

BRIEF OF THE HONOURABLE J. HUGH FAULKNER TO
HARTT COMMISSION PRELIMINARY HEARINGS
MOOSE FACTORY

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BRIEF OF

THE HONOURABLE J. HUGH FAULKNER

MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

TO

HARTT COMMISSION PRELIMINARY HEARINGS

MOOSE FACTORY

FEBRUARY 2, 1978

INTRODUCTION

Since 1975 the Government has conducted its relationships with the Indian people on the basis that the best way to get agreement on policy and programs is through joint working arrangements involving government and Indian representatives. This approach has been pursued at all levels of contact with Indian groups.

The government starts from the position that discussions with the Indian people must be aimed at maintaining Indian identity and status while allowing for political change, social and economic improvement in the situation of Indians, as a group, and personal fulfilment for Indians as individuals.

All this constitutes a recognition of an Indian identity within Canadian society, and not separate from or assimilated into it. The federal responsibility for Indians and their lands, as signified in the British North America Act of 1867, is reaffirmed. The current approach to the government-Indian relationship is intended to give practical expression to this continuing responsibility.

To make the Government's position more explicit in terms of the conditions under which Indian people are living in Ontario, the Hon. J. Hugh Faulkner, Minister of Indian Affairs and Northern Development, recently appeared before the Hartt Commission. This document gathers under one cover his formal presentation to the Commission.

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INTRODUCTION

COMMISSIONER:

The Indian people of Ontario, more than 63,000, represent about 25% of Canada's Indian population.

For all Bands in Ontario my Department will spend \$86,861,100 this fiscal year - This encompasses social assistance, education, employment programs, economic development and other activities.

My Regional office for Ontario has a staff of 169 who provide advisory support to an additional 327 employees in the four Districts which will fall within the area being considered by your Commission.

My Department acts on behalf of 26 Bands representing 12,713 Indians on Reserves or Provincial Crown Land within the area set out for consideration by your Commission. I would like to present a brief resume of our responsibilities in the Indian Eskimo Affairs Program as it relates to the Hearing.

INDIAN IDENTITY

The Government-Indian relationship based on Indian Identity within Canadian society comprises six basic elements. The six elements include group continuity, political change, personal fulfillment, social equity, environmental concerns and economic strength.

Group Continuity is concerned with such things as treaty rights, full citizenship, special privileges and reserve lands; political change deals with a revised Indian Act, enlarged band powers, representation in advisory bodies; personal fulfillment takes into consideration safeguards for Indian languages and other cultural values, hunting and fishing safeguards and special assistance for education and training; social equity revolves around social services on and off reserves, federally assisted education and preference in employment; environmental concerns deal with environmental protection for Indian lands, involvement in environmental protection and planning and employment for Indians in national parks, tourism and game control. Economic strength takes into account tax privileges for reserve lands, economic development assistance and special counselling and training.

In Ontario a new relationship has manifested itself in the Ontario Region Liaison Council - a council of Association presidents, elders and respected Indian advisors. This Council has developed through a series of retreats and considerable dialogue, a Directional Plan for the Ontario Region of the Department, which when combined with an operational plan will set the direction for the Department in Ontario. These developments are unique in Canada. The actions of this Department are based on the needs, wishes and aspirations of the Indian people of Ontario. This process provides an excellent base for the proposed tripartite dialogue.

DEPARTMENTAL ACTION

Major advances have been taking place in the area of Local Government and Education. In Local Government the thrust is toward control by the local Band Councils. Preliminary steps require identification of needs followed by intensive action in the field of training, corresponding changes in government policy to allow delegation of authority for decision making and budget allocation in local Band Councils. The aim is to allow local control of Band affairs and issues. In Education, similar changes are taking place. Local control of education, meaning Indian control of education is not merely a fanciful slogan. Indian Band Councils are establishing local school committees to review curricula and Indian language and culture are appearing in the school courses. In areas where Indian children go to off-reserve schools, members of the Board of Education are often Indian.

The actions presented above are largely being fostered and aided by federal departments. There is much more that needs to be done with the assistance of provincial ministries. The development process is one of local self-government, a re-establishment of strong leadership at the Band level to enable Band councils to govern their social, cultural and economic affairs. What is required, therefore, at a tripartite discussion level, is agreement to allow provincial expertise to be directed to the Band Councils and a simultaneous recognition of Band Councils as legal entities capable of decision making, budgetary control and self-government.

