

Cooperation towards partnership :  
the Indian and Eskimo Affairs  
Program.

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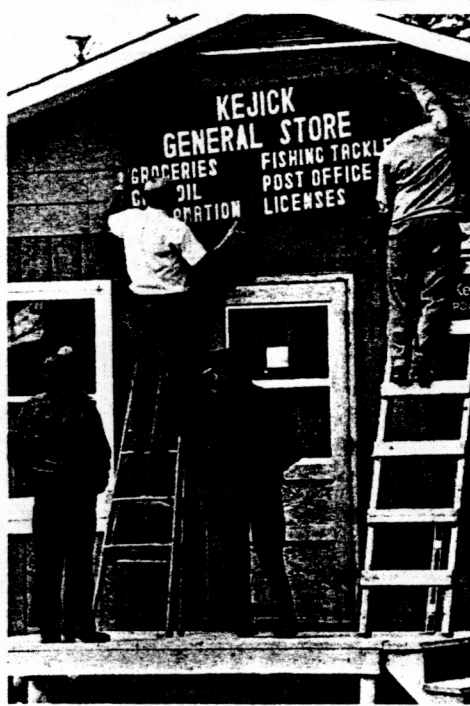
# Cooperation Towards Partnership





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The Indian and Eskimo Affairs Program





# The Indian

Over one million persons in this country, five per cent of the population, can trace at least part of their ancestry back to Canada's first inhabitants, the Indians. Of this figure, some 700,000 are either non-status Indians or are Métis, of mixed blood by intermarriage with whites. An estimated 280,000 others are status Indians, registered under the authority of the Indian Act. The latter are

the responsibility of the Indian and Eskimo Affairs Program of the Department of Indian Affairs and Northern Development. The Minister of the Department has a trust responsibility to these Indian people to protect the special rights accorded to them through treaties and the Indian Act. This historic and continuing responsibility extends to a wide range of present day concerns and expectations on the part of Indian people.

Although the origin of the Indians remains uncertain, anthropologists believe that they came to America in successive migrations in prehistoric times from Northern Asia, by way of the Bering Sea. It is also believed that some of these Indians migrated further south and became the ancestors of the Aztecs, Mayas and Incas in Central and South America. The Indian population of North America is estimated to have been around 200,000 at the time of the coming of the white man.

Today, there are 574 separate Indian groups, known as "bands", in Canada. These bands occupy 2,284 reserves ranging in size from an acre to 350,000 acres and totalling 6,137,000 acres. Only 700 of these reserves are inhabited. Indians are composed of a number of tribes or basic linguistic groups that are, in turn, sub-divided into language groups with many local dialects.





# The Eskimo (Inuit)

The Eskimos of Canada number fewer than 10,000. Because the word "Eskimo" is of Indian origin, they prefer to call themselves the Inuit, which in Inuktitut means "The People". The Indian and Eskimo Affairs Program is responsible for approximately 4,500 Inuit who live south of the 60th parallel—mainly in northern Québec. The Northern Program provides services to all Inuit north of 60.

The Inuit traditionally are mainly a coastal people. They settled by the sea; seals, walrus, fish, polar bears and whales were their source of food, fuel and clothing. Others, the Caribou or inland Inuit, followed the caribou herds to the interior where they lived on the barrens and fed on caribou and fish from inland lakes. The early explorers of the Canadian Arctic met the Inuit from time to time over a period of some 300 years but had few dealings with them. It was not until the arrival of the whalers early in the 19th century that changes in their way of life began to take place and by the end of the century the Inuit had moved into a position of some dependence upon the white man's goods and supplies.

World War Two and the rapid development of long range air travel broke down the isolation of the Arctic as airstrips and meteorological and radio stations were installed. In the early 1950's, the Canadian Government began to take steps to prepare the Inuit for their role in the economy of the changing Arctic. These steps resulted in health, housing, employment and education programs. The Inuit are best known in Canada and around the world for their rich cultural heritage as depicted in their carvings and prints which have found an appreciative market.



# Indian Treaties

Treaties were agreements made between Indians and the governments of the day, beginning in 1850, setting out terms, still in effect today, governing how the Indians would live on the lands whose boundaries were defined by these same treaties. A total of 16 treaties were signed, some of them encompassing enormous tracts of land taking in hundreds of thousands of square miles. In signing a treaty, the Indians ceded their interest in the lands they occupied to the Crown which in turn undertook various commitments on its part. These included the setting aside of specific lands for reserves, the payment of annual cash and other benefits, hunting and fishing rights and education services. While some of these may have been substantial sums 100 years ago, they seem no more than a symbolic gesture today, such as \$4 per person per year as an example.

# The Indian Act

Indian people have the distinction of being the only group specifically mentioned in the British North America Act, the basis of Confederation in 1867.

