

## Culture

# Contemporary Issues

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ignorer. Quoi qu'il en soit, le retour à un *statu quo ante est* rigoureusement impossible.

#### NOTE

1. À ce sujet, empressons-nous d'ajouter que le fait que des anthropologues puissent à l'occasion écrire des textes destinés à des associations autochtones ne change rien à ce que nous venons de dire. En effet, ces textes restent le reflet d'une alliance et non d'une dépendance.

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## Contemporary Issues

James Frideres

The Indian "problem" draws its origin from the process of economic development that took place in Canada and the roots of this problem lie in the early system of land removal from the Indians and the subsequent procedure of establishing land ownership (for both Indians and non-Indians). The rights of Indians to land have been recognized since 1725 (when the first treaty was signed in the Maritimes) but was formally noted in the *Royal Proclamation of 1763* which confirmed the existence of Indian title and rights to the land. However, over the years, the legal interpretation of treaties which deal with land, by the courts, suggests that it is defined as something between a "contract" and a "promise" (Burrell, Young, Price, 1975).

The economic system of Canada has been and continues to be determined by special interest groups who are dedicated to maximizing their economic gains and influence over other groups in society. Because of the interrelations between the political and economic system, well developed symbiotic linkages exist to enable the groups to retain and extend their control over Indians. When the political-economic rulers enact their role of colonizers, they are not necessarily behaving in some sinister or benevolent manner. Rather, as Myrdal (1957) points out, they accept the "system" as is. They are simply looking out for their own interests and play by the rules, as long as it pays.

As a result of the developing capitalism that has taken place in Canada, Indians have been effectively shut out from participating in the political economic systems (the right to vote (federally) was not extended until after 1960). Economically, Indians have always been tied to the land. However, because of the heavy influence of the commercial sector, the agrarian component of the system has become increasingly dominated. Furthermore, the continual loss of agricultural land, the inability to expand

the land base and the increasing number of people on reserves has meant that they have been further relegated to the background of economic development in Canada.

To be sure, Indians are not totally isolated from the ongoing economic system. However, it is minimal and relies upon craft activities. The result has been the relegation of Indians to the primary producing economic sector with little involvement in the industrial sector. They comprise the secondary labour resource pool (unskilled, uneducated workers); hence, their entry into the labour force is sporadic and short term. Only when there is a demand for unskilled workers will Indians be active in the labour force. Once the labour demand is met and the job completed, Indians are returned to a state of unemployment and noninvolvement in the economic structure; e.g., welfare. As a result Indians find themselves exploited at two levels: as members of the secondary labour resource pool and as small producers (sellers and buyers) in the local, regional or national market.

We will briefly discuss here two related contemporary issues: constitutional change and the question of local government.

The role of Indians in the constitutional debate that Canada has recently gone through began in 1971 when the McGuigan-Molgatt report suggested that Indians should be heard on the issue of constitutional change. By 1978, the National Indian Brotherhood formally requested participation and later in that same year, Native peoples were asked to a first ministers conference as observers. In 1979, the Prime Minister stated that Native peoples would participate in the work with regard to constitutional provisions that would acknowledge and protect them. To ensure this, the government provided \$1.2 million to the three national Native organizations in order for them to develop their constitutional positions (Sanders, 1981). Native participation in the constitutional debate was reaffirmed later in 1980. When the initial draft of the government's constitutional proposal was sent to the special Joint Committee of the Senate and House of Commons, the three Native organizations appeared before the Committee and proposed ways of recognizing and assuring aboriginal rights. While the government initially rejected this claim, they eventually included a section dealing with aboriginal and treaty rights. Later, these provisions were amended and this led to more intense lobbying efforts; both in Canada and in the United Kingdom, on the part of Native organizations. After another first ministers' meeting, Section 34 on aboriginal rights was dropped. Several Premiers had publically stated their objection to the section dealing with aboriginal rights. Again, Natives were forced to lobby, engage in public protests and form coalitions with other non-Native organizations. The result was that on November 23, 1981, Section 34<sup>1</sup> was restored with a minor change — the addition of the word "existing".

Thirteen years after the introduction of the White Paper (1969), the federal and provincial governments have agreed to recognize "existing" aboriginal and treaty rights of Indians, Inuit, Metis and enshrine their rights in the new Canadian constitution.

Today, the government has moved even further in recognizing the special status of Indians by embarking upon a new policy of Indian (local) government. This new policy means a devolution of administration of Department of Indian Affairs and Northern Affairs funds to Indian bands (which now administer 49 percent of the Indian Inuit Affairs Program).

Under the current Indian Act, Band governments have some of the powers of municipal governments. Bands defined as "advanced" have additional powers. However, as pointed out by the federal government (Minister of Indian and Northern Affairs, 1982a: 2-3), four problems emerge out of existing band government structure. The first and most serious problem lies in the fact that all existing Band powers are subject to control by the Minister and/or the Governor in Council. Secondly, the land tenure system limits the ability of both the Band and individual to deal with the land. Thirdly, Band governments have relatively few legislative powers in economic affairs (the Minister has trust responsibilities over Band monies). Finally, the legal status of Band governments has been placed in jeopardy by the courts. In short, Band governments are more like administrative arms of the Department of Indian Affairs than some independent government accountable to Band members.

The above problems led the federal government to draw a new policy: Bands should themselves determine their own social, economic and cultural development. The federal government has presented alternatives to the Indian Act and is presently consulting Indian groups. The Minister (1982: 8) stated: "The challenge is to accommodate Band governments which desire and require increased powers of government in a way which is compatible with the democratic principles and values which prevail throughout Canada."

It is clear that Indians wish to become autonomous, self governing entities. Indian people want Indian government with their full participation in how it will be implemented. Indians feel that the cornerstone of their self determination is aboriginal rights and this will be the basis for self government. Through this process, Indian people will develop their own institutions. However, if local government is to be implemented, the legal and political status of Indians (and Bands) must be changed (Nadeau, 1979). As the government has noted, this new challenge facing the federal government (and Indians) will focus on how Band governments can be accommodated when they desire and require increased power of government. These new powers must remain compatible with the existing democratic legal/political framework that Canadians operate within.

Indians exist in Canada as fourth world participants even though their existence as a nation within a nation has long been rejected by the federal government. Irregardless of the dominant group's definition, Indians have managed to retain an ethnic identity that distinguishes them from the larger society. Fourth world states (autochthonous societies) emerge out of the federal government's belief that Indians are intruders and the concurrent belief that they have the right to act for (on behalf of) Indians in Canada. This right has been enshrined in the B.N.A. Act and led to the creation of the Indian Act and the subsequent treaties.

The position adopted by Indians of holding special status (citizens plus) in Canadian society has until recently been challenged by both the legal and non-legal system of Canada. However, since the introduction of the Federal Multiculturalism Policy (1971), this opposition has lessened. As Sanders (1981) points out, much of this change has been the result of external agencies bringing pressure against Canada rather than solely on the basis of internal sources of change. One thing is clear: Indian people will no longer accept limited degrees of self-determination from the government (Badcock, 1979). They wish to be the guiding influence of their own destiny.

#### NOTE

1. Section 34 reads: (1) The *existing* aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed (2). In this Act, "aboriginal peoples of Canada" include the Indian, Inuit and Metis peoples of Canada

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