Though the Indian people are the largest population group in the area, they are not generally represented on the groups involved in the planning process for Northern Ontario. They do not have an effective voice in the development of the natural resources that may provide an economic future for the region nor do they derive significant benefit from resource development. Indians applying for employment in new development frequently find themselves barred from these jobs due to lack of required skills and training.

There are many examples in Southern Ontario of Indian people and Indian communities that have developed prosperous economic ventures, and of Indian people who have reached top positions in Canadian industry and other areas of society. This has been achieved in a free environment, less subject to government control, and with greater interaction between the Indian people and other Canadians. For the developing regions, and especially for the Indian people in Northern Ontario, the Federal government suggests that changes are necessary if we are to create a better society.

A long term perspective is needed. No meaningful change can be achieved in a month or a year. If people are to plan their lives and their communities for the future, they need be able to plan five, ten or twenty years ahead.

Treaty Rights

The Northern Treaties surrendered to the Crown all the lands of Northern Ontario comprising the watersheds flowing northwards to James and Hudson Bays. They were considered by the Indian people to be contracts between them and the Dominion, notwithstanding that the Province of Ontario was a party to Treaty No. 9 and its Adhesions, and that the rights enshrined in the Treaties should not be superceded by Provincial legislation.

Under the Treaties the Indian people were guaranteed the right to pursue their traditional avocations of hunting and fishing throughout the surrendered lands. Additionally, Treaty No. 9 provided for the right of trapping. Though the Treaties applied these rights to all areas not taken up for settlement, mining, lumbering, trading and other purposes, it has conveniently been interpreted to include timber berths, wilderness areas, forest and game preserves, and Provincial and National parks. The Indian people consider that these Treaty rights based on their need for food or for family support have been repeatedly abrogated.

I must point out that the Indian people have surrendered in excess of 175,000,000 acres of their ancestral hunting grounds from time immemorial in exchange for reserves presently comprising less than 1,000,000 acres or approximately one half of one per cent of the total area.

Information pertaining to these Treaties is set out in Appendix "A".

The Supreme Court of Canada has held that the Migratory Birds Convention Act(an international treaty) overrides the earlier Treaties made with the Indian people. This is evidenced in a Supreme Court decision - Regina vs Daniels 1968 wherein it was held that an Indian was not exempted from compliance with the Migratory Birds Convention Act.

Provincial fishing regulations emanate from the Federal Fisheries Act and the Province takes the view that they apply to Indian people as well.

The Provincial Ministry of Natural Resources is proposing setting commercial fishing quotas on lakes. This is being considered for Shoal Lake of Lake of the Woods which will directly affect the economic base of two Indian Bands which are dependent on commercial fishing for their livelihood.

The harvesting of wild rice has long been considered an historic right of the Indian people. They developed this as a commercial enterprise and for the past ten years have had more or less exclusive rights to wild rice harvesting. The Province is presently considering granting licences to non-Indians for this purpose. At present the success of the wild rice crop is dependent on control of water levels and can be ruined if the water level is too high. Consideration is now being given to the construction of water controls which will protect the crops.

RESERVES: THE TRUSTEE RESPONSIBILITY

The Department has a trustee responsibility to status Indians and for the administration of Indian lands. It no longer decides arbitrarily how the lands are to be administered but acts in response to the wishes and needs of the Indian people by working in partnership with the Band Councils providing resource people to assist them in their undertakings.

In the past, the Government was concerned with undertaking treaties with the Indians for the surrender of vast tracts of land to enable them to be opened for settlement and development. Reserves were provided on the basis of the population of the day and selected at locations then settled by the people. Since the time of these Treaties the Indian way of life has been changed by external environments.

Our present role is to provide for the needs of the community and the establishment of an economic base. Many reserves do not have sufficient land to meet housing and environmental requirements. Our Planners must identify suitable land which will meet the requirements of both the present and future generations and provide commercial opportunities to enable the people to maintain their livelihood.

The northern Indians were traditionally a nomadic society whose livelihood was based on hunting and fishing. They were suddenly confronted by the imposition through the Treaties of a reserve system based on European land tenure concepts which confined their lands to specific areas providing the very antithesis to their previous way of life.

Due to increasing population, religious and social differences there have been movements of Indian families to new locations. These people feel that the Indians surrendered vast tracts of land receiving little in return and that they are entitled to sufficient lands to provide for their future needs.