In addition, the Indian Act, drawn up nine years later, in 1876, provided the foundation for the administration of Indian affairs in Canada. The Indian Act is also the expression by Parliament of its legislative authority with respect to Indians and their lands. By 1951 it had been revised and amended in successive steps to its present form. Some of its sections are currently regarded by the Indian people as unacceptable. The Government has acknowledged this and has asked Indian leaders for their views on revision of the Act. To assist in this process, the Government made funds available to the national organization of status Indians, known as the National Indian Brotherhood, to secure the views of Indians across Canada about desirable amendments to the Act.

A joint NIB - Cabinet Committee set up in 1974 provides an opportunity for Indian leaders and Cabinet ministers to discuss major problems and issues. A working group has been specifically designated to consider Indian Act revisions and make recommendations which will then be submitted to the Joint Committee.

# Indian Reserve Lands

Indian reserves are Crown-owned lands which have been set aside for the exclusive use and benefit of an Indian band. These reserves have been established in a number of ways: by treaty; by purchase by the Crown or Indian band; by grant of the French or British Crown; by agreement with the provinces; by statute of federal, provincial or colonial governments; or by a combination of two or more of these.

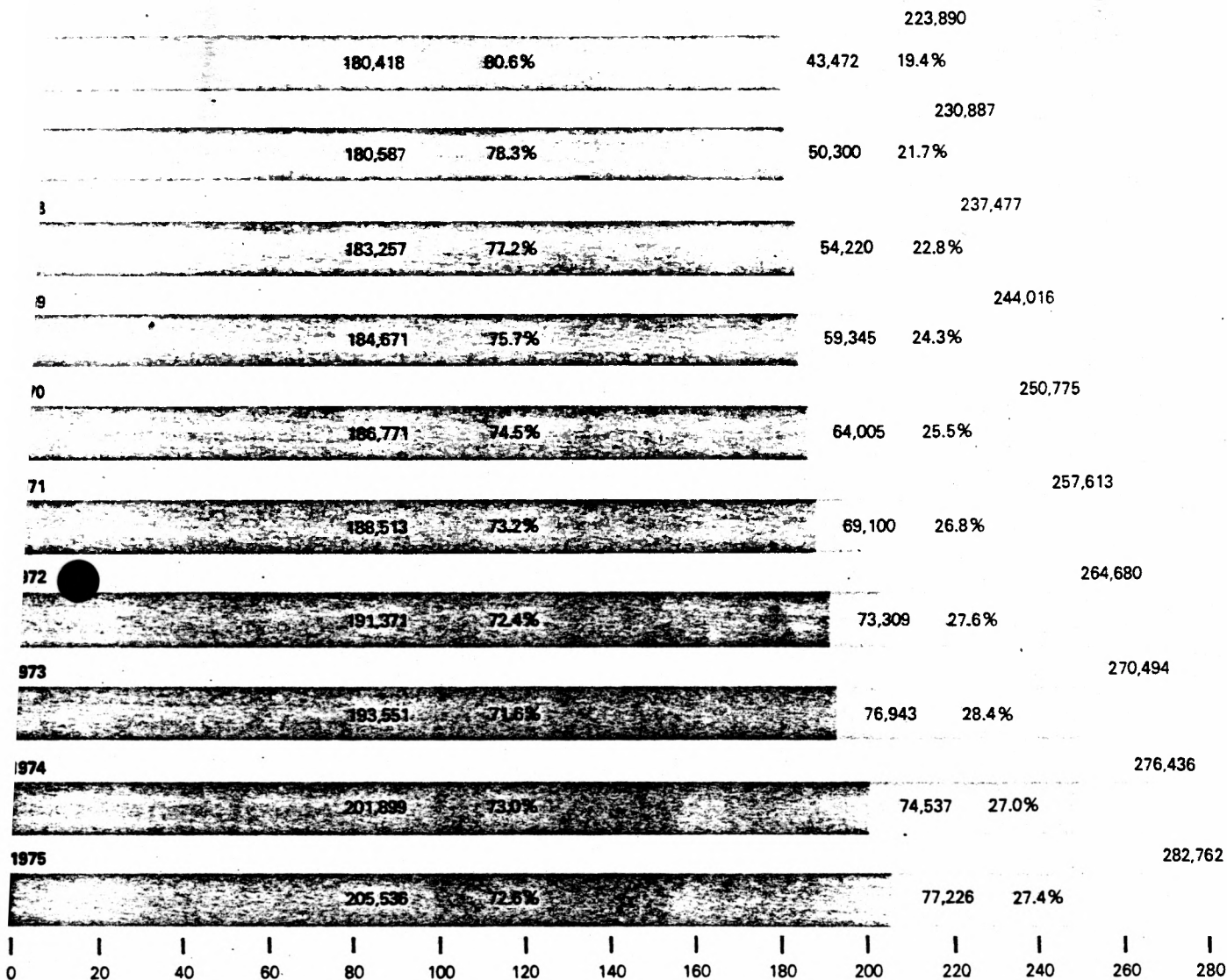
In each case, the act of setting aside creates an Indian interest - the right to use and occupy the land. This right is separate from the title to the land which remained with the Crown. Whether title to these lands was held by the federal or provincial Crown, the Parliament of Canada was given the sole authority, under the British North America Act, to legislate in regard to these lands.



