sanderson
G. Erasmus
B. Manuel
B. Diamond

7:00 Cocktails - Regina Officers Mess, 1660 Elphinstone

7:30 Dinner - Regina Officers Mess, 1660 Elphinstone

Evening Reception hosted by the Province of Saskatchewan

Meeting at University Adlum Boardroom

Friday, November 17

Entry

Prayer

9:30

Business Meeting

Chairpersons:

P.C. Mackie

R.D. Brown

11:30

Evaluation

F. Kelly and Evaluation Team

- Summary, Synthesis, Recommendations,
Analysis

Concluding Remarks

Executive and Planning Committee Meeting
Administration Building, University of Regina
Regina, Saskatchewan
November 15 - November 17, 1978

Wednesday, November 15, 1978

The day, like each day of the conference, began with the pipe ceremony the Grand Entry and prayer, which set a tone of dignity and mutual respect among participants.

Opening Remarks

Following greetings by the Honourable Ted Bowerman, Minister for Mines and Resources, Saskatchewan Provincial Government, Albert Bellegarde, President of the Federation of Saskatchewan Indians welcomed delegates to the conference and stated that the day's proceedings would be devoted to concerns and problems as seen by Indian association representatives. He said the F.S.I. had, until now, viewed the Executive Planning Committee with considerable skepticism and mistrust and hoped that the conference would allow for positive and constructive discussions. He focused on federal responsibility for provision of service through "one agency", the constitutional issue and fulfillment of land entitlement in his comments.

Mr. R.D. Brown, Assistant Deputy Minister - Programs, Indian Affairs, Ottawa, welcomed all delegates to the meeting and accorded his respects to the Chiefs and Elders of Saskatchewan. He spoke briefly of the role of the Executive Planning Committee saying that since the May, 1978 Toronto Conference, Indian participation in the planning and process of national conferences has increased substantially with very positive results. He said the rather stereotypical view held until now by the Department of local or Indian government must and will be altered.

Dr. Owen Anderson, Regional Director General, Saskatchewan, in his welcome, remarked that ideological differences do exist and that conference delegates must strive to find a common ground which will allow for the achieving of at least minimum standards and the setting of practical targets in the next few years. The uncertain times require rational, innovative and creative planning.

Indian Association Remarks

Lawrence Whitehead, President of the Manitoba Indian Brotherhood spoke of lack of services feeding racism. Federal/provincial

relations must improve and capital monies must increase substantially for Indian people.

Andrew Delisle, President of the Confederation of the Indians of Quebec, expressed concern that the province of Quebec is moving to impose regulations on Indian people, and that provincial judges are, through ignorance of treaties and the Indian Act, usurping Indian rights. In terms of Indian rights and equality, Indian people must be seen as one people, not individual Indian groups.

Stanley James, Yukon, reading from a prepared statement, said that the Yukon is facing a number of significant developments within which social and economic inequalities must be redressed. He asked that the Minister recognize aboriginal title to the land and that negotiations proceed on the basis of that understanding.

The Minister, due to other pressing commitments was obliged to address the assemblage at this time.

Minister's Address

The future of Indians in Canada, Mr. Faulkner stated, will be shaped by Indian people and Departmental people making a concerted effort to work together, to use existing resources, however limited. He assured delegates that enhancement, not termination of Indian rights is the objective and changes in resource deployment to Indian people must be made. The revision of the Indian Act is a real not illusory exercise and must be done jointly. Mr. J. Beaver, he said, would be examining with him and the N.I.B. the matter of socio-economic development programs. The "A" Base Review is a fundamental review of government programs not a budget cutting exercise and will be done jointly. Progress depends on co-operation.

Indian Association Remarks (cont'd)

Walter Twinn, speaking on behalf of Joe Dion, President of the Indian Association of Alberta, expressed concern that pressure by government to change the Indian Act, notably section 12 (1) (b), is premature and inappropriate. In order for Indians to assume local control untied funding is required.

Andrew Charles, Co-ordinator for the Alliance said that B.C. Indians are determined to strive for Indian control of Indian destiny with particular emphasis on economic development.

Wally McKay, Acting President, Grand Council Treaty #9, in conjunction with Charles Cornelius, President of the Association

of Iroquois and Allied Indians and John Kelly, Grand Chief of Treaty #3, commented that no programs for Indian people can be implemented without full consultation. The Department of Indian Affairs should act as a resource agency not an adversary.

Stan Johnson, Union of Nova Scotia Indians, stated his concerns in the areas of (a) native employment, (b) fiscal cutbacks, (c) housing needs and (d) medical services.

Responding to (a) Mr. T. Musgrave, A/Director of Personnel, Indian Affairs, Ottawa, said training and development action plans are in process to improve representation of Indian people in the Department. Commenting on (b) Mr. R.D. Brown said supplementary funding, in non-discretionary areas, if projections could be fully substantiated, could be available. Mr. R.H. Knox, Director General, Program Support, Indian Affairs, Ottawa, said that the present (c) housing policy does have real limitations but efforts to make more capital available in the next few years are being made. In relation to (d) medical services Mr. P. Gillespie, Director General, Policy, Research and Evaluation, Indian Affairs, Ottawa, remarked that National Health and Welfare policies require close monitoring and discussions are now in progress.

Discussion Points

Mr. P.C. Mackie, Assistant Deputy Minister - Development, Indian Affairs, Ottawa, stated that a clearer definition of "partnership" must be devised because public servants cannot be real partners with Indian people whom they are indeed pledged to serve while under Parliamentary direction.

Mr. G. Murray, Assistant Deputy Minister - Corporate Policy, Indian Affairs, Ottawa, remarked that a better public relations job of conveying aspirations and concerns of Indians and public servants alike must be done for the public at large.

Mr. D. Riley, President of the Union of Ontario Indians, cautioned that changes not be made too precipitously for the sake of political expediency.

To a question on the amount and time period for funding in the Yukon by Mr. T. Gerard, Yukon Native Brotherhood, Mr. R.D. Brown said he would reply to the points raised in the text.

R.D. Brown

Responding to a multiple question by Mr. Andrew Bear Robe, Economic Advisor to the Indian Association of Alberta, Mr. P.C. Mackie said that on the Indian status issue there is no question

that changes must be made. The job of public servants, Mr. Mackie said, is to support Indian people in what they want to achieve within the resources available. With respect to Mr. Beaver's mandate, Mr. Mackie stated that the Department is positive about his involvement with associations.

Mr. Mackie remarked to a question posed by Mr. McKay, that "A" Base Review will be a process set up in every region to assess how money is now being spent and how it might be more effectively spent.

Mr. Delisle stated that Indian rights are a "given"; recognition of those rights, however, must be established.

Thursday, November 16, 1978

Opening Address - Dr. Lloyd Barber, President of the University of Regina

The present situation of Indians in Canada is in large part due to a fundamental and historical attitudinal clash between Europeans and Indians. Europeans failed to appreciate the oral culture of Indian people and believed absolutely in the superiority of their culture; assimilation then became a conscious social theme if not government policy. The White Paper was in a perverse way a positive step for Indian people because it galvanized them into action and created a very real power base where none had existed before. It is essential that Canadians recognize the nature of Indian rights and grievances and permit such issues to evolve with evolving circumstances. Indians have believed that an expansive and enriching education process has not been available to them, and that the Indian Act has created an unhealthy dependency between Indians and the Department of Indian Affairs. Economic development flows from educational development and political development. Progress may seem slow and painful but in the overall historical context is not so bad. If the same rate of progress can be maintained and problems dealt with through consultation, participation and trust the future of Indian people can be very bright indeed. We need Indian communities to enrich the whole society.

Panel - "Future of Economic Development"

Mr. W. Twinn, Alberta, said one needs money to make money and Indian people to become economically viable must get involved in more than cottage industries.

Mr. M. GrosLouis, Chief, Huron Village, Quebec, said that Indians, in order to be allowed to "catch up" economically, should be allowed interest free loans to invest in business enterprises.

Mr. D. Cuthand, Saskatchewan, stated that Indians can and will do the job of handling their own affairs, but must be given the tools. Indian Governments need to participate in resource revenue sharing.

Mr. J. Beaver, Special Adviser to the Minister of Indian Affairs, said that the planning process - a system or wholistic approach - must be employed to look at the interrelatedness of all we do. Detailed planning must be done where more than money is needed. Socio-economic development must be striven for.