The Department has been negotiating with the Province for provision of sufficient lands to meet the socio-economic needs of outlying Indian settlements. A number of these settlements were provided for under a Provincial commitment made in 1969. However, there are several additional settlements for which no provision of lands has been made. The Province has stated that it will provide land on the basis of acre for acre land exchange but there has been an understandable reluctance by Bands to agree to the relinquishment of reserve lands for exchange purposes. The only remaining alternative is the purchase of Provincial Crown land at market value.

Present Provincial policy requires that the Department submit detailed socio-economic criteria to justify every single acre of land requested to enable the establishment of reserves for these Indian settlements on Provincial Crown Land despite the fact that these lands were originally surrendered by their ancestors.

The British North America Act gave Canada exclusive responsibility for Indians and lands for Indians but a Supreme Court of Canada decision held that the beneficial interest in lands surrendered under Treaty No. 3 passed to Ontario. Since this gives the Province exclusive jurisdiction over surrendered lands free of any Indian interest, Federal sales of surrendered Indian lands would be ultra vires. To overcome this problem, the Governments of Ontario and Canada drew up an Agreement in 1924 which enacted by respective legislation was to give Canada management and control of all Indian Reserves and surrendered Reserve lands in Ontario. Following a recent Justice interpretation that this legislation was only effective subsequent to the Agreement, tripartite negotiations between the two Governments and the Indian Associations have been underway to amend the Agreement to overcome its deficiencies and obtain the most advantageous conditions.

Following the surrender of the tract of lands under Treaty No. 3 in 1873 and the settlement of the Ontario-Manitoba boundary dispute in 1889, an Agreement was reached between Canada and Ontario and subsequent legislation passed in 1894 entitled "An Act for the settlement of questions between the Governments of Canada and Ontario respecting Indian lands". Paragraph 4 set out: "That in case of all Indian Reserves so to be confirmed or hereafter selected, the waters within the lands laid out or to be laid out as Indian reserves in the said territory, including the land covered with water lying between the projecting headlands of any lake or sheets of water, not wholly surrendered by an Indian reserve or reserves, shall be deemed to form part of such reserve, including islands wholly within such headlands, and shall not be subject to the public common rights of fishery by others than Indians of the band to which the reserve belongs."

In 1915 when the Provincial Government enacted legislation to transfer to Canada the reserves selected in accordance with the provisions of Treaty No. 3, it revoked paragraph 4 of the 1894 Agreement stating that the lands referred to therein would continue to be the property of the Province. It was thought at the time that it would be most difficult to implement this clause and that resurveys would be required which would cause considerable delay. The Deputy Superintendent General of Indian Affairs decided that nothing would be said about water or fisheries and that these questions could be decided as the cases arose by existing law usage.

In 1967 the question of headland to headland boundaries was reintroduced. It was proposed that appropriate plans be prepared to indicate the suggested boundaries and that these would be submitted to the Province for consideration. This procedure was initiated for a number of reserves but was not completed. The research section of Grand Council Treaty No. 3 in conjunction with the concerned Bands is currently completing this project and propose to enter into preliminary negotiations with the Province in the near future.

A policy of tripartite negotiations has been recently implemented with representation of the Federal and Provincial Governments and the Indian Associations which it is hoped will solve these long outstanding issues.

A total of 31 Indian Communities are located north of the 50th parallel and are serviced by an Economic Development field staff of nine.

Since the majority of these communities are accessible only by air, their isolation from large urban centres restricts the options for economic activity. Potential enterprises relate to natural resource development in forestry, commercial fishing, trapping and tourist outfitting; and small service businesses such as general stores, coffee shops and taxi operations. Owing to a limited Departmental budget every effort is made to utilize programs offered by other government agencies such as Natural Resources, ARDA, DREE, CEIC Job Creation Branch, Canada Manpower and Community and Social Services.

In 1972 the Ontario Co-Operative Development Association initiated a business Management advisory services to provide management advice and assistance to Indian owned and operated co-operative businesses presently totalling 27. (See Appendix "B")

Since the possibilities for economic activity are limited, the challenge facing developers is to devise ways and means to utilize available resources to the utmost, so that the communities may become as fully self-sufficient as circumstances permit. Emphasis is currently being placed on moving beyond the project-by-project type of development through long range socio-economic planning by all parties involved. Greater co-ordination of activities is the goal, to avoid duplication of effort and, more importantly, to avoid coincident activities which actually operate at cross purposes.