# Total Registered Indian Population, On and Off Reserve 1966-75

On Reserve

Off Reserve



Population 000s

# History of Indian Affairs

The Indian and Eskimo Affairs Program is the oldest continuously operating arm of Government. It is a direct descendant of the Department of Indian Affairs founded in what is now New York State in the mid-1700's.

## *Some notable dates:*

1850 First of a series of treaties between Indians and the Crown.

1860 The Crown Lands Department took over responsibility for Indian Affairs from the Imperial Government.

1867 Indian Affairs became the responsibility of the Secretary of State.

1873 Indian Affairs became a Branch of the Department of the Interior.

1880 A separate Department of Indian Affairs was established.

1936 Indian Affairs became a Branch of the Department of Mines.

1939 Supreme Court of Canada ruled that the term "Indians" as used in the British North America Act included Inuit inhabitants of Québec. A later ruling extended the BNA Act provisions for Indians to Inuit throughout Canada.

1950 The Department of Citizenship and Immigration assumed responsibility for Indian Affairs.

1951 Indian Act was revised.

1966 Indian Affairs was incorporated into a new Department, Indian Affairs and Northern Development.

1969 The Government's "White Paper" aroused controversy and was rejected by Indian people. The Government subsequently agreed that provisions of the Indian Act would not be amended without consulting the Indian people.

1975 The Government announced its intent to redefine its relationship with the country's 280,000 status Indians to maintain their identity within Canadian society and to safeguard their unique constitutional rights.





# The Government/Indian Relationship

The Indian and Eskimo Affairs Program has responsibilities and a mandate that bear upon and reflect some of the most sensitive political issues in Canada today. They are issues that evoke strong views from native groups and from certain segments of the public at large.

At the heart of this, there is the complex and emotion-charged social challenge of trying to work out a mutually satisfactory relationship between the Indian people and Government. It is a relationship involving a relatively small racial minority — with a very special historical and cultural background — and the much larger mosaic that constitutes Canadian society. It should be noted that Indian people have had the right to vote in federal elections since 1960. They have always enjoyed provincial voting privileges in Nova Scotia and the Northwest Territories. Between 1949 and 1969, all other provinces and the Yukon extended this right to Indian citizens.

The Federal Government is at present pursuing a redefinition of its relationship with the country's 280,000 status Indians to make them equal partners with all Canadians while safeguarding their special constitutional

rights. This approach is based on the concept of a distinct Indian identity within Canadian society as opposed to further alienation from Canadian society or total assimilation into it.

The aspirations of Indian people, their present day needs and their history of neglect have gained broad sympathy and support from Canadians in many walks of life and in many age groups. This results partly from media interest in contemporary Indian issues, partly from the spirit of questioning and revolt which characterized the sixties and partly from increasingly vocal Indian leadership.

There are no ready formulas to solve the pressing Indian issues even though both sides are seeking ways of understanding each other better and of working jointly to resolve difficulties and differences that have long kept them divided and distrustful. It will take time, concerned people and frequent and lengthy meetings of minds to develop policies and programs to this end.

The problems of native people today centre around poverty and cultural alienation from the society around them. They are having difficulties adapting to the white man's way of life as well as adjusting to declining revenues from such traditional pursuits as trapping and fishing.

Government policy emphasizes the involvement of native people in finding their own solutions to problems as they themselves perceive them. Native people are being encouraged to define their own needs and to propose their own solutions. Once these are determined, the required assistance is made available wherever possible and, increasingly, the native people themselves manage the programs. Some fields are highly technical, some require the cooperation of many different agencies. So the Program trains Indian and Inuit people in order that there will be those among them who can meet and deal with any difficulties.

The Program deals primarily with, and is most directly responsible to band chiefs and councillors. However, the provincial and territorial Indian associations and their parent organization, the NIB, often can provide an intermediate level of discussion, consultation and negotiation on broad issues and can serve as coordinators. The NIB also provides the people it represents with a direct link to the federal Cabinet.

Over the next few years, it is likely that Government/Indian relations will revolve around three major areas of concern: revisions to the Indian Act, negotiation of land claims and the related question of aboriginal rights, and improved services to Indian people.

# Native Land Claims

The Federal Government recognizes those native claims that fall into either of two broad categories: "specific claims" or "comprehensive claims".

The recognition of specific claims stems from the Federal Government's acknowledgement that "lawful obligations must be recognized". Specific claims are those in which Indian bands allege that the Department of Indian and Northern Affairs has failed to honour its lawful obligations, for example, that certain treaties or agreements have not been fulfilled or have been improperly interpreted. They may also relate to the improper administration of land and other Indian assets by the Federal Government, under the various Indian Acts and Regulations. In general, specific claims arise in those regions of Canada where there are treaties or where reserves have been established: most of the Maritimes, southern Quebec, Ontario, the Prairie Provinces and small parts of British Columbia.