Mr. Thomas, Saskatchewan, said that assistance is required in the development phase after beginning a business. Band Councils can lend more support by improving the climate with the off-reserve community. The "one agency" would simplify and improve funding available.

Mr. R. Rogers, Chief of Sarnia Indian Reserve, said it is a reasonable idea to surrender lands for industrial purposes which can later revert back to reserves. Indians can, without the help of the government feasibility studies, run their own businesses.

In the ensuing discussion, Mr. R.H. Knox said that the vote and activity structure for Departmental estimates will be changed which will allow funds to be used in a more creative and effective way. Replying to a question from Christine Oliver, Information Officer, Native Brotherhood of B.C., Mr. Knox said evaluation of sectoral programs had been very positive but the problem is one of resources. Mr. Beaver will be examining the transference of economic development funds to Indian control.

Tour of the R.C.M.P. Training Academy

While in Regina, the E.P.C. and Indian delegates availed themselves of the opportunity to tour the R.C.M.P. Training Academy. The briefing received concerning the R.C.M.P. Indian Special Constable Program (Option 3B) was of particular interest to the group.

Panel - "Future of Indian Government"

Mr. P.C. Mackie commented that it is up to the Indians what form their government takes and what activities that government(s) engages in.

Mr. Neresoo, Vice President of the Dene Nation, said that the Indian Act is a racist document and Indians should, therefore, be able to define their own nationhood.

Mr. Awashish, Executive Chief of the Grand Council of Crees of Quebec, said that the local people must be the ultimate decision-

makers in dealing with their own situation. Cree Local Government allows decision making to be shared by Crees and non-Indians.

Mr. D. Nicholson, Regional Director General, Alberta, said that retention of Indians' inherent powers must be safeguarded and as the Minister had said the Department must make the necessary attitudinal and organizational changes to accommodate that fact.

Mr. A. Rickard, Ontario said Indian people must know where they have come from, where they are, and where they want to be. To do so they must be spiritually "revived", economically independent and have the means to promote their social and economic development.

Mr. Manuel, British Columbia, said the desire for self determination is strong but Indians need land, resource base and governing authority to take hold. Aboriginal right must be recognized.

Mr. S. Sanderson, Vice-President, F.S.I., stated the right to Indian government is inherent not acquired ... and power must be taken, not given. Once the desired degree of sovereignty and terms of the trust relationship have been defined, jurisdiction re Indians at each level of government can be defined. Only Indian Governments have the authority and jurisdiction to regulate Indians. All of this, he said, is predicated on strong band government and that requires guaranteed federal funding. Resources and community socio-economic development planning must be instituted to make the presence of Indian government felt in the non-Indian as well as the Indian community. An Indian judicial system is a requisite. Local government specialists are needed, not the local government officers now in place. Indian and government must settle fiduciary trust responsibility, citizenship status and territorial right. Protectorate status must be built into the B.N.A. Act.

Mr. L. Whitehead concluded by saying he sincerely hoped "Indian Government" wasn't going to become just another slogan.

Evaluation Team Report

Mr. F. Kelly, Mr. E. Derrick and Mr. A. Bellegarde had been appointed to assess the conference proceedings and make whatever recommendations they felt appropriate. The Grand Entry, Mr. Kelly remarked, set a tone of respect and dignity to the proceedings. The purpose of the meeting was not clear particularly to the Indian participants. Outputs could and should have been identified with discussion from the perspective of Indian treaties and entitlements. Discussions of the Indian Act and constitution were somewhat apprehensive. Mr. Kelly said members should consider both the external and internal

threats and opportunities the conference provided Indian representatives. He suggested Indian participation in future E.P.C. meetings and national conferences be ensured. He proposed the formation of an Indian Planning Council which would be an ongoing permanent mechanism, an adjunct to E.P.C. which would participate in management planning and whose functions would be to review, plan and report.

Mr. Mackie said the recommendation was a sound one and would form an agenda item for the next business meeting of the E.P.C.

Mr. Mackie

Friday, November 17, 1978

A. Finance

Mr. R.D. Brown reported that main estimates for 1979-80 are complete and regions should discuss them with Indian bands and associations. The Program Forecast for 1980-81 is being prepared. Regions must prepare an overview with the assistance of a solid planning and consultative base. A supplementary B request of \$14 million for 1978-79 is being submitted to Treasury Board in the non-discretionary areas.

In response to questions by Mr. Whitehead and Mr. Anderson Mr. Mackie said that at the moment the large Canadian issues do not figure in the equitable distribution of program resources. He agreed that levels of need should be assessed allowing for allocation of funds on the basis of a situational analysis. Mr. Delisle added that provincial responsibility should be considerably greater.

B. "A" Base Review

Mr. Mackie said the "A" Base Review is one mechanism through which Departmental staff can refocus on Indian needs. The "A" Base Review is an administrative process which will look at, in the context of strategic objectives, how money is currently being spent and how best resources can be shifted to Indian government programming. Next week Mr. Mackie said a pilot operation will be launched in B.C. to learn the approaches necessary, and it is proposed that beginning in April region by region become involved. "A" Base Review, Mr. Mackie re-emphasized, is not a budget cutting exercise.

C. Indian Act Revision

Mr. Gillespie, speaking to concerns raised regarding the Indian Act revision process said that it is imperative that the constitution and Indian Act process move forward together, but despite the urgency and interrelatedness of the two issues a realistic pace which allows for the building of trust

must be struck. Revisions, he assured Indian delegates, are not being railroaded. Mr. Gillespie agreed that far too often the process of the Indian Act revision has appeared to be a promotion. Political expediency is not a motivator. Fear that the Minister's trust responsibility will be eroded in the process should be allayed by the knowledge that with transfer of powers to design programs to Indians, the Minister's control may be reduced but he will nevertheless retain ultimate responsibility under the B.N.A. Act.

It was agreed that laws must be changed to give legal meaning in the non-Indian context to what Indians want to do.

Mr. Gillespie suggested that differences might exist more at the semantic than the ideological level and he would appreciate being informed of more acceptable terminology. Mr. Murray added that ideas, not proposals, are being prepared and presented, and Indian Act revision cannot be rushed to suit anyone's political aims.

Mr. Delisle asked if perhaps it is not the political situation rather than the Indian Act that has to be changed. The Indian Act is only an implementing act. Why can other legislation not be used. Indians should be able to opt in or out of the Indian Act.

Closing Remarks

On behalf of all, appreciation for a very worthwhile meeting was expressed by Messrs. Mackie, Brown and Anderson to the F.S.I. and the Saskatchewan Region.

Mr. Mackie accepted Mr. GrosLouis' suggestion that the next E.P.C. conference be held in Quebec.



MINISTER'S ADDRESS TO THE NATIONAL E.P.C. CONFERENCE, REGINA, SASKATCHEWAN

November 15, 1978

Chief Bellegarde, Chairman Anderson, Elders and Chiefs, members of the Department, friends, Presidents of Associations; anyone else I have missed, I apologize. I had a speech here. I'm not sure I am going to use much of it. I think what I am going to do is try to summarize what I was going to say and take some time to comment on the remarks made prior to mine. I want to, first of all, say to the Province of Saskatchewan and the F.S.I. and all those responsible for hosting this E.P.C. meeting, it's an impressive start. I was very touched by the Grand Entry, impressed by the candor of the remarks made by various representatives and I would hope that here, over the next three days, some progress can be made in dealing with the problems, but more importantly, the opportunities that lie ahead of us. I want to say to Mr. Bowerman that, although we have had our differences in the past on particular points of detail, I have to contend that the government of Saskatchewan has shown a particular sensitivity to the problems of Indian people in its area and I want to express that fact. We still have areas of disagreement, they're important, they're difficult but I've never had any doubt that we could resolve those differences because I felt beyond the differences, they, a group of men and women, were basically trying to achieve something in the interest of the Indian people and I say that to the Minister while he is here. He and I will now be meeting at eleven o'clock and I may have to change my mind after that meeting. I just wanted to set the stage for that meeting at eleven o'clock. No, I mean that genuinely. I think the government of Saskatchewan has shown a great interest in this area.