The greatest opportunities for significant employment exist in the natural resource based enterprises primarily commercial fishing and trapping. Considerable progress has already been made, including the initiation of the development of a Sectoral Program for the Northwestern Ontario Fisheries (the first such development in Ontario). Additional progress should result from the encouragement being given to Band planning and Band development of community employment strategies (some funding for self-development of

Economic Development (Cont'd)

Indian Communities to identify needs, problems and opportunities and development and implementation of strategies based on the community's priorities).

The Department will assist this thrust to obtain significant employment by implementing good management practices through co-ordinating available training assistance with identified planning needs, providing additional training assistance not available elsewhere, co-ordinating long-term use of welfare savings with the community's own socio-economic development strategy and co-ordinating short-term projects with the aforementioned long-term plans, assisting Band housing programs where possible by ensuring that housing is given top priority in using short-term projects; assisting Band employment strategies by working closely with other Department programs, CEIC Job Creation Branch, Canada Manpower, BEDC and other organizations.

Education

The Education budget for the Treaty No. 3 and No. 9 area for 1977-78 is in excess of \$15,700,000 which provided education programs for 6,000 students from Kindergarten to Grade XIII and approximately 800 Post-Secondary students. There are 33 Federal schools scattered across the area which employ 163 teachers. As late as 1971-72 there were no Band members employed in the education program but in 1976-77, 70 Indian people were employed as teachers, language instructors, social counsellors, classroom assistants and caretakers.

Training and development has been provided to ensure a continuing high standard within the education program. There are graduates from our four year Native Language Instructor's program teaching native languages in our schools; a joint summer school program with the Ministry of

Education (Cont'd)

Education graduates certified education counsellors of Indian status to provide counselling service to Indian people; D.I.A.N.D. sponsored summer program upgrades our Native classroom assistants annually; a special teacher training program at Hamilton provides for two summer and two year practicum to graduate teachers with an Ontario Standard 2 Certificate - this program is completed and resulted in 85 Status Indian graduates.

There is a continuing transfer of education funds, authority and responsibility to Bands in this Area. General growth has gone from 7% to 25% involvement by Bands in Ontario.

Almost all bands are handling some education programs through accountable contributions to bands.

An Adult education committee has been established in the Sioux Lookout District, an area comprising about one-third of Ontario. The committee consists of members from each band, Treaty Nine, Canada Manpower and Immigration; Department of Indian Affairs and the Community Colleges. Many bands have taken over Continuing Education programs for adults and are administering the programs with success, four bands have taken over Adult programs.

There is a joint working arrangement with the education program in the Treaty No.9 area. This involves planning, consultation and implementation of programming.

Special developments in cultural enrichment programs feature a syllabic typing program using typewriters with a keyboard developed jointly with a supplier and publication of native language dictionaries and books. The Native language is presently being used for instruction in Kindergarten and Grade 1 and is being developed for Grades 2 to 4 level.

Local Government

A total of 23 Indian Bands located north of the 50th parallel are serviced by a Local Government Field Staff of 12 in four Districts. Besides the main Reserve communities, there are 8 Indian Settlements occupied by members of some of the above Bands, either on Federal or Provincial Crown Land that receive some or all of the Local Government services.

Departmental O & M Programs provided in this area are shown in Appendix "C".

Of these, programs in the amount of \$2,937,000 are administered directly by the Bands.

While a few of these Bands have been managing programs for a number of years, some have only recently taken on this type of responsibility. Local Government Field Staff work closely with these Bands, assisting the Councils in obtaining training for their people so that they can expand their programs at a rate consistent with growing capability.

Appendix "D" of Local Government Capital Expenditures demonstrates that for the area chosen (this table covers the total Treaty #3 and Treaty #9 area) the Bands are already administering 52% of the total program. Housing is an important consideration in this area. You will note that over half of the expenditure goes into housing, a good deal of which is administered directly by the Band Councils with some extra funds being obtained from such programs as Canada Works.