Federal recognition of comprehensive claims is based on a policy statement of August 8, 1973 concerning the loss of traditional use and occupancy of land in areas where the native interest has never been extinguished by treaty or superseded by law. This interest is variously described as "Indian Title", "Aboriginal Title", "Original Title" or "Native Title".

Comprehensive claims arise primarily in the Northwest Territories, the Yukon, a large part of British Columbia, and northern Quebec. The Federal Government's approach to settling such claims is based on its

awareness that the claims are not only for money or land, and, because they involve the loss of a way of life, that any settlement must contribute positively to a lasting solution of cultural, social and economic problems.

The Federal Government's position is that these claims must be settled, that the most promising avenue to settlement is through negotiation, and that such negotiations will be on the basis that where traditional native interest in the lands concerned can be established, an agreed form of financial compensation and other benefits will be provided to native people in return for their interest. Agreements reached with Indian and Inuit people on this basis would then be given effect by legislation enacted by Parliament.

The James Bay Agreement signed in 1975 between the Grand Council of the Crees of Québec, the Northern Québec Inuit Association, the Federal and Québec Governments (including three Crown corporations), was the first comprehensive claim to be settled.

To enable claimants to present claims of either type as effectively as possible the Federal Government has, since 1970, provided loans, contributions and other assistance to Indian and Inuit people so that they can conduct the necessary research, develop and negotiate their claims. A total of nearly \$18 million has been provided to native organizations and bands for this purpose.

Since 1974, the Office of Native Claims has represented the Government in claims negotiations with native groups and has advised on policies relating to the development of claims.



# Benefits Derived from Indian Status

## Reserve Land

- An Indian is entitled to live on and use the reserve set apart for the band to which he belongs.
- An Indian can be given a right to lawful possession of lands in the reserve and can transfer or will that right to other members of that band.
- An Indian's property on a reserve is exempt from seizure.

## Taxation

- An Indian is exempt from taxation on any interest in reserve land or any personal property situated on a reserve.
- In Quebec, Ontario, Saskatchewan, Nova Scotia, New Brunswick and Manitoba an Indian is exempt from provincial sales tax on goods delivered to the reserve.
- An Indian is exempt from taxation on income earned on a reserve.

## Treaty

- An Indian is entitled to annuity payments of modest sums per year, if there is a treaty covering his band, as well as other benefits conferred by treaty. For example, the members of bands in Treaty 6 in central Saskatchewan and Alberta are entitled to free medical drugs.

## Hunting, Fishing and Trapping (varies widely in different regions)

- An Indian may exercise hunting, fishing and trapping rights on his reserve. Under certain conditions he may hunt, fish and trap off-reserve on unoccupied Crown land.

## Monetary

- An Indian can share in per capita distributions of monies derived from the use of band assets such as the sale of timber on the reserve, the lease of reserve land or the sale of surrendered land.
- If, after attaining the age of 21, an Indian chooses to give up his Indian status, upon doing so (this is called enfranchisement), he is entitled to a per capita share of the capital and revenue funds of the band and, if he is a member of a treaty band, 20 years annuity. In certain bands, such as those in oil-rich areas, these monies can amount to substantial sums.

## Loans and Grants

- Substantial sums are available in the form of loans and grants under the Indian Economic Development Program and Indian Housing Programs.

## Education

- In addition to the Department's responsibility to provide elementary and secondary education to Indian children living on reserve, when there is a need for financial assistance and it is not available from any other source, the Department may provide school supplies, books, and in some cases a personal allowance for an Indian child living off-reserve.

- For post-secondary education, the Department will supply financial aid not available from other sources (including tuition, school supplies, books, living expenses and transportation) to an Indian resident in Canada, upon his application.

## Miscellaneous

- There are special provisions for a person of Indian status in the Veterans Land Act.
- There are special provisions permitting employment in the U.S.A. without a visa for a Canadian Indian.
- Indians have certain border crossing privileges under the United States Immigration and Naturalization Act.