Chief Bellegarde, in his comments, mentioned that traditionally the F.S.I. had approached the E.P.C. meetings with skepticism and mistrust, and throwing caution to the winds they decided to come and participate and I would hope that at the end of day three, there will be a sense amongst the leadership of the F.S.I. that these sort of meetings are useful and constructive. I want to congratulate the Chief in making this move. I think it's now up to all of us here to assure that this exercise in good faith is, in fact, responded to.

I happen to believe that we could go on fighting each other for the next 100 years; the Indians disliking the Department, the Department fighting the Indians, and we could provide alot of entertainment for alot of people just carrying on the old traditional fight, the old traditional animosity, the old traditional skepticism and mistrust. I'll tell you this. If we choose that option, not a dam thing will happen over the next 100 years. We are now at a point in time where we can make some choices. I'm not suggesting that everyone has to love the Department. If you did, it would be the only Department in government that was loved. We're not alone. I'm not asking you to

forget history. It's a pretty bad record. I know that. But I'm saying to you; I'm saying it to the Department as forceably as I'm saying it to the Indians here. If we want to do something, if we want to accomplish something about the problems we are all too well aware of, we're more likely to do it by working together than fighting each other. It's just as simple as that. I'm not asking you to agree to everything I propose or everything I say. I invite disagreement. I don't expect to be right on everything, If I'm right 40% of the time I'm ahead of most of the people. So I'll be wrong. You can tell me I'm wrong and we can disagree. But God only knows there's a difference between disagreeing and being candid and open about the disagreement and not working together. Let me give you a classic example of where there are disagreements everyday but where work is accomplished. It's in the Cabinet. You don't think that I agree with my colleagues on every issue everyday. I can tell you on some issues that affect you people I've had some pretty heated arguments. I've won some. I've lost some. But that has not prevented me from working with the people I disagreed with. It has not even prevented me from working with those that won the argument, because over and above our individual differences, lay a fundamental conviction that by working together we're able to accomplish something and that's the test that everyone in this room faces today. Not just the Department. It's very easy to say all our problems are the Department's and if you are satisfied with that explanation, God bless you. But don't expect people at large to believe that everything is the fault of a single Department or a single civil servant. So the test is as heavily on the Indian as it is on the Department. Maybe more on the Department. Maybe more on the Department to demonstrate.

To answer Andy Delisle's question. Do we really believe that Indians can run their own affairs? Well, I want to tell you, as Minister, I believe it. I want to say to the Department I believe that profoundly and I expect you to believe it. If you disagree with me, I would like to hear your disagreement. But that's the direction we are going in and if anyone's uncomfortable with that direction, they have some honourable options, because the Minister decides the direction and it's the Department's responsibility to carry out that direction. Now if there is any Indian who disagrees with me let's here it, because I haven't been around this business only in the last year and a half as Minister of Indian Affairs. I was around here for four years as Secretary of State. A lot of you knew me then. The message I'm saying today is precisely what I was saying five, six years ago. And what was core funding all about in those days when I was going around arguing for core funding, getting the government to support it. It was, unless you give the Indians the resources to develop the leadership they won't be able to assume the responsibility that is rightfully theirs. Give them a chance and they will demonstrate they can run their own

affairs. But Ladies and Gentlemen, we've been at this now six years and we're at the moment of truth. We are at the moment of truth from the point of view of the Department and we are at the moment of truth from the point of view of the Indians. I want to get into that because that's the substances of what I was going to say, because it brings me to the Indian Act, the "A" Base Review and Jack Beaver's exercise.

Before getting into that I want to say to Chief Bellegarde, above the table discussion, I'm with you. That's where I expect it to be. I don't expect us to agree on everything and you know the limits around the budget. I have been quite candid with you about that. You don't have to agree with me but have some understanding of the difficulty. Lawrence Whitehead gave, as he always does, a very moving, sensitive speech, which touched on a number of issues. But I think he expressed for all of us here the implications of restraint on Indian people. How are we going to turn around those conditions that we know exist without more resources? We have to have more resources. We will try to get more resources, but there are limits to what we can expect in that area. So we are going to have to start looking at the resources we have. Is there not something we can do with existing resources that would be more creative than simply sustaining the level of welfare on reserves? Can we not use those resources more creatively. These are questions that have to be addressed by both the Indian and by the Department. I'm troubled by his comment that there are racists in the wildlife service. The wildlife service doesn't come under my jurisdiction, but if Lawrence wants to give me some specific examples. I am no more tolerant of racists than he is and I've been fighting it; fighting that issue for a long time, not only in respect to Indians but a range of other people. Because I can remember years ago when I was quite young, I was in Israel, as a student, and went to the Adolph Eichman trial and I followed that trial. I learned something about racism and what it can do to people. So I am not new to the field Lawrence. If there is any evidence around I am as prepared to deal with it as anyone. I often suspect though our problem isn't so much racism, although it is truly there in corners. It's much more a question of prejudice and stereotypes. It's not quite as virile as racism but it's an obstacle to the developing of that working relations, that human respect, that makes progress so much easier. And where you have people at arms length refusing to talk, refusing to deal with each other and breeding contempt about each other. On the constitutional side I met the leadership of the F.S.I. and I say to you Lawrence, because you raised the question, I am interested in the constitutional talks and how they affect the Indian people. But remember how I left it with you in Fredericton. If there are changes to be made, let's see what those changes are and, in fact, Sol and Albert were telling

me that developments are taking place. There are thoughts given to what potential changes might take place in that area and I told them I would be pleased to meet with them as soon as their thinking had come to some solid form.

Well I have tried to deal with the major point that Andrew Delisle raised; the question of Indians running their own affairs and I will be coming to that in more substantive terms in a moment; troubled by his comments that he appears to see us moving in an area that would be described as a termination of rights rather than enhancement of rights. That is certainly not the direction I'm intending to move in and it's not what I am trying to do. I'm, in fact, trying to enhance rights to give precision to rights and those are the nature of the discussions I am having with Provinces and in the context of the federal government and with Indian leaders. I share your views though, Andy, in fact, the future is good. The future is much better than the past. But I think we have to say this about the future. It will be shaped by us, not by events around us. And if it's good, if 10-15 years from now you look back, if it's not that good then it's the people in this room that can share some of the blame, because given the opportunity of working together, they decided to avoid that. If it is good then I think the people in this room can take some credit for that.

The submission from the Yukon covered a range of issues and I won't try to deal with them all right now except to say on the most fundamental question raised by the submission, namely the Land Claims, I have been ready to negotiate that land claim since last spring and it's been the C.Y.I. that won't meet and that is a fact. I have twice met with the negotiating team, twice stressed with them the importance of getting on with the job and twice being told that we're not ready. And the latest position of mine is that within one month of receiving their negotiating position, I'll have a negotiator in Whitehorse, anyplace in Canada, to negotiate. So I hope there is no impression left that somehow the delay in dealing with that issue is a delay for which I am responsible. On the COPE Claim I will have to send a copy to the C.Y.I., the Brotherhood, all the rest interested, because quite clearly written into that COPE Claim is the protection of the interests of the Old Crow. Sam Raddi has twice invited the people of Old Crow to meet with him; several times trying to get in touch with Harry Allen and I am told ... had difficulty ... So I am puzzled by the suggestion that somehow the COPE Agreement either in any way affects the rights of the Old Crow people, because I don't believe it does or that there wasn't a legitimate effort made by the Inuvialuit themselves to touch base with the Old Crow people and the others to discuss this when it was first raised with me. I telephoned Raddi and he said he would do it. Mitigative measures; I don't think we will have a problem. I think we can

respond to that particular concern. If I may I would like to take the paper with me and respond to each of the points of detail.