CONCLUSION

The Government of Canada, the Indian Associations and the Indian people of Ontario are committed to a policy of increasing local responsibility through local government and self-sufficiency through economic development maintained within the framework of Cultural Pride. These goals must involve the Indian people, the Province of Ontario and the Federal Government. The Indian people are citizens of the province and as such have basic human rights and privileges accorded to other citizens. By 1985, forty per cent (28,500) of Ontario's Indian people will be living off-reserve in the cities and towns of the province. They will be young; sixty three percent under the age of thirty and will need both educational and economic opportunities. But whether on or off reserve, these Indian people will require the attention of both levels of government working in full partnership with the Indian people.

APPENDIX "A"

	<u>Treaty No. 3</u>	<u>Treaty 9</u>	<u>Treaty 9 Adhesions</u>
	1873	1905-1906	1929-1930
Bands	33	15	6
Bands 1977	24	15	13
Reserves	65	16	8
Reserves 1977	58	16	19
Area Surrendered (acres)	35,200,000	57,600,000	82,124,800
Area Treaty Reserves (acres)	330,590	347,236	211,968
Area Reserves - 1977 (acres)	308,770	347,236	334,364
Treaty Population	2,600 (1873)	3,116(1905-06)	1,934 (1929-3
On Reserve Population	3,974 (1974)	4,161 (1975)	4,514 (1975)
Total Population	6,508 (1974)	7,495 (1975)	5,975 (1975)

APPENDIX "B"

There are presently a total of 124 Indian businesses as follows:

Air Service	2
Arts and Crafts	13
Bakery	1
Building Contractor	2
Campgrounds	1
Canoe Manufacture	1
Coffee Shops	9
Commercial Fishing	16
Community Recreation	3
Fur Handling	14
Garage and Motor Repairs	5
Hunting and Fishing Camps	14
Motels	2
Retail Stores	16
Sawmills	13
Transportation	10
Warehousing	1
Wild Rice Harvesting	1

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APPENDIX "C"

Administration - Local Government	\$ 58,700.
Social Assistance	3,801,600.
Band Management	1,372,700.
Community Improvement	230,400.
In-School	9,124,900.
Post-School	545,900.
Employment	263,800.
Student Residence	824,100.
Administration	734,400.
EPS	227,800.
Planning	40,600.
Economic Development	<u>317,500.</u>
 TOTAL OPERATION & MAINTENANCE	 \$17,542,400.

BAND	HOUSING	ROADS	WATER & SANITATION	ELECTRIFICATION	COMMUNITY FACILITIES	PLANNING	FIRE PROTECTION	TOTAL	ADMINISTERED BY BAND
Eagle Lake	20,000	-	8,000	-	12,000	-	-	40,000	40,000
Grassy Narrows	223,200	-	125,600	-	23,000	-	-	431,800	289,564
Islington	158,400	-	414,400	-	-	-	4,000	576,800	542,300
Northwest Angle 33	-	-	-	-	-	-	-	-	-
Northwest Angle 37	10,000	-	-	-	14,600	-	1,500	26,100	15,100
Rat Portage & Dalles	-	-	-	-	20,000	-	-	20,000	-
Shoal Lake 39	70,000	9,000	537,200	-	125,100	3,500	21,400	766,200	296,060
Shoal Lake 40	30,000	20,000	17,000	-	-	-	5,000	72,000	72,000
Wabauskang	-	-	-	-	-	-	-	-	-
Wabigoon	20,800	-	-	-	-	-	-	20,800	20,800
Whitefish Bay	123,000	3,600	88,900	-	15,000	3,500	-	239,000	163,700
Big Grassy	36,000	-	20,800	-	-	1,500	11,000	69,300	69,300
Big Island	24,000	-	9,000	-	14,300	-	-	47,300	47,300
Couchiching	35,000	3,000	41,900	-	60,000	-	-	139,900	118,000
Lac La Croix	144,600	-	-	-	22,000	650	-	167,250	145,250
Naicatchewenin	15,500	15,000	-	-	-	-	-	30,500	30,500
Nicickousemenecaning	15,000	-	-	-	-	-	-	15,000	15,000
Rainy River	42,500	8,200	11,600	-	-	1,000	-	63,300	63,300
Sabaskong	38,500	-	200,000	-	155,000	9,000	-	402,500	391,450
Seine River	25,000	7,300	26,000	-	-	1,000	49,000	108,300	108,300
Stangecoming	-	-	-	-	-	-	-	-	-
Brunswick House	-	2,300	17,000	-	-	-	-	19,300	-
Matachewan	-	35,000	-	20,000	-	-	-	55,000	-
Mattagami	32,000	20,000	14,900	-	-	1,500	-	68,400	13,500
Flying Post	-	-	-	-	-	-	-	-	-
Chapleau Ojibway	20,000	-	6,000	-	-	1,000	-	27,000	14,000
Missinabie	-	-	-	-	-	-	-	-	-
Long Lake 77	24,000	-	16,000	-	-	-	-	40,000	24,000