# Organization Chart Indian and Eskimo Affairs Program

Minister

Deputy  
Minister

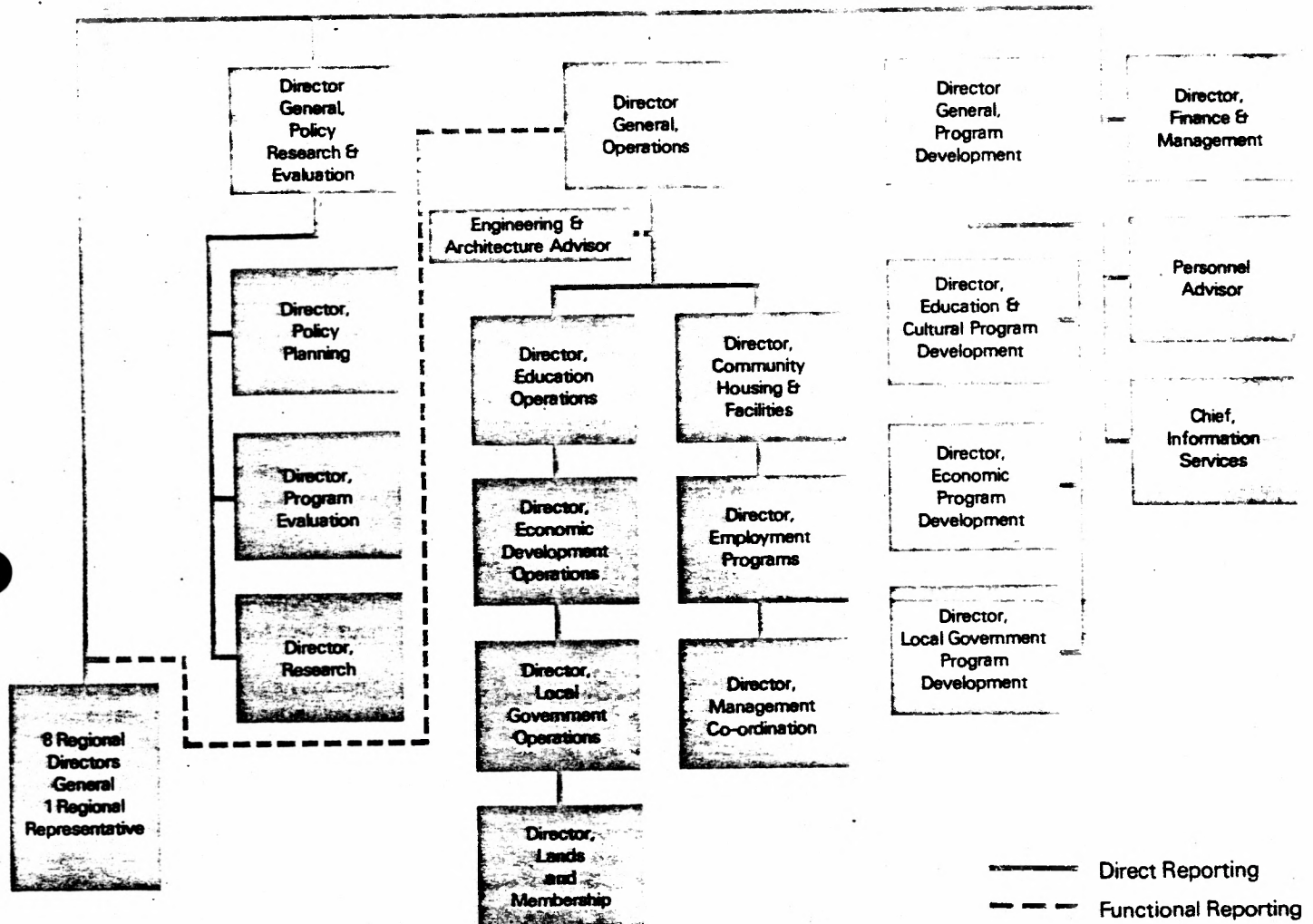
ADM  
Parks Canada

ADM  
Finance & Administration

Assistant Deputy Minister  
INDIAN & ESKIMO AFFAIRS

ADM  
Northern Affairs

ADM  
Corporate Policy





# Components of the Indian and Eskimo Affairs Program

The Program is headed by an Assistant Deputy Minister.

The Program has three main headquarters activities, each under the direction of a Director General:

a) The Policy, Research and Evaluation Sector is responsible for the development of the broad strategic policy guidelines of the Program. This group comprises a Policy Planning Branch, a Research Branch and a Program Evaluation Branch.

b) The Program Development Sector, whose role is to convert the broad policies into workable programs. This group consists of an Education and Cultural Development Branch, an Economic Development Branch and a Local Government Branch.

c) The Operations Sector, whose role is the implementation and delivery of the developed programs. This group comprises an Education Branch, an Economic Development Branch, a Local Government Branch, a Lands and Membership Branch, an Employment Programs Branch, a Community Housing and Facilities Branch as well as a Management Co-ordination Branch.