Now there are three things that I wanted to deal with specifically today. The first one will come as no surprise to you. Most of you have heard me talk about this before. Some of you may even be getting a little tired of hearing me talk about it. But I am going to talk about it again because I think it's central to our concerns and it's central to the work of this meeting and the E.P.C. and it's central to the future of the Indian people, unless I'm wrong. I am only giving you my judgement, one human individual, the power to make some judgements, I'm giving you mine. If I'm wrong, I'm prepared to be told I'm wrong. But I'm not totally without some familiarity with this field, for the reasons I've mentioned to you. Let me start off by talking about the Indian Act, my judgement is that the past 10 years has led us to the point where we are increasingly demanding a reassessment and an adjustment in the relationship between the government of Canada and the Indian people. We are at a point in time if we have the courage to decide and to act where we'll have a new generation of Indian control, a new era of Indian control over Indian affairs. To achieve that, there has to be changes in the legislation, changes in our approaches and methods of bringing socio-economic development to the Indian people and changes in the way resources are made available by government. Now let me be absolutely clear on one point. The amendment of the Indian Act is not a bureaucratic exercise which we've developed because we have nothing else to do. It's not an invention to provide something for the bureaucrats to do and the Indian leadership and the Indian people to do for the next two or three years. It's not a diversion, it's not a red herring, it's the reality, if we are prepared to face that fact. Because the amendment of the Indian Act, the movement of responsibilities from the Department to the Indian people themselves is, to my mind,, the precondition of any substantive change in the state of affairs of the Indian people themselves and I can't believe that anyone is satisfied with the status quo. Therefore, I believe we are confronted with change. How do we deal with that change? How do we work together? The Indian people themselves have told me several times back four years ago, five years ago, "we want more authority". When I spoke to the ninth general assembly of the National Indian Brotherhood in Fredericton, I outlined a process for you. Here's how I would propose to go about it. I've had since discussions with the National Indian Brotherhood and other Indian groups and we have distributed now some informal discussion papers so that we can get some precision into the discussion, because the move to greater Indian control over Indian affairs, strengthening a tribal government has very profound meaningful and implication for the Indian people but likewise it has profound implications for

the Department, because clearly the Department can't stay the same. The more that responsibility for Indian matters becomes the concern and the prerogative and responsibility of the Indian people, to that degree that nature of the Department has got to change and that's something I have to address. Now let me make some points about the Indian Act Revision. What I put forward in informal documents, is for discussion, they have not been considered in Cabinet, nor have they been discussed very fully with colleagues in other government departments. They reflect, in some measure, what was discussed during that National Indian Brotherhood/Cabinet Committee period over three years. They're intended to try to stimulate discussion on the subject with Indian groups. They're not carved in stone. They're open for change. Ultimately I believe we have to fish or cut bait. Ultimately we are going to have to ask ourselves are we going to amend the Act or not? We can't go on forever pretending we're doing something when all we are really doing and we know in our hearts it's all we're doing, is talking to each other, pretending we're focusing on issues, leaving the illusion we are doing something of substance, when all that is transpiring is words. There must come a point in time where we have the courage to act or the courage to say, "no change" and that's going to be tough because the changes proposed are not modest changes, not marginal changes, they're fundamental changes. Now, because of the profound nature of the change I am not intending to railroad it through. I'm attempting to work with the Indian people on this. But I do say to you, that when I think of the various issues that we have before us in those papers, proposals for strengthening band government tribal government, proposals for giving greater Indian control over education matters, proposals to attempt to deal with the hunting and fishing issues, very contentious issues and not easily resolved. The fishing issue particularly. It's a major issue in this country and I am going to have to explain because no one else seems prepared to do it, to all the non-Indians, that there is a very particular Indian issue and Indian interest when you're looking at the fishing. And that Indians are not saying, "we want control over the fishery despite conservation, good conservation practices" and Indians I have talked to have no problem with the notion that there is an umbrella; an umbrella operation involving the Department of Fisheries to ensure that good conservation practices are observed throughout the fishery, because there is a big difference between fish and wood. Fish move and they go past reserves on to other reserves and back out to the ocean and unless that total movement of the fish is monitored for conservation practices and good conservation principles, we will all be in trouble. But those are issues we are attempting to deal with. Mr. LeBlanc and I are attempting to resolve the differences. The protection use of Indian land and the contentious difficult issue of membership and discrimination within the Indian Act. These are before you. Draft papers there will

be. And I would hope that we can move them forward in the spirit of co-operation to try and come to the point where we can make some decisions.

Another issue, another part of this exercise, is, of course, the exercise that Jack Beaver is involved in. There's an individual who is an Indian from the Alderville Reserve, an outstanding success in his own right, has agreed to work with me and the N.I.B. to try and think through this difficult and contentious issue of how do we get socio-economic development taking place on Indian reserves. How do we create some hope, some opportunity to young Indians? Is this migration pattern from the north of Manitoba to Winnipeg from the north of Saskatchewan to Regina inevitable or is there not something we could do with the resources that are there, with the people that are there that will create opportunity and undermine this migration of people looking for something because there is not much back home. There is no easy answer to that, but I could not think of a better person to help me try and find the answer than Jack Beaver. We will be working closely with him on that and Jack will be here at a later stage in the E.P.C. meeting and I would hope that you would take advantage of that to talk to him about it.

Finally the "A" Base Review, which you will be getting into in some detail it's very simply an exercise looking at everything and trying to decide what are we doing that we don't have to do, what are we doing that we should be doing more of, where are our priorities. It's a fundamental review of government programs. It is not a budget cutting exercise. It's an attempt to take a hard look at what we are doing in all our programs to see if, in fact, we cannot use the resources we presently have more effectively than we're presently doing and this exercise will be done in a partnership arrangement between the Department and the Indian people. Priorities are not going to be set by the Department. They are going to be set conjointly between the Indian people and ourselves. It will get right down to the band level. Let me just tell you what the objectives are, very quickly, of the "A" Base Review. The "A" Base Review will examine the process of facilitating the shift from Department managed programs to Indian managed programs. Included in this objective are such concepts developed for the socio-economic development purposes. The devolution of the authority of responsibility for programs from the Department to the bands and tribal governments and the purpose of the socio-economic development review is reflected in the proposals to revise the Indian Act. How to facilitate this devolution will be an objective of the "A" Base Review. The "A" Base Review will

identify significant staff-year reductions within the Department. The successful devolution of authority and responsibilities for programs to bands requires an extensive review of the effect of how we deploy people in the Department. I know part of this process is to help bands and tribal governments determine staff requirements during and after this process begins. In keeping with the policy of facilitating the transfer of resources to Indian management, stress will be placed on the following: (a) the identification of activities which would be transferred to band administration and (b) the consequent organizational and structural changes required. As you know there are various constraints placed on the utilization of funds established for expenditure control purposes primarily by Treasury Board. Our task is to design accountability mechanisms for transferring resources to Indians that provide the greatest flexibility for bands and tribal governments. Finally, the "A" Base Review will provide an opportunity for Indian people to become familiar with and provide further direction in the formulation of band and regional budgets. Indian Act Revision ... Jack Beaver ... "A" Base Review ... part of a fairly major exercise to which we are all involved. E.P.C. is an instrument for trying to work this together. It's going to be very important. The good will of Indian and non-Indian alike in this exercise will be very important. The belief that we are trying to work together in the interest of Indian people is going to be fundamental. The willingness to set aside past differences is going to be very important. If we just put a moratorium of fighting each other and try and see what results would come from working together and then we could judge whether we want to go back and fight some more or whether working together we can accomplish something. It may be worth thinking about. But, Elders, Chiefs, members of the Department, friends, ladies and gentlemen, those are my thoughts. I believe we are at a fairly historic point in time. I've outlined to you where I think we should be going, I've explained to you that I'm not prepared to railroad this thing through. I want your co-operation, and if you think I'm wrong, tell me. But if you think I'm right, have the courage and conviction to work with me to achieve our goals. Thank you very much.



DR. LLOYD BARBER'S ADDRESS TO THE NATIONAL E.P.C. CONFERENCE

November 16, 1978

Thanks very much Owen, Mr. Chairman, Ladies and Gentlemen, it's a pleasure for me to be here to talk to you about a subject as complicated and diverse and important as the future of the Indian in Canada. I am happy to be here for two reasons, one because of the opportunity to talk to you about this subject and secondly to welcome you officially to the University of Regina where I hope you're finding satisfactory premises and satisfactory environment for a very important conference, so it's my pleasure on both counts. I have a few disclaimers to make before I commence a talk. First of all I am in the process of coming down with a bad cold so that if I sound like I'm talking to you from the bottom of a barrel, I am. The second thing is that I have had 2 or 3 speeches in a row to make in the last 2 or 3 days and some of them have suffered from preparation because I haven't had sufficient time to make them in the form of speeches and rather have been talking from notes. So this morning, rather than an address as is billed on the program, it will be a talk from notes, hopefully covering a pretty wide ranging ground and hopefully with an opportunity to have some discussion later. I think I'll choose to keep the remarks relatively short hopefully then to answer some questions.

