

SUMMARY OF ALBERTA PROPOSAL -
CITIZENS PLUS

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SUMMARY OF ALBERTA PROPOSAL

CITIZENS PLUS

"Indians should be regarded as 'Citizens Plus', in addition to the normal rights and duties of citizenship, Indians possess certain additional rights as charter members of the Canadian community"

(The Hawthorn Report)

SUMMARIZER'S BACKGROUND NOTE

(The Hawthorn study was commissioned by the Government in 1963 and the report was submitted in 1967. It takes the position that, in addition to normal rights and duties of citizenship, Indians possess certain rights "simply by virtue of being Indians". The report notes that certain rights were established under treaty; and, where not so established, special legislative provisions (including provincial legislation) or leniency in administration, frequently provide Indians with supplementary privileges not available to other Canadians. These special recognitions should be regarded as charter rights. These rights derive from history and long respect and relate ultimately to the fact that the Indians were here first. Bargains were entered into by which the Whites "were allowed to develop peacefully the northern half of a richly endowed domain". In return, the Indians were accorded a special status.)

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A. THE PREAMBLE (Page 1)

- Treaties and lands most important to future well-being of Indians.
- Government proposal will lead to loss of land and despair of urban ghettos.
- Have refused to discuss White Paper until their own alternatives presented -- Government paper is wrong.
- Indians at consultation meetings did not ask for the things stated in the policy proposals.
- Government going ahead with implementation of policy even though Indians assured that this was not to be done.
- Criticizes the Federal Government's offer to transfer funds to the Province of Alberta for extension of provincial services with Federal funding to be phased out in time.
- Quotes a letter to the Prime Minister from Alberta Chiefs concerning implementation of policy and requesting no action be taken to implement.

B. THE COUNTER POLICY (Page 4)

The Alberta position follows the six principles and four steps set out in the Government's policy proposals of June, 1969. The principles and steps are set out *in italics*.

B.1 INDIAN STATUS (Page 4)

That the legislative and constitutional bases of discrimination be removed.

We reject this policy..... the recognition of Indian status is essential for justice..... the legal definition of registered Indian must remain.

Quotes from Professor Green (University of Alberta) that the policy is based on

- (i) lack of understanding of the significance of the concept of equality.
- (ii) equality in fact may involve the necessity of different treatment (in other countries minorities given special status).
- (iii) Policy takes narrow view of purpose of equality and the nature of discrimination.

Omit

B.2 THE UNIQUE INDIAN CULTURE AND CONTRIBUTION (Page 5)

That there be positive recognition by everyone of the unique contribution of Indian culture to Canadian life.

Nice sounding words intended to mislead. To preserve our culture it is necessary to preserve our status, rights, lands and traditions. Our treaties are the bases of our rights. There is room in Canada for diversity and Indians are part of that diversity..... have contributed much to the Canadian community.

B.3 CHANNELS FOR SERVICES (Page 6)

That services come through the same channels and from the same government agencies for all Canadians.

The Government is bound by the British North America Act to accept legislative responsibility for "Indians and Indian lands". The treaties ensured lands, assistance in their economic development, health services

on or off reserves at Government expense, education, hunting and fishing rights. The Federal Government is bound to provide the actual services relating to education, welfare, health and economic development -- not as "handouts" because Indian people have paid for them by surrendering their lands.

B.4 ENRICHED SERVICES (Page 7)

That those who are furthest behind be helped most.

These promises of enriched services are bribes to get us to accept rest of policy. Do not want different treatment for different tribes.

B.5 LAWFUL OBLIGATIONS (Page 7)

That lawful obligations be recognized.

If the Government meant what it said we would be happy. The Government is wilfully ignorant of the bargains. It must admit its mistakes and recognize that the treaties are historic, moral and legal obligations in exchange for Indian lands, to be interpreted in favour of the Indians with full regard to changing social and economic conditions. In modern terms the treaties provide Indians the right to education and full health services - medical, hospital and dental care - free. If the Government expects the co-operation of Indians in any new policy, it must accept the Indian viewpoint on treaties. This would require the Government to start all over on its new policy.

B.6 INDIAN CONTROL OF INDIAN LANDS (Page 9)

That control of Indian lands be transferred to the Indian people.

We agree with this intent. The Indian Act should be used to give Indians control of land without changing the fact that the title is now held in trust. Oppose individual ownership - lands must remain in trust forever.

C. IMMEDIATE REQUIREMENTS (Page 10)

C.1 MINISTER OF INDIAN AFFAIRS (Page 10)

Demand a full time Minister of Indian Affairs immediately..... unrealistic to expect one Minister to handle other responsibilities if some new policies being suggested for Indian people..... will make for useful consultations.

C.2 RECOGNIZE THE TREATIES (Page 10)

The Government must accept the treaties as binding and incorporate them in up-dated terms, first as an Act of Parliament; later, with provincial consent, in the Constitution. The treaties could be clarified either by a) a committee of House and Senate; b) reference to the Court of Canada; or c) reference to an impartial body such as the International Court of Justice.

D. THE STEPS (Page 11)

D.1 THE INDIAN ACT (Page 11)

Propose to Parliament that the Indian Act be repealed and take legislative steps..... to enable Indians to control Indian lands and to acquire title to them.