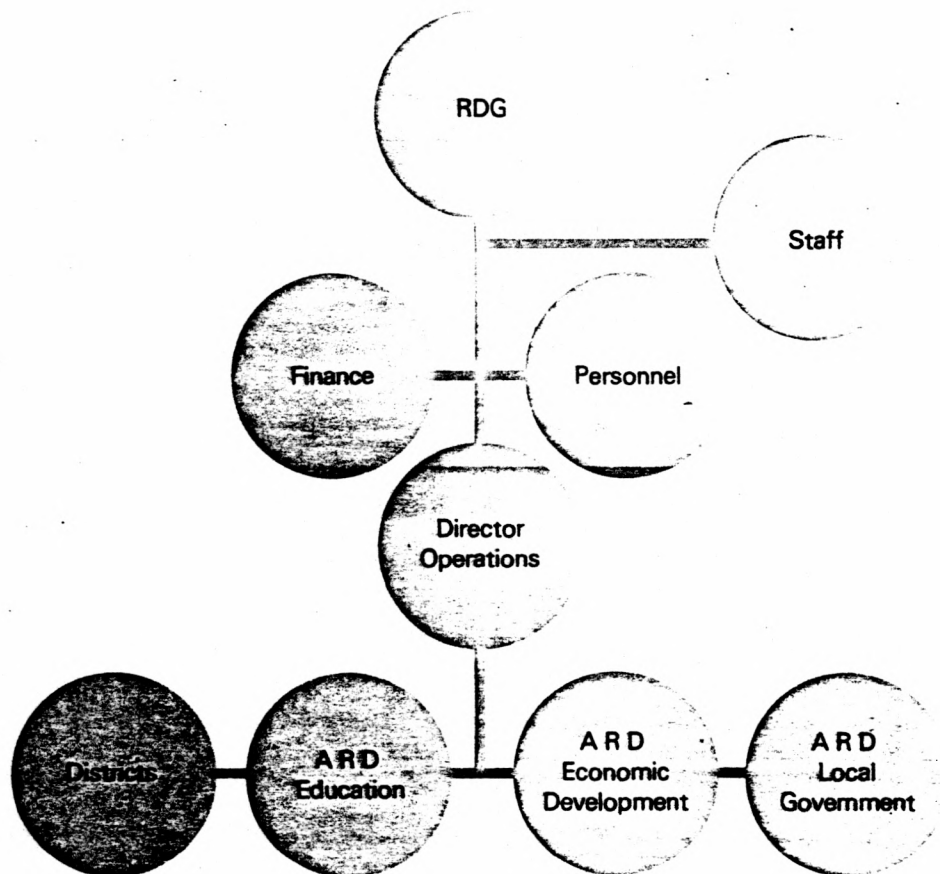
In addition, there are three support branches reporting to the ADM. These are Public Information, Finance and Management and Personnel Administration.

The Regional Directors-General and Directors in the nine regions serviced by the Department — the Maritimes, Ontario, Québec, Alberta, Manitoba, Saskatchewan, British Columbia, the Yukon and the Northwest Territories — report directly to the ADM. They also

have a functional relationship with the Head of the Operations Sector for daily operational matters.

The Program is further decentralized through district offices and agencies and the headquarters strength is kept as low as possible. It is important that there be horizontal communication between employees working on similar programs — whether they are at headquarters, regional offices or in the districts.

## Regional Structure



# Branch

While education is primarily a provincial responsibility, the provision of primary, elementary and secondary schooling to Indians living on reserves is the responsibility of this Department. During 1975-76, out of a total of 74,478 Indian students in primary, elementary and secondary grades, about half were in 270 federally-operated schools. In 1972, the National Indian Brotherhood presented the Government with a key policy paper on education asking for parental responsibility and local control. The Government is implementing the NIB's policy request and as a result, 29 out of 574 bands manage their own schools and most control one or more education program components.

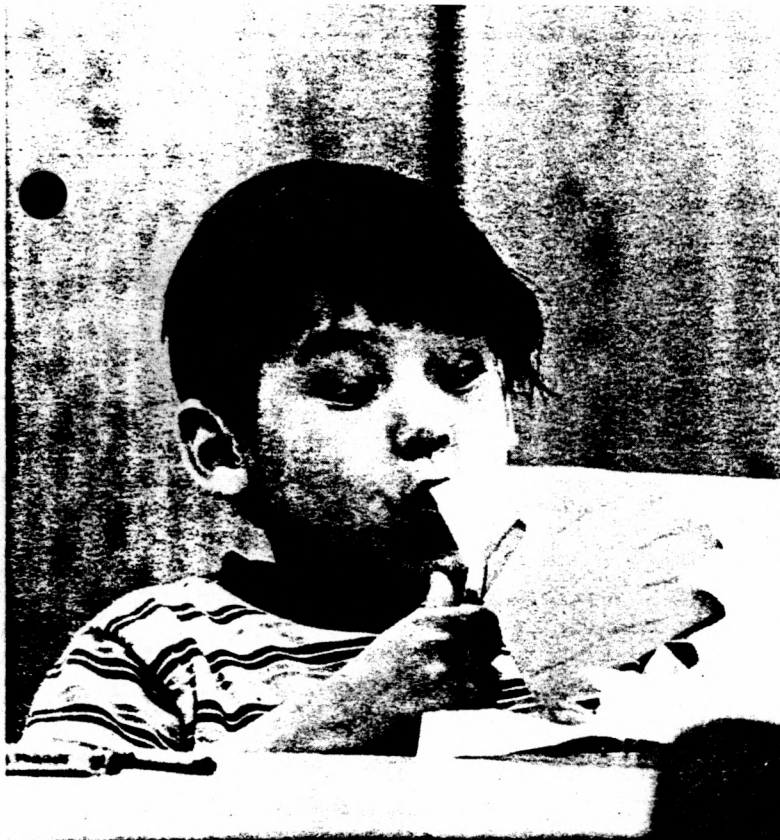
Statistics show that more than half of the country's 280,000 registered/status Indians are under the age of 15. While the number of Indian youth completing high school has risen

areas, attendance runs as low as 50%. Factors such as transportation difficulties and the seasonal employment of Indian parents requiring them to leave their homes temporarily, play a role in these statistics. In Manitoba, for example, 50% of Indian people live in isolated areas where no roads exist and this pattern is repeated to a lesser extent in all provinces. There has been an increase in the number of Indians taking some form of post-secondary education. During 1975-76, 3,888 Indian students were enrolled in universities and professional training institutions, about 1,200 of them in university. But proportionately, this remains far below the Canadian average.