The topic itself is almost totally and completely formidable and one which in some respects is misnamed. The future of Indians in Canada which is an interesting subject for discussion, but nobody would stand up or sit up in front of an audience like this or any other audience and discuss the future of Whites in Canada. Indians are not a homogeneous group of people, Canada tends to try and pride itself on the fact that it has room for cultural diversity in the country - we talk of our cultural mosaic and we tend to think that in contrast to the Americans we've been able to establish a cultural mosaic rather than a melting pot; but then we go around and lump Indians into one group of people as if the Haidas and the Micmacs were the same, anymore than the Hungarians and the Yugoslavians are the same or the Hungarians and the Ukrainians are the same, and I suspect there may be even more richness of diversity among Indian groups in Canada than there is among White groups. So that's the first disclaimer; I think it's an error to lump all Indians together, and I think part of the failure of Canadian policy in the past and it's not only Canadian policy - U.S. policy, Australian policy, New Zealand policy and other people who have been dealing with aboriginal groups - to lump them all together and consider them a homogeneous population and - I'll come back to that later in terms of some of my considerations of the future of bands, groups, tribes, associations of Indians in this country. The second thing I want to suggest is that - what I've

got to talk to you about are a series of relatively random thoughts gathered around 2 or 3 or 4 of the major thrusts of interests which I've been involved in and which I think are current. But all of these have to be set against the relatively short history in terms of the length of human history on the whole, a relatively short history of Indians and non-Indian relationships in Canada. I think without some perspective on the historical background that there tended to be a great deal of sound and fury about immediate issues. But when they are not set against the historical context I'm not sure there's much opportunity to resolve the sound and fury in terms of the emotions of the present. So I want to try and set the stage for these things against that kind of historical background. When I use the term "Department" I want it well known that I'm not speaking about individuals in the Department. All of you in this room know that the word "Department" is a very powerful piece of shorthand in this business, usually perjorative and usually involving whatever ills at the moment happen to be most current. But it's not in terms of any individuals past or present or future. Also there are some things on the Indian side which are probably not right with Indians or right with the world or right with the Department, but again I mean no ill to anyone on the Indians' side if I speak in what may appear to be in an unkind way, but these are the facts we have to deal with. As I've suggested with respect to the cultural diversity of Indian people in Canada, any generalizations are dangerous and this is no more true in Indian Affairs than anywhere else, but it's one of the things that I think overall plagues the situation. When we look at the question of Indians in Canada or the relationship between Indians and non-Indians in Canada we tend as I mentioned earlier to get caught up in the current or present set of circumstances without realizing that the degree of contact is, depending on what part of the country and depending upon the intensity of the contact between the original inhabitants of the country and the rest of it really 100, 200, 300 years long. If you look at this in generational terms, that is in terms of the numbers of generations of people in 100 years, there are what - 4 generations per 100 years. If you accept the proposition that genuine human change can only change with generations and probably with generations and education applied on top of that we're dealing with a series of human relationships Indian - non-Indian that are really at best generations and in some parts of the country 1, 2, 3, or 4 generations long. There haven't been all that many genuine opportunities for change. And keep in mind that the relationship we're talking about is between peoples who had a totally different history over 5000 years, fifty hundred times for 200 generations so we're only talking about the last 5% of that kind of time. And the development of the two groups which comes together in North America, and which causes the problem and about whose future we are talking, that contact is very very short in terms of human history. And keep in mind that the 2 or 3 or 5 how many, the cultural differences between the aboriginal people who lived here for that period of time and the rest of us who came from Europe or wherever else, those developed more or less

in isolation from each other and developed very fundamentally different cultural values- in which we have had a very very short time in terms of generations of human beings to change. And I think if you look at it in that context you'll realize that much of what plagues us today may not be quite as serious as those of us who are involved in it on a day to day basis take it from time to time. It may not be all that bad a record in terms of span of human history, and it's in that context that I want to talk about a number of things, the kinds of policies that have been applied in the past, where they've led us, and the kinds of changes that I see taking place over the past decade and where I see they are liable to lead us over the next generation or two generations or three.

First of all, I think that the Europeans who came obviously believed in the absolute superiority of their culture, their artifacts, their religions - all of the things they brought with them were in their minds absolutely superior to anything or most of the things that they saw when they came to this country and they assumed from that in the European superior way that the people here would recognize the absolute superiority of all of those things and immediately adopt them - I mean it should be obvious to these guys that everything we're bringing is so totally superior that they should embrace them, and if they don't of course, they'll die out and disappear. And part of what we talk about, the Indians in particular, in terms of the assimilation policy that I see having been applied in one way or another since day 1 is not so much conscious policies but the underlying belief of the superiority of what was brought in and no recognition of the superiority of many of the aspects of the life that was already here. And I think it's this fundamental clash in attitudes that has led to many of the difficulties. Again, these have been manifest through the political process and through the Department into concrete policies, some applied with more vigour sometimes and some applied with less vigour, formally and informally, but always underlying the assumption of superiority which came across the Atlantic. The other thing, in terms of the historical background that I think had been a distinct failure in our attitude - and it may be changing but I don't think it's changing widely in the population - one of the things we have failed to realize is the extremely powerful persistence in human affairs of underlying cultural values I don't know why we fail to appreciate this but I think we do - again maybe it's because we tend to look at immediate circumstances and not look at them against the context of history. But let me give you an example which I've used from time to time and haven't yet been contradicted or shot down on; let me give you an example which I think is a reasonable parallel with the experience with aboriginal peoples around the world. Look at the existing situation in the Middle East and look at the very very powerful desire of the Jewish people of the world to have and assert a homeland. Look at the history of the Jewish people in Egypt, the whole biblical story of the settlement of the Promised Land and so on and so on, that has persisted over thousands and thousands of years; why should it be strange to us that the Indian people

would persist in maintaining their culture when we have the example of Jewish people to pick one - or you can pick any number. But there is an irrefutable fact in my judgement, about the situation we're dealing with here, and that is the extremely powerful human desire to maintain his identity within whatever cultural root, whatever geographical area, whatever background in history he has. And again, for Europeans to have assumed that because there is no written work that there is no history, is a failure to recognize the power of oral culture, the power of the work passed down from generation to generation through the stories, the mythologies and through the whole development of the oral culture. So we have these two fundamental forces in the historical context of the relationships that we're dealing with here. The underlying, I think irreducible desire of the aboriginal peoples who occupied this part of the world to maintain their identity, the idea of superiority on the part of Europeans who assumed that Indians would either assimilate because that culture of theirs was so inferior that they would naturally take to ours, or and this has occurred from time to time, that they would die out and all that we needed to do was to smoothe the dying pillow. In other words - assimilate, assimilate, assimilate. And this has been I think the constant societal theme if not official government policy. And I think that is what sets the stage for the circumstances we find ourselves in now, and for the future that can be created by actions taken now.

I'd like to look then from that to some recent developments because I think the last 10 or 15 year period has probably been, if not the most fruitful period at least the yeastiest period in terms of the relationships between Indians and non-Indians in Canada. Starting I guess from my most intensive experience, we'll start from 1968-69 and the White Paper (I won't use adjectives; I'll simply say the White Paper.) I think that the White Paper is the best thing that ever happened to Indian - non-Indian relationships in Canada, not for what it contained, but by reason of what it precipitated; I think the White Paper galvanized into action the Indian people in this country like they'd never been galvanized before, and I think that what has fallen out of that coalescence of action on the part of Indian people will be with us for a long time; I think it's extremely important. But I say to you that while the existence and presentation of the White Paper created that kind of reaction and united Indian people in ways that had not previously been predicted, realized or expected - without one other fundamental activity taking place at the same time I'm quite convinced that the outcome would have been disastrous. If it had not been for the fact that at the same time as the White Paper was brought down policies were put in motion which provided financial support for Indian organizations outside the Department of Indian Affairs, I think if that support had not been available so that the Indian reaction could find a focus within articulate Indian organizations in Canada that the outcome would have been very much different from what it has been, and that for example this kind of a