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BAND	HOUSING	ROADS	WATER & SANITATION	ELECTRIFICATION	COMMUNITY FACILITIES	PLANNING	FIRE PROTECTION	TOTAL	ADMINISTERED BY BAND
Constance Lake	83,000	20,000	-	-	-	-	-	108,000	108,000
Abitibi	-	-	-	-	-	-	-	-	-
Matin Falls	23,000	6,100	10,000	25,000	15,900	-	6,700	36,700	40,000
Fort Hope	244,000	8,000	205,000	10,000	29,000	5,936	13,400	515,336	70,000
New Post	-	-	-	-	-	-	-	-	-
Moose Factory	44,000	18,400	5,000	-	-	-	-	67,400	18,400
Albany	277,600	33,000	60,000	-	10,200	-	-	380,800	23,100
Winisk	108,700	12,000	26,600	-	21,200	-	-	168,500	-
Pikangikum	265,200	5,500	-	-	8,500	-	-	279,200	107,400
Attawapiskat	108,000	43,500	30,000	-	-	-	8,200	189,700	104,000
Osnaburg	50,000	-	-	-	2,000	-	-	52,000	52,000
Deer Lake	365,800	34,000	-	-	18,000	-	-	417,800	189,700
Caribou Lake	98,000	-	-	-	65,000	-	-	163,000	67,100
Trout Lake	162,000	30,000	-	-	-	-	-	192,000	98,000
Kingfisher	62,000	-	-	-	10,000	-	-	72,000	24,000
Bearskin Lake	84,000	-	5,000	-	29,500	-	-	118,500	70,700
Sachigo Lake	75,200	2,000	-	-	44,000	-	-	121,200	60,400
Kasabonika Lake	103,000	-	-	-	23,000	-	-	126,000	52,304
Wunnimun Lake	56,000	5,000	33,300	-	19,000	-	-	113,300	62,633
Angling Lake	62,500	2,500	-	-	7,000	-	-	72,000	19,500
Muskrat Dam	39,300	-	-	-	25,000	-	-	64,300	43,000
Cat Lake	79,800	6,000	-	-	4,200	-	-	90,000	50,000
Fort Severn	47,000	6,000	162,000	24,000	6,000	-	-	245,000	30,000
Lac Seul	62,300	-	85,000	-	33,700	-	-	181,000	63,500
TOTALS	3,677,900	355,400	2,176,200	79,000	832,200	28,536	120,200	7,269,486	3,802,814

APPENDIX "D"

SPEECH NOTES FOR

THE HONOURABLE J. HUGH FAULKNER

MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

TO

HARTT COMMISSION PRELIMINARY HEARINGS

MOOSE FACTORY

FEBRUARY 2 , 1978

Mr. Commissioner, may I begin by expressing my appreciation at the opportunity to appear before this Royal Commission today - during its first round of public hearings. I share with many who have already appeared before you the sense of importance which marks the process of hearings you and your colleagues are holding into the future of Ontario's north. The Government of Ontario, in establishing the Commission and investing it with broad terms of reference, has clearly and perceptively responded to the growing desire of the citizens of the Province to have their views heard and considered in the planning and decision-making processes, which so closely affect them today and will affect their children in the future. In appointing you to head this Commission, the Government of Ontario has shown its commitment to the reality as well as the rhetoric of public participation. I believe that your record as a jurist and the strong sense of social equity you have always displayed, have already inspired the confidence of the Indian people in Ontario in the future course of these hearings.