Ensuring that the education Indians receive helps to preserve and maintain their culture is an important goal of the Education Branch. Cultural enrichment programs, including Indian languages as either the language or subject of instruction, have been introduced in both federal and provincial schools. Special courses to train Indian people as teachers, teacher aides, and language instructors have been set up to make it possible for Indian children to be taught by their own people. Cultural/educational centres are also being provided to further strengthen Indian awareness of their cultural heritage outside the classroom.









# Economic Development Branch

The Economic Development Branch was established in 1970 with the principal mandate of helping Indian people achieve economic independence by establishing a variety of enterprises and employment creating opportunities. Since 1970, the Branch's Indian Economic Development Fund has created or maintained over 8,500 jobs for Indian people. The Fund is the major Branch tool for achieving its goals. Through it, Indian people can receive financial support for businesses in the form of guaranteed loans, grants and contributions for start-up costs and planning and management services.

*The objectives of the Economic Development Program are as follows:*

- to increase employment and income opportunities for the Indian people whose level of unemployment is disproportionately high.
- to involve Indian people in planning and managing economic projects.
- to provide a source of capital to Indian people for economic development, both on and off reserves.



- to ensure that Indian people engaged in business have access to basic managerial, professional and technical services and relevant training programs. The Branch utilizes the expertise of retired executives through Canadian Executive Services Overseas to assist Indian businessmen in these areas.

- to assist Indian businessmen in achieving an effective working relationship with the business community at large, including co-participation in economic projects.

Indian economic development can also involve provincial governments and Indian organizations. For example, in 1975, joint Indian Agricultural Programs were launched in Saskatchewan and Manitoba.

Arts and crafts, long a traditional Indian activity, has developed into a full-fledged business operation with a native-owned corporation – Canadian Indian Marketing Services handling marketing and distribution to retail outlets.

A joint NIB – Departmental Task Force on Socio-Economic Development is developing the basis for a socio-economic strategy that will help strengthen Indian cultural and social values as well as increase economic opportunities.



# Economic Development Expenditures 1975-1976

## **Iran Economic Development Account**

Total account available	\$70,000,000
Number of loans approved	817
Total of loans approved	\$17,490,533
Total amount advanced	\$16,591,069
Repayments during year	\$ 4,089,469
Amount outstanding - March 31, 1976	\$47,483,549

## **Loans guaranteed**

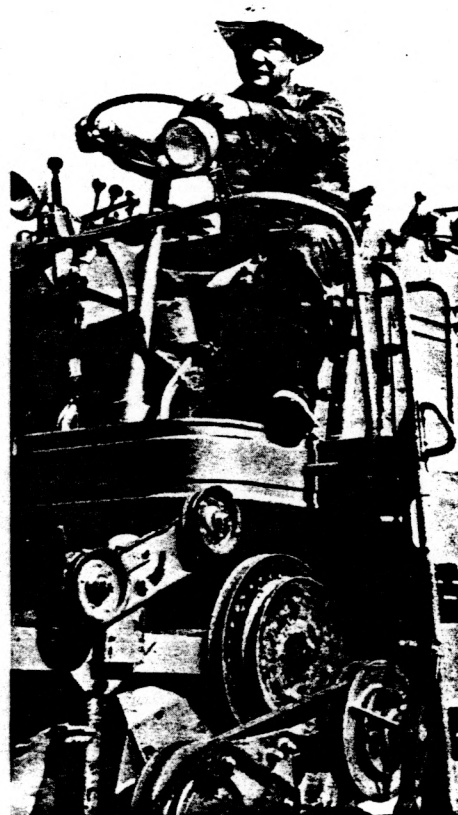
Number	105
Total of guarantees	\$19,774,925

## **Grants plus contributions**

Number approved	556
Total approved	\$ 9,117,633

## **Employment**

Jobs created	1,694
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## Government Branch

The Local Government Branch promotes and encourages local self-government by Indian bands and disburses monies to achieve this. Band councils are recognized as a distinct and identifiable level of government, with responsibility to their electors. To strengthen the leadership and representational role of band councils, a Band Core Funding Program based on band membership, was introduced in 1974. This program makes available funds for chiefs and councillors to enable them to establish band offices, hire full or part-time support staff, and to allow them some compensation in the form of honorariums and travel funds.