meeting would not now be held. The ability of the government of the day to provide support to Indian organizations on the one hand, to give Indian organizations an opportunity to come together and come to Ottawa and beat it over the head on the other hand was - I don't know whether it was a conscious decision or not, I wasn't involved in that particular policy formation - whether it was conscious or not it was a genius decision and it worked! And it worked for a variety of reasons partly because of the actors on the stage on both sides, partly because of the circumstances, partly because of the desperation of both sides, but it did work. And it's still working and I think it's extremely important to the current set of circumstances. I'll quote from a speech I made several years ago about this aspect of it in discussing claims and I think it's an important point but it relates to the combination of the White Paper and the support for Indian organizations. What I said then and I think it's still true now - we've been allowed to delude ourselves about the situation for a long, long time because of a basic lack of political power in native communities. This is no longer the case and it is out of the question that the newly emerging political and legal power is likely to diminish. So I say to you in terms of the circumstances of today the White Paper which is no longer official government policy, although underlying the non-Indian attitude is this problem of assimilate, assimilate, assimilate which I think is a vexing one and will continue to be a vexing one in terms of the future of Indian people - in terms of official government policy the ultimate assimilationist approach is no longer seen to be appropriate. But without the combination of the White Paper and the support for Indian organizations the newly emerging political power would never have been given voice and we would be in a much worse situation than we are now. So over that 10 year period from 1968-1978 as all of you in this room know there have been ups and downs in leadership on both sides of the question. These have been very serious but very interesting questions about bringing together - and this is on the Indian side - the concepts of consensus forming Indian democracy and organizational style which is not the organizational style which they confronted on the other side of the table. It's been interesting as a student of organization to watch Indian organizations mold together the traditional styles of consensus seeking with the necessity to get technocracy and bureaucracy in their own organizations in order to effectively deal with the organization on the other side of the fence. This has been an extremely interesting development. It's not yet worked its way through to the logical conclusion and like all organizational styles and all cultural aspects of human organization it will evolve depending upon the circumstances it faces. But I think in terms of the future of Indian people in Canada the one very very important thing that has been going on over the last decade or so is this melding of the traditional consensus seeking respectful methods of human interrelationships with the necessity for technical, legal, bureaucratic style. It's a fascinating study in organizational arrangements if for no other no other reason it's fascinating. A student of organization should really

delve into that, but in terms of the abilities of the Indian organizations to express the political and legal power which I spoke of - it's been a key. It's still going on. It has its ups and downs as all of you in this room know because all of you have operated on one or the other or sometimes both sides of this question. But it's absolutely essential in my judgement, for creating the stage for healthy future development. Well, a number of pretty consequential outgrowths of all of this 10 year period are with us now, and working their way through the system are extremely important to the future of all of these things that we're talking about. As many of you know the consultation sessions that were held in 1968 and before, prior to the tabling of the White Paper, outlined if nothing else that not much progress could be made, at least the Indians didn't think much progress could be made, unless the government was seriously willing to address the question of claims and grievances - the outstanding grievances arising from Indians' perceptions about the failure of treaty administration, about the failure to recognize aboriginal rights in those areas where there have been no treaties and the failure to redress the specific claims and grievances of specific bands. My judgement is that without the government having really made up its mind that it would try to come to grips with the question of claims and grievances that again we wouldn't be here today. I won't suggest to you, all of whom know a great deal about this area that the process has been entirely satisfactory, nor that all that much has yet been achieved in terms of dealing with, setting aside and getting out of the way the terrible underbrush of claims and grievances that plagues the question of Indian/non-Indian relationships in this country. But the processes are ongoing and I have some optimism that they will produce satisfactory results over time. And there have been, again in my judgement, some pretty significant developments not all of which have been universally accepted either in the Indian community or the White community. I know you all have your own opinions about the James Bay settlement for example. But unless you put the James Bay settlement against the context of the situation prior to 1969-1970-1971 up until 1973 - unless you set that settlement in that context you can't realize the very very fundamental shift in Canadian policy that took place over a pretty short period from say 67-73 when the government changed its position on aboriginal rights - I choose that as a particular example. I should say to you as a bit of an aside that when I first got involved in the claims business in late 1969 - all of you know the problems that existed in that period of time - but when I first went around the Department of Indian Affairs and around the Government of Canada, not at the political level particularly where there wasn't much understanding of these issues and so yes we have to deal with them - but I don't think there was very much understanding about what having to deal with them meant - but at the lower levels in various departments, not just the Department of Indian Affairs, the prevailing attitude was "oh", well there's nothing in these things; just bring us a list of what they are, categorized in accordance with where they come from and what they are and tell us how to deal with them and

we'll get them out of the way." No comprehension of the fundamental basis for many of the claims, i.e. the grievance, i.e. the treatment received for the relationship of Indian people and non-Indians or the treatment received by Indian people over this 200 or 300 year history. The fundamental sense of having been - well, "cheated" may be too simple a term - but the fundamental sense of having had, possessed an identity, and ownership, a pride and ability to claim a dominion... having had this and then in a very short period of time, many cases the basis of trust with the newcomers, some cases on the basis of not such trusting relationships, but anyways having this wiped off in exchange for some promises which were then seen not to have been kept, the fundamental sense of grievance was very very powerful, continues to be powerful and vexing in this particular set of circumstances, but is at root in terms of establishing the kind of framework today that can provide the kind of future that I think is important. So I think it was fundamentally important; desirable and necessary that the Government of Canada come to grips with the question of claims and grievances; it's been an up and down process - I'm not sure that it is yet a situation where it can grind on to a successful and desirable conclusion.

I should differentiate I guess even for this audience, between those claims that can be satisfied in some finite sense; let's take the unfulfilled treaty entitlement in Saskatchewan as an example where there's an identifiable number of acres; there's an identifiable number of people now by agreement; the selection can take place, the land can be provided; at least that kind of claim can be dealt with and set aside. The question of treaty rights which you see around you in the room today - and I should say a little more about that and probably will when I get to some of the more specific points I was going to make - the question of treaty rights is something which cannot, in my judgement, ever be dealt with in any final finite sense set aside and then we can say "OK, we can get on with this" because the treaties for those Indians who have treaties are their constitution within this new relationship between them and the Europeans. It's their constitution; the constitution has to evolve with changing circumstances. In my judgement the failure is not the treaties, but the failure has been in the way the treaties have been administered and the fact that they have not, by and large until fairly recently been allowed to be the subject of any evolution at all. But I say to you that the question of treaty rights is not a question which can ever be set aside, dealt with in any final sense because the treaty - again in my judgement is a document which the Indians perceive as the document that regulates their relationship with the rest of us. And what you see around you are approaches to having that kind of fundamental constitutional relationship evolve with changing circumstances. There's nothing I know in a treaty that says there should be an Indian bank, but there are things in the treaty which say the relationship should be such as to permit the evolution of banks when banks become necessary for the lives

of the people who are dependent upon this treaty for their identity, for their continued participation in Canadian society on terms which they see reasonable. So there are some kinds of rights issues that can never be set aside finally and distinctly. In terms of rights I'd like to quote to you from what I consider to be a very significant article - it didn't receive much attention - it came to me in one of the journals I get. And I think that what the author has to say points to the fundamental problem in terms of trying to resolve Indian claims for land or otherwise the fundamental problem Indians have in trying to resolve this - because there is a clash of attitudes and that clash of attitudes has not yet been sufficiently resolved, I think, to make the claims process simple and straight forward. Let me read to you and then give you a comment about this. "Today" and this wasn't written with reference to the Indian question at all, just the general question - "we hear incessant argument about rights. I should like to suggest that a major reason for the flood of discussion is lack of agreement between individuals and groups over what specific rights entail. I would then go on to say that a right which is not agreed to is not and can never be a right. In other words any right which I enjoy is granted to me by the grace and favour of other people whether they be family, friends or fellow citizens. This proposition, of course, denies any absolute right which stems from a supernatural source. In practical terms this is of slight importance since what is attributed to supernatural sources invariably finds expression through some human intermediary. Whether or not the human intermediary is divine the adoption or rejection of his precepts is undertaken by others who are not." Certainly on the part of many citizens in Canada there is a strong belief that there is nothing in these rights but many of them if not most of them which the Indians bring forward or brought forward to me have their basis in something which has been granted by the grace and favour of other people and reflected in various documents in the Canadian experience like the BN Act, like the Royal Proclamation, like the Indian Act, like the treaties. Many, if not most - if not all of the claims stem not from rights in the sense of which the author I quoted from has denied them but rather rights which were granted and which were never satisfied; and it's the business of trying to satisfy those that the claims processes are all about. Now that is easy to say; it is a great deal more difficult to establish in practice but I submit to you in terms of looking at the future of Indian people in Canada or what I would prefer to say - the future of Indian/non-Indian relationships in Canada - unless we recognize the fundamental nature of the rights, the grievances and claims which arise from them and continue to deal with those or try to deal with them on a responsible, equitable and reasonable basis and permit them to evolve with evolving circumstances where evolution is possible then the future will be bleak. To the extent that we recognize the existence of rights which were and are granted and continue to be granted, unless we on the non-Indian side recognize those as genuine rights having been granted then progress will continue to be very very difficult, because the Indians can always go back to those and say "Look, this has been violated. Unless

