

RETURN TO

STATEMENT MADE BY THE
HONOURABLE JEAN CHRETIEN
MINISTER OF INDIAN AFFAIRS
AND
NORTHERN DEVELOPMENT

ON THE SUBJECT OF: Many Indian groups

CLAIMS OF INDIAN AND INUIT PEOPLE

August 8, 1973

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OTTAWA (August 8, 1973) -- Many Indian groups in Canada have a relationship with the Federal Government which is symbolized in Treaties entered into by those people with the Crown in historic times. As the Government pledged some years ago, lawful obligations must be recognized. This remains the basis of Government policy.

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The Federal Government's commitment to honour the Treaties was most recently restated by Her Majesty the Queen, when speaking to representatives of the Indian people of Alberta in Calgary on July 5. She said: "You may be assured that my Government of Canada recognizes the importance of full compliance with the spirit and terms of your Treaties".

This assurance and the present policy statement signify the Government's recognition and acceptance of its continuing responsibility under the British North America Act for Indians and lands reserved for Indians. The Government sees its position in this regard as an historic evolution dating back to the Royal Proclamation of 1763, which, whatever differences there may be about its judicial interpretation, stands as a basic declaration of the Indian people's interests in land in this country.

At the same time, by judicial interpretation, the Federal Government's jurisdiction in respect of Indian people has been extended to include the Inuit or Eskimo people.

These premises are restated now to emphasize that nothing in the following policy enunciation is intended to alter them. The government wants to reassure the native peoples concerned, and the people of Canada generally, that its policy in this regard is an expression of acknowledged responsibility.

The present statement is concerned with claims and proposals for the settlement of long-standing grievances. These claims come from groups of Indian people who have not entered into Treaty relationship with the Crown. They find their basis in what is variously described as "Indian Title", "Aboriginal Title", "Original Title", "Native Title", or "Usufructuary Rights". In essence, these claims relate to the loss of traditional use and occupancy of lands in certain parts of Canada where Indian title was never extinguished by treaty or superseded by law.

Since taking office in 1968, the Government has provided funds to the Indian and Inuit people, and other assistance, so that they could conduct the necessary research to support their claims to traditional interests in land.

The Government has received claims from some of those native groups and is aware that corresponding claims are being prepared by others. The lands in question lie in British Columbia, Northern Quebec, the Yukon and Northwest Territories.

In reviewing its position on the claims of Indian and Inuit people, the Government has had the benefit of, and taken into account, submissions made by their organizations, views expressed by them and others in the Standing Committee on Indian Affairs and Northern Development, and recent proceedings in the courts in connection with Indian claims.

The Government has been fully aware that the claims are not only for money and land, but involve the loss of a way of life. Any settlement, therefore, must contribute positively to a lasting solution of cultural, social and economic problems that for too long have kept the Indian and Inuit people in a disadvantaged position within the larger Canadian society.

It is basic to the position of the Government that these claims must be settled and that the most promising avenue to settlement is through negotiation. It is envisaged that by this means agreements will be reached with groups of the Indian and Inuit people concerned and that these agreements will be enshrined in legislation, enacted by Parliament, so that they will have the finality and binding force of law.

The Government is now ready to negotiate with authorized representatives of these native peoples on the basis that where their traditional interest in the lands concerned can be established, an agreed form of compensation or benefit will be provided to native peoples in return for their interest.

Not all of the lands in question are the sole concern of the Federal Government. In the Yukon and Northwest Territories, the Government has authority, to be exercised in full consultation with the Territorial Governments, to deal with interests in land. But for claims arising in the

provinces concerned, provincial lands are involved and so are rights of Canadians living in those provinces. Settlements with Indian and Inuit groups in those provinces can only be satisfactorily reached if the provinces concerned participate along with the Government of Canada in the negotiation and settlement.

It is in the interest of those provinces and their residents that claims respecting land in the provinces be settled, and it is, therefore, reasonable to expect that provincial governments should be prepared to provide compensation. The Government has informed the provincial governments concerned of its position and urged them to take part in the negotiations envisaged.

In the claims received from the native peoples, there are some variations. There may be others in the future. These variations arise mainly from the proposals put forward for settlement. They suggest and require a flexibility of response which the Government is prepared to consider.

About a year ago, the Union of British Columbia Chiefs submitted its claims for compensation based on the loss of traditional use and occupancy of land in that province. Since then, the claim of the Nishga Indians which related primarily to lands under the jurisdiction of the province, has been dealt with by the Courts. The Government is now ready to negotiate the claims of Indian

people in British Columbia and regards the participation of the provincial government as a necessary ingredient for a satisfactory settlement.

With respect to Northern Quebec, some very important legal issues related to native claims there are now before the provincial courts. The Federal Government still believes that negotiation is the best way to achieve the results desired by all parties concerned and it will continue in its efforts to resolve the problems. But because those matters in Quebec are at present before the Courts, it would be inappropriate for the Government to make any further statement concerning them at this time.

The Government has already agreed with representatives of native people in the Yukon to enter into negotiations concerning their claims. Negotiations about proposals for settlement have commenced. The Government is equally ready to negotiate claims with the Indian and Inuit groups in the N.W.T. relating to interests in land not covered by Treaties. The Government for some time has emphasized its desire to fulfil all of its obligations and its willingness to consult with the people concerned in doing so. The Inuit people in the Northwest Territories, as in the case of Indian groups in Canada, have received funds from the Government specifically for the purpose of research on land claims.

In all these cases where the traditional interest in land has not been formally dealt with, the Government affirms its willingness to do so and accepts in principle that the loss and relinquishment of that interest ought to be compensated. It sees this goal being most effectively attained by means of settlements freely negotiated by all the parties concerned.

There are other areas of the country where no treaties of surrender were entered into, such as southern Quebec and the Atlantic provinces. The Government's view is that land claims in these areas are of a different character from those referred to earlier in this statement. The Indian people have submitted claims respecting their interests in land in these areas and the Government is examining them. The Government is providing funds to enable them to undertake the necessary research.

The Commissioner for Indian Claims, Dr. Lloyd Barber, was appointed in 1969. He has been able, in a number of instances, to assist the Indian people and the Government in arriving at a mutually satisfactory accommodation. It is the Government's hope that the good offices of the Commissioner will continue to be used as required to facilitate settlements of all kinds.

The Government views this claims policy in the context of other policies intended and designed to remove the sense of grievance and injustice which impedes the relationships of the Indian and Inuit peoples with the governments concerned and with their fellow Canadians.