Band councils have assumed managerial responsibility for a broad range of programs and services. These include housing, education, community facilities, social services and recreation. In some cases, bands assume total responsibility for programs, in others they manage only a segment, or share responsibility with the Department. The main factor is a band's desire to become involved, and its capability in terms of management expertise and experience. During 1975-76, Indian and Inuit councils administered close to \$120 million in public funds and over \$20 million in band funds on various projects.

and individuals to help develop managerial skills. Opportunities are also provided for native people to gain administrative experience by working within Government Departments under a special recruitment and development program.

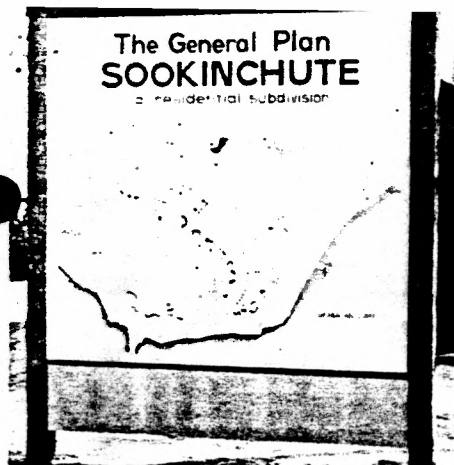
The over-all objective of the Local Government Branch is local control and accountability for programs designed by and for Indian people. It is a program that is a practical response to the desire of Indian people to regain their traditional right to exercise control over their own affairs as part of the community as a whole.

The provision of social services to Indian people also falls under the Local Government Program. These include social assistance, child welfare, and rehabilitation and other adult care. An example of such a program is the Native Alcohol Abuse Program operated jointly by this Department, Health and Welfare Canada and the provincial governments since 1975. Also launched in 1975 was an Indian Band Constable Policing Program to ensure that Indian people on reserves have an adequate standard of law enforcement and protection.









## Community Housing and Facilities Branch

The Community Housing and Facilities Branch was created to implement and manage national housing and facilities programs for Indian communities in cooperation with other federal Departments as well as Provincial Governments and agencies. The aim is to provide native peoples with the same opportunities as other Canadians for adequate housing in a community of their choice.

In November, 1976, the Minister announced that a new Indian Housing Policy had been developed in consultation with the National Indian Brotherhood. The new policy is flexible, providing band councils with a range of alternatives by which they can assist band members to secure decent housing. Responsibility for the planning, design, construction and management of housing programs now rests with individual bands who are better able to respond to local conditions.

A secondary benefit of the policy is increased employment and economic development opportunity on reserves in the areas of construction, building materials supply, manufacturing of housing components, transportation of goods and related service industries.

## Membership Branch

The function of the Lands and Membership Branch consists of the identification, protection and recording of the interest in lands to which Indian people are entitled. It is also the identification of those people entitled by reason of their special status to benefit from the programs administered by the Indian and Eskimo Affairs Program. The Branch responsibility lies fundamentally in the administration of 6,137,000 acres of Indian lands divided into 2,284 reserves, set apart for 574 bands and the administration of the status rights of Indian people. These responsibilities are met by the maintenance of registers of Indian land and the register of Indian membership. The Branch also participates in the management of Indian mineral interests on both reserve lands and those lands which Indian bands have "surrendered" to the Crown to enable some form of development on them.





# Employment Programs Branch

Early in 1977, the Employment Programs Branch was established to coordinate delivery of existing native employment programs and services and to develop a comprehensive strategy to reduce the unacceptably high level of unemployment among native peoples in Canada. The newly-created Branch also provides support to other federal and provincial programs that have employment potential for native communities.

*The Branch is coordinating the following programs:*

- Band Work Program is aimed at creating productive employment on reserves for Indian people who would otherwise receive social assistance payments.
- Youth Employment Programs provide summer employment to Indian students, age 15 to 24, and at the same time serve as training opportunities in the management of community affairs.

Program is intended to make it possible for Indian people to take advantage of any employment opportunity in Canada and to increase those opportunities within this Department.

- Band Employment Officers Program provides increased funds to bands to establish their own placement programs.
- Manpower Liaison Program is directed at ensuring that the Department of Manpower and Immigration and other federal Departments, such as Regional Economic Expansion, give greater attention to the employment needs of Indian people.



# Indian and Eskimo Affairs Program Expenditures 1975-1976

<b>Operating Expenditures</b>		Millions of \$
Local Government		135.8
Education		154.0
Administration*		38.0
Research and Liaison (Indian Consultation and Negotiation)		12.5
Economic Development		29.8
<b>Total Operating Expenditures</b>		<b>370.1</b>

<b>Capital</b>		
Local Government		53.0
Education		29.0
Administration		2.7
Economic Development		4.2
<b>Total Capital Expenditures</b>		<b>88.9</b>

<b>Totals by Program</b>		
Local Government		188.8
Education		183.0
Administration		40.7
Research and Liaison (Indian Consultation and Negotiation)		12.5
Economic Development		34.0
<b>Total Program</b>		<b>459.0</b>

\* Includes expenditure for Indian annuities and miscellaneous pensions.