you deal with this I am not going to deal with that". And I think they have every justification for so doing. Regardless of what many people might think the position taken by Indians is not rhetorical nor is it irresponsible nor is it based on nonsense; it is based on genuine consideration which this society over time has granted through the various instruments that I have talked about. I consider the claims area to be fundamental to the future of Indian people in Canada. I would wish that we could get on with that business so there would be less energy devoted to it because in some respects it is very energy consuming. In some respects the energies are wasted because there are some things about which nothing can be done; too much time has passed, too many circumstances have changed and yet it is too easy to go back to them. It can in fact on the part of Indian people be a crutch or an excuse for a lot of other things and there are cases where that is true. It does impede getting on with new evolutionary approaches to the relationship. But having said all that I will repeat that it is fundamental to the relationship and must be dealt with and must be dealt with honourably and justly. It's just too important; it won't go away. One of my Indian friends actually a friend of a number of people in the room, Bob Thomas, said one time "well, you know, the Indian people in North America feel a bit like the position of the Russian aristocracy - they know they've been had, but they believe that time and circumstances will change". Well they've been had up until now, and unlike the Russian aristocracy the Indians in Canada are in a position to do something about having been had, and they will continue to do that and they will not be all that happy in participating in new arrangements until they're satisfied that old ones have been honoured. Well, another thing which I consider to be fundamental to the future of Indians in Canada is the question of education. Those who are involved in the treaty areas will appreciate the significance of words of Indian control of Indian education - must be around here today - will appreciate the significance of the attitude of treaty Indians about the promises in the treaty concerning education. I'm not going to dwell on education too long and I think as a matter of fact, given your schedule I should try to wrap this up relatively quickly. When I spoke of the question of the generational change and the fact that in any hundred year period there are only four fundamental opportunities for change I think you have to couple that with the educational processes that take place with the changing generations. So it's the combination of the generational change and the education applied that results in true and lasting social change. It's my judgement in at least the prairie areas with respect to the prairie treaties - it's my judgement that the Indian people responsible for signing the treaties put a pretty high store on the need for education and had a pretty good idea that with the changing circumstances that they would face they would require changing educational opportunities for their children and that education had to be a fundamental right built into the deal that they were making for the land that they were giving up. I am quite convinced that this was a very conscious and very wise attitude on the part of the negotiators, that they knew they

would have to have White man's education. By and large there is the knowledge, the belief - I think again properly held on the part of Indian people here that the educational process which they thought their forefathers envisaged when they signed the treaty has not been available to them, that the educational systems have failed them, that the educational systems have been a conscious expression or an unconscious expression of an assimilative policy that they could not accept, and that rather than give them an opportunity to self determination through education that the educational processes which they've had to go through have had an opposite effect; they have not enriched, expanded or changed. I think again this is changing and the policies towards education, again to a considerable extent as a result of Indian pressure and a greater understanding on the part of non-Indians, that the educational processes available are changing so that education can be an instrument of self determination, an instrument of individual pride, an instrument of identity, and an instrument of change and adaptation to a society which they well know is full of technology that has to be learned, requiring specialized skills that have to be learned and possessed by Indian people, requiring professional skills that have to be possessed and learned by Indian people as long as it does not mean relinquishing "Indianness" in the process of acquiring these skills. Which brings me to the point of socio-political development which has been coloured by all of these circumstances that I've been talking about, but has also been heavily influenced by an act of Parliament, the Indian Act, which given the cultural diversity of the people has to a considerable extent been inappropriate for adequate or proper administration of policies designed to facilitate the interrelationships between Indians and others. I think really, if you look at the cultural diversity of Indian people across Canada and you look at the Indian Act and try to reconcile those two you'll see the reason why we have so much of the difficulties we have. Using again my example of the Haidas and the Micmacs - they're not the same people but they have to act as if they were under the same Indian Act which governs equally. The Indian Act in many respects has therefore been a document impeding self determination: it has been a document which has created an unhealthy interdependency relationship between Indians and the Department of Indian Affairs. I see change here as well; I see change in the dependence / independence ratio within the Indian world and within the departmental world; the change may not have been again as even and as easy as it might otherwise be, but it's taking place. I participated in the early stages of some discussions about revisions to the Indian Act. I haven't been all that close to that set of circumstances lately but I understand there are now draft proposals around for discussion which try to tackle some of the problems of diversity, try to tackle some of the problems of self determination through unique or at least new forms of self government in Indian bands or groups of bands. I haven't had an opportunity to study these but I consider that the general thrust which will permit or would permit differential rates of change which would permit different directions to be taken by different

groups or different bands of different tribes in different areas of the country to be essential. And in that respect and getting back to the question of cultural diversity and I'd like to quote very briefly from one of the foremost Canadian scholars in a popular magazine - Northrop Frye - who is a pretty astute observer of the Canadian scene; and he says some things in this article called "Thoughts of a Canadian" which are I think particularly appropriate to the discussions today and to the question of the future of Indian people. "The democracy ideal is one of equality where everyone has the same rights before the law but not, except indirectly, one of freedom. It is intended to provide the conditions of freedom. But freedom itself is an experience, not a condition, and only the individual can experience freedom. So for freedom there has to be some tension between society and the individual, and the democracies have continued to maintain this tension. Another movement has begun to take shape which I think may be the significant social movement of our time. This is the rise of the small community that coheres around a cultural tradition. For culture, in contrast to political and economic movement, tends to be centralized. It is usually based on a distinctive language which is one of the most fragmented forms of human expression, and its products like fine wines are restricted to a small area in growth if not in appeal." If Northrop Frye is right about what's taking place in society as a whole the situation with respect to the diversity, the persistence of small communities that cohere around a cultural tradition, is more true of the Indian world in Canada than the rest of the world in Canada; and I think if the Indian Act can be revised in such a way as to recognize the cultural traditions of small communities that we will see the development of many more healthy Indian communities possessing particular unique, distinctive cultural characteristics which will enrich the society even more than it has been enriched today by the presence of aboriginal people in it. I was out in Prince Rupert speaking to the Nishgas last week and was struck by the strength of the Nishga community, and how - I don't want to make this sound wrong somehow - how little they were concerned about some of the other communities, even close to them - and I don't mean they were unconcerned about them; what I'm trying to suggest is that the strength of the cohesiveness the culture, the attitudes, the interrelationships of that community was not influenced by communities around it. It was indigenous; it was inherent in that community itself. I think that's what Northrop Frye is saying; I think that's what people who are working on the Indian Act would like to produce in terms of an institutional framework which would not only allow that to happen but would encourage it to happen on the understanding that is where the strength for the future of Indian communities is - is in groups like the Nishga, groups like the Haida, groups like the Cree. To suggest that the Cree and the Haida and the Nishga and the Micmacs are all the same has been a significant failure of the existing situation. And I must say that from my perspective I think that is a reasonable judgement. I think not only is it a reasonable judgement, I think it may if it can be brought to pass - and we all know the ups and downs - I'm not talking about that today - I'm talking about some of the grander issues involved here - if that kind of framework is to be made possible