This is obviously only the first step of what will be a long journey. It is occurring at a time of significant change and development in the relationships between governments and the Indian people. Some major policy activities and initiatives

are now underway, including in particular joint processes for consultation about major issues, involving the Federal Government and the Indian people. Key subjects such as Indian Act revision, socio-economic development, hunting, fishing and trapping rights are under discussion in the various committees and working groups, operating under the guidance of the NIB - Cabinet Committee. Equally important in Ontario, is the prospect of the tripartite discussions on the delivery of services to Indian people, involving representatives of the Federal and Provincial Governments and of the Indian Associations of Ontario. Such tripartite discussions are taking place elsewhere in the country and I am hopeful they can be developed effectively in Ontario. It is inevitable and essential that the Indian people, both as Indians with a recognized special status and as citizens of Canada, should be directly involved in consultations with both the Federal and Provincial authorities.

It is in the context of these tripartite discussions that I wish to refer to the statement made to this Commission by the Honourable Rene Brunelle at Timmins on December 21, 1977. Mr. Brunelle stated in the early part of his remarks that the Federal Government appeared to be gradually withdrawing from responsibility for registered Indians, in furtherance of a policy proposed in the Federal Government's Indian policy

statement of 1969. It is well known that this line of policy at the time of its announcement was rejected firmly by the majority of Indian leaders in this country. It seems not so well known but nonetheless fact that in recognition of this Indian reaction, the Federal Government has not pursued the policy proposed in 1969, and is not pursuing it now.

My predecessors in office have made this abundantly clear in public statements, in correspondence with Indian leaders, in private consultations with them and in activities pursued by the Department. Mr. Buchanan spoke in this sense when he addressed the Ontario All-Chief's Conference in Toronto on August 10, 1976. Mr. Allmand was even more explicit when he spoke to the All-Chief's Conference at Edmonton on February 24, 1977 about the Federal Government's responsibility in relation to the Indian people. I am going to restate the position now because it should be part of the record of this Commission.

The Federal responsibility for Indians and their lands dates from the first contacts and communication between the Crown and the aboriginal inhabitants of this country. It is enshrined in the British North America Act of 1867, which gives the Federal Parliament the necessary legislative jurisdiction to carry out that responsibility. It is signified by the special rights accorded to Indian people, through

their treaties, the Indian Act and other legislation. This responsibility and the consequent relationship between the Indian people and the Federal Crown is one that the Government of Canada fully accepts, it seeks to strengthen through joint working arrangements, it wishes to continue in ways and means chosen by the Indian people themselves. The present Indian policy is one of continuation, not termination. It is one of safeguarding Indian status and identity and not assimilation. It is based on jointly agreed objectives and methods.

The emphasis on joint processes and joint working arrangements is basic to the present policy we are following. At a time of change and development, such processes become important in themselves. To be effective, they must be marked by frankness, flexibility and a willingness to innovate, on the part of all the parties concerned.

It would be quite inconsistent with current approach to the Government-Indian relationship, for me as the Minister responsible in the Federal Government to come before you today with a rigid catalogue of how the Government's responsibilities are to be carried out, of what are the roles and functions of Government, of what precisely are its objectives, priorities and plans for the Indian people of Ontario. Instead I shall give you a broad outline of the Federal Government's current perceptions of how its responsibilities and relationship with the Indian people should evolve.

At the same time, I am tabling, for the Commission's information, a resume of the Department's current activities in Ontario. As this Inquiry proceeds I may have occasion, depending on future circumstances and the desires of this Commission, to appear before you again at later stages.

I have spoken about the continuation of Indian identity within Canadian society. The Indian people and their leaders are understandably much concerned about this aspiration and need.

The people of Treaty #9, in their recent declaration Nish-nawbe-Aski have stated that there must be an openness in looking for new and innovative directions in the area of Indian government. The Government of Canada regards the area of Indian government at band level as the keystone of a distinct and viable Indian identity within Canadian society. The recent signing of a comprehensive general development agreement with Treaty #3 translates into practice the institutional changes which can only lead to self-government. I look forward to working out a final local government approach with the Treaty #9 Association of Chiefs as well. As well, on more general grounds, we see this as a distinct and continuing Indian identity as involving the following elements or dimensions:

- It implies group continuity which rests on firm foundations of full Canadian citizenship, including treaty rights and a revised and updated Indian Act
- It recognizes that political change in the positions of Indian people must be worked out by the Indian people at band level; through support by levels of government; in ongoing tripartite arrangements, for example, at provincial level; and at national level through special consultative processes like the NIB-Cabinet Committee.
- It acknowledges that the personal fulfilment of Indian people calls for the safeguarding of Indian languages and other cultural values, for permitting traditional pursuits of hunting and fishing, and for providing special assistance and facilities especially in the fields of education and training
- It presupposes the attainment of greater self-determination through the provision of special services to Indian people, and freedom of choice as regards economic opportunity and employment
- It includes environmental concerns which imply that the Federal Government and provincial governments should seek to ensure the environmental protection of Indian lands and the involvement of Indian groups in resources development, environmental protection and conservation planning
- It requires, perhaps above all, a solid economic base on which to build the viability of Indian communities, through programs of economic development, special counselling and training for Indian people.