Reject proposal that Indian Act be repealed. It is neither possible nor desirable to eliminate the Indian Act. It must be reviewed, but not before the treaties are settled. Some sections can be altered or deleted readily - others require more study. A re-written Indian Act should provide the legal basis for local self-government.

D.2 TRANSFER TO THE PROVINCES (Page 14)

Provinces take over same responsibilities for Indians as they have for other citizens..... transfer to the provinces of Federal funds normally provided for Indian programs, augmented as necessary.

Current arrangements for education unacceptable because agreements can be made between Federal and Provincial Governments without consulting Indian Councils.... education a right under treaty funds should be paid to tribal councils and they will decide schooling.

D.3 ECONOMIC DEVELOPMENT (Page 14)

Make substantial funds available for Indian economic development as an interim measure.

It is not realistic to propose support in economic development as "an interim measure". Support for economic development is in keeping with the intent of the treaties. Other groups in society enjoy special legislation and benefits. Why not Indians too? We need and are entitled to special consideration.

Dependence on Government appropriations is not enough. We must enlist the resources of private enterprise. Local effort is essential. There is an enormous potential for work in the communities and a corresponding requirement for more and improved training. The Government should

provide incentives and supports to private industry that will play a part in Indian communities. A Community Development Corporation would focus all this activity - jobs, housing, education - all the services residents need.

D.4 THE INDIAN AFFAIRS BRANCH (Page 18)

Wind up that part of the Department of Indian Affairs and Northern Development which deals with Indian Affairs. The residual responsibilities of the Federal Government for programs in the field of Indian affairs would be transferred to other appropriate federal departments.

We reject the proposal to abolish the Indian Affairs Branch. It should become smaller, be less authoritarian and serve the people. It should serve mainly as the keeper of the Queen's promises, the treaties and the lands. It should channel federal funds to the tribes or to the provincial associations.

Quotes Hawthorn Report to the effect that Indian Affairs Branch should act as national conscience to see that social and economic equality is achieved by Indians..... to be the Indians' advocate..... to see that the "plus" aspects are respected.

D.5 INDIAN CLAIMS COMMISSION (Page 20)

The Government will appoint a Commissioner to consult with the Indians and to study and recommend acceptable procedures for the adjudication of claims.

We reject the appointment of a sole Commissioner, appointed without consultation - not impartial. We want a Commission to

- a) help modernize the treaties

- b) award compensation to aboriginal peoples who have no treaties
- c) examine reserve boundaries and include lakes
- d) draft legislation to overcome bad effects of the Migratory Birds Convention Act and restrictions on fishing
- e) hear all other claims made by Indians.

Both Conservatives and Liberals have promised a Commission.

E. CONCLUSION (Page 22)

If the Federal Government accepts its well-established obligations and seeks to honour them fully and enthusiastically, consultation and progress are possible. But if for much longer the rights are not noticed, needs not met, or aspirations not fulfilled, then no one can be assured of continuing peaceful conduct by the rank and file.

APPENDICES (Page 24)

There are 75 pages of appendices which are intended to support the main thrust of the proposals. These deal with four main areas.

F.1 1. HISTORICAL BACKGROUND - p.24-36

Primarily a resumé of the main provisions of the treaties concerning Indian lands, the reserves, medicine chests, schools and teachers and hunting, trapping and fishing. Selected quotes from the treaties or reports of treaty commissioners are included.

F.2 2. ECONOMIC DEVELOPMENT - p.37-57

This is an excerpt from a submission presented to the Government in March, 1970 - Alberta Indian Development System (AIDS).

Basic principle is the recognition of fundamental rights of Indian people (Alberta) to equal opportunities in socio-economic and human resource development. The objective is to:

- a) Assist Bands to make communities a decent place to live in both Indian and non-native context.
- b) To provide Indian people with opportunity to develop their own talents.
- c) To help Indians become masters of their own community and destiny.

AIDS incorporates two broad fields of endeavour - development in parallel of business, industry and that of human resources. Funding

required by participants - Federal Government \$30 million,
Provincial Government \$10 million, Private Industry \$8.7 million,
Indian people \$1.3 million.

F.3 3. *INDIAN EDUCATION CENTRE - p.57-88*

Excerpts from a proposal submitted to the Government in March, 1970.
In brief this proposal suggests the development of a cultural-
education centre which would serve as a vehicle for passing on
Indian knowledge, develop awareness of Indian identity, preserve
Indian languages and develop pride in self and culture, and have
a high training component in relation to present day requirements.

F.4 4. *EDUCATION OF INDIAN CHILDREN - p.89-97*

This section deals with the position taken by the Alberta Association
on the new provincial School Act. There are some comments about the
problems of Indian children in provincial schools.... with suggestions
that the Alberta Human Rights Act be amended to enable complaints
to be made against racial discrimination in school matters. Some
18 cases of alleged discrimination are cited and comments made on
curriculum content.

Finally, suggestions are made that the Alberta School Act prohibit
school boards from entering into agreements with the Government of
Canada for the education of Indian children without the written
sanction of the Indian band council.