and capable then I think there is an opportunity for powerful socio-political development that will enrich not only Indian communities but our communities as well. And I wish well the people on both sides of the discussion who are trying to create an institutional framework within which those kinds of attitudes can be reinforced. Economic development in my judgement flows from educational development that flows from socio-political development but it's a necessary concomitant of all of that. Without reasonable economic development there can't be reasonable educational development; without reasonable educational development there can't be reasonable economic development. Obviously, and it's obvious to anyone who's been close to this again on either side of the fence - it's obvious that the handout system is a failure. It's soul-destroying it's... well what else can you say - the hand-out system is soul destroying whether they're hand-outs to Indians or hand-outs to non-Indians. In my judgement we've got more trouble with unemployment insurance than we have with welfare to Indians, but when you hear the discussion on the street it's always "Why are those Indians getting all that stuff?" But the whole hand-out system is a failure; it won't work. So there has to be some basis for real economic development and I know that the next panel is on economic development; and I know Jack Beaver here - I've had a number of discussions with him about economic development. I think there's a conclusion around on the part of knowledgeable people who have looked at this that again the imposition on Indian communities of developments conceived in non-Indian communities and transplanted to them as a device of getting them involved in economic development can't work either. And I think again there are some fresh winds of change blowing through the question of economic development. One of the major difficulties in this is that there are some Indian communities in some areas of the country where unless there is some new mineral discovered or some new use for scrub bush or whatever - a change in economic circumstances - the opportunity for real value based economic development is pretty limited and yet the populations in those areas are expanding relatively rapidly. I think in Saskatchewan for example, my experience at Black Lake where the population is increasing in size, where the resources at Black Lake and its immediate environs are limited - maybe those people can find some outlets in larger developments that are taking place in Northern Saskatchewan, but there are some serious institutional problems involved in allowing that to happen. I don't know what approach needs to be taken with respect to some of the isolated communities. It's a very difficult and vexing problem and all I can do is wish Jack Beaver well - and all the help he can get from wherever he can find it. But again, without economic development educational development and socio-political development the future is not good. With all of those the future is generally great. Well I'll close but in closing I want to suggest to you that I'm very optimistic about the general future. I think if you stand back and look at the last 10 or 15 years against the previous couple of hundred years, you'll see that the progress has been remarkable. A meeting like this couldn't have taken place 10 years ago; it would have taken place, if it did, under such circumstances of tension

and confrontation that everyone would have gone away ringing wet with the sweat of tension and confrontation; and I've been in those meetings with some of you in this room and it wasn't easy. I just find this kind of progress quite remarkable in a short space of time. If that same rate of progress can be maintained and if some of the fundamental questions which I've discussed this morning can be addressed and dealt with in a framework which will allow the evolution to take place I think that the future of Indian people in this country is very bright indeed. I've often thought in my travels as Claims Commissioner that I was involved in a process of trying to bring the Indians kicking and screaming into the 20th century, and I always felt a bit uneasy about that because I had the underlying feeling that I might need them to bring me screaming and kicking into the 21st century. And I say that not facetiously and not lightly, because depending upon how the world goes, my offspring or their offspring will need one of two things: either the Indians' skill in hunting, fishing and trapping to survive in a world where renewable energy resources are gone and we have to revert to a more primitive existence and my kids or my grandchildren will need those skills which the Indian people still haven't given completely up, or conversely if we really do emerge into a post industrial society what my kids or my grandchildren will need and which I don't have to the same extent as they will need them - they will need the human skills, the skills of human interaction, the skills of wisdom, the skills of respect that I have found in Indian communities. One way or another we need Indian communities to enrich the lives of the total society in Canada. It's my judgement that given the political and economic power, the political and social power that Indian communities are now asserting - that given the resurgence of pride in identity that Indian people have shown in abundance over the last 10 years, and given some developments in the solution of claims and grievances, in the development of educational systems, in sociopolitical development, that those things can come together to produce a set of circumstances through which the relationships between Indians and non-Indians will be much healthier than they have been in the past, where Indian communities will gain health as real communities and where their contribution to the total Canadian society will be very significant and very consequential; and that I believe is the task that you people are engaged upon. I think it can be achieved through consultation through participation, through genuine trust. All of these things are hard to achieve in the practical sense, but I think the progress has been significant and I think that if that rate of progress can be maintained the future is bright indeed.



List of Participants Who Registered

ATLANTIC REGION

| | |
|----------------|------------------------------|
| Dave Gourley | I.A.N.D. |
| Stan Johnson | Union of Nova Scotia Indians |
| Harold Sappier | |

QUEBEC REGION

| | |
|-----------------|---|
| Bob Connelly | I.A.N.D. |
| Max GrosLouis | Huron Village |
| Andrew Delisle | Confederation of the Indians of Quebec |
| Tony Dedam | Restigouche |
| Philip Awashish | Grand Council of Crees of Quebec |

ONTARIO REGION

| | |
|-------------------|-------------------------------|
| Vern Gran | I.A.N.D. |
| Joan Dunn | I.A.N.D. |
| Sandra Priess | I.A.N.D. |
| Rochelle Johnson | Ontario Native Women's Assoc. |
| Anne Madahbee | Ontario Native Women's Assoc. |
| Charles Cornelius | A.I.A.I. |
| Andrew Rickard | O.R.L.C. |
| Rodney Monague | O.R.L.C. |
| Fred Kelly | |
| Dolly Ilnickie | A.I.A.I. |
| Lucille Kewayosh | |
| Burton Kewayosh | |
| John Kelly | Treaty #3 |
| Del Riley | Union of Ontario Indians |
| Ray Rogers | Sarnia Reserve |
| Leighton Hopkins | A.I.A.I. |

MANITOBA REGION

| | |
|--------------------|-----------------------------|
| Vern Boulton | I.A.N.D. |
| Richard Flett | Manitoba Indian Brotherhood |
| Nathan McGillivray | Manitoba Indian Brotherhood |
| Lawrence Whitehead | Manitoba Indian Brotherhood |
| Michael Sterne | Peguis Reserve |
| Ed Prince | Peguis Reserve |

SASKATCHEWAN REGION

| | |
|-------------------|----------|
| Dr. Owen Anderson | I.A.N.D. |
| Arlene Kardynal | I.A.N.D. |
| Phil Kershaw | |
| Tony Cote | F.S.I. |
| Art Ohey | |
| Cliff Starr | F.S.I. |
| Albert Bellegarde | F.S.I. |
| Fred Martell | F.S.I. |
| Wayne Ahenakew | F.S.I. |
| George Mantee | |
| Sol Sanderson | F.S.I. |
| Allen Bird | |
| Alex Bellegarde | |
| Ken Thomas | S.I.A.P. |
| Andy Michaels | |
| Elsie Roberts | |
| Carole Sanderson | |
| Ida Wasacase | |
| Henry Langan | |
| Lester Lafond | S.I.A.P. |
| Edwin Pelletier | |
| Henry Tavel | S.I.A.P. |
| Doug Cuthand | F.S.I. |
| Steve Pooyak | F.S.I. |

Dr. Lloyd Barber
Hon. Ted Bowerman
Harold Dyck

Consultant

ALBERTA REGION

Dave Nicholson
Ed Moore
Walter Twinn
Andrew Bear Robe

I.A.N.D.

I.A.N.D.

Alberta Indian Association

BRITISH COLUMBIA REGION

Fred Walchli
Christine Oliver
Raymond Good
Andrew Charles
Robert Manuel
Arnold Adolph

I.A.N.D.

Native Brotherhood of B.C.

U.B.C.I.C.

The Alliance

U.B.C.I.C.

U.B.C.I.C.

YUKON REGION

Phil Fontaine
Shirley Olsen
Tom Gerard
Stanley James

I.A.N.D.

I.A.N.D.

Yukon Native Brotherhood

Yukon Native Brotherhood

N.W.T. REGION

Ron Witt
Richard Nerysoo
Steve Kakfwi

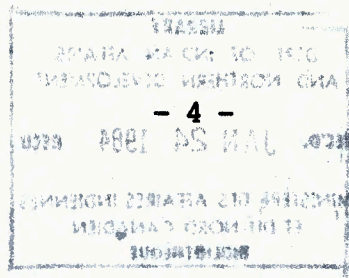
I.A.N.D.

Dene Nation

Dene Nation

OTTAWA - E.P.C.

P.C. Mackie
R.D. Brown
J.D. Leask



R.H. Knox
P. Gillespie
T. Musgrave
R.J. Kelly
G.L. Lambert
J. Moses
G. MacIntosh
A. Spence
P. Baird
A. Francis
H. Faulkner

OTTAWA - OTHERS

S. Sebastyan
S. Freeborn
G. Murray
S. Parks
J. Beaver
S. Dumélie
J. Senos
F. Jetté

NATIONAL INDIAN BROTHERHOOD

Elmer Derrick
Allister Campbell
Keith Sero
Irvin Goodleaf