Essentially, Mr. Commissioner, the foregoing is a general statement of objectives. Progressively, it must be translated into concrete action. This is the challenging part. It is the challenge which we must face jointly with the Indian people and one which, I suggest, parallels the fundamental purpose of your own enquiry. It represents in my view a recognition by the Provincial authorities that the future economic and social evolution of Northern Ontario is a future in which the Indian people living there have a direct interest, an acknowledged role and a solid stake.

You are, no doubt, aware Mr. Commissioner of the ongoing debate which engages constitutional experts and legal scholars, politicians and bureaucrats, about division of legislative powers in this country between Federal and Provincial legislatures. In significant ways the Indian people are often victims of these jurisdictional disputes, particularly as regards responsibility for government services. They have suffered in terms of no services at all in some instances and, in others, in terms of services of a quantity and quality inferior to those available to other citizens of Canada. The Province of Ontario is showing an increasing awareness that the needs of Indian citizens in the Province do involve responsive involvement of provincial authorities. It is encouraging that the Provincial Government has established a Provincial Steering Committee, a provincial level forum

similar to our Joint NIB-Cabinet Committee process. The uncertainties, which have surrounded the questions of roles and responsibilities have to be resolved if we are to achieve satisfactory and strong partnership relationships between governments and the Indian people of the Province. It is for this reason that the tripartite talks in the province of this key question of roles and responsibilities are so important as mechanisms for the future.

In summary, Mr. Commissioner, some of the main features of a situation with which we are both concerned appear to me to be as follows:

- There is a strong commitment of Indian people and the Federal Government to the continuation, the strengthening and the support of a separate Indian identity within the larger Canadian society
- We are in a period of evolution and rapid change. To cope with the rapidity of this change and the breadth of issues which confront us, the emphasis of our efforts must be as much on the process as on the product - on the way we do things as on what we do
- The areas of local powers and institutions are emerging as possibly the priority area for joint process of explorations and innovation involving the Federal Government, the Provincial Government and the Indian people.

You have already heard, in your preliminary hearings, Mr. Commissioner, the expressed desires of people in the northern areas of Ontario for more local control and more involvement in the planning and decision-making processes affecting them. The Indian people are calling likewise for strong forms of Indian local government in the context of Canadian society. To be effective this growing role for Indians in the management of their own affairs requires a solid legislative foundation, adequate resources and qualified expertise. The Federal Government fully supports this fundamental objective and seeks to find effective ways for achieving it in all parts of the country. We are making this a priority question in our approach to revising the Indian Act.

As well, we support the contention of the Indian people of Ontario that the solution to development problems in Northern Ontario lies in close consultation between them and the governments concerned. We will play our full part in any working arrangements of a tripartite nature.

At a time when Indian and non-Indian people alike are calling for increased control over their own affairs, major factors including the exigencies of contemporary economics, the growth of populations and the increasing needs for rational, planned use of finite natural resources, are pushing governments in the direction of adopting policies broad in scope and centralized mechanisms for decision-

making. Clearly this raises a contradiction that must be reconciled. At the same time, the kind of pluralistic society we have nurtured in Canada calls for planned diversity in our approaches, methods and institutions.

I see these as key questions that the Indian people in Canada today are insisting must be answered, and with answers that they have helped to work out. They are seeking such answers before this enquiry and in their broader consultations with government at Federal and Provincial levels. We all actively share in the responsibility for seeing that our responses are fair minded, frank and farsighted. We continue to fully discuss the 1924 Land Agreement with Indian people to move towards full resolution. I am now discussing with Cabinet colleagues ways of enjoining the issues at stake in the Migratory Birds Convention.

I hope I have said enough in this preliminary statement to demonstrate my interest in the success of your enquiry. I shall be glad to appear later, if you think this desirable. Please be assured of our ongoing support and feel free to call on me or officials of my Department for any assistance you think we can provide.