

BOOK REVIEW

By FRANK KEIM

"Native Rights in Canada," by the Indian-Eskimo Association of Canada. Ronald St. John MacDonald, Chairman, Research Committee.

Although this is a very dry book, a little confusing, and out of date, it is also a good history of the legal dealings with the Indians and Eskimos of Canada. In this way, it will give the reader a better feeling for the present situation of aboriginal and treaty rights of the Native people in Canada.

"Native Rights in Canada" is actually a report which was put together in the late 1960's by the Legal Committee of the Indian-Eskimo Association of Canada. It is important because it points out very clearly the inadequacy of Canada's approach to Indian and Eskimo affairs.

The report states that half of Canada's Native people entered into treaty at the request of the British and Canadian governments. The other half were never given the opportunity to do this in spite of the clear policy of the Federal government laid out in the Royal Proclamation of 1763. Therefore, the claims of half of Canada's Native people were dealt with in an orderly way and on the basis that they had a legal aboriginal right to the land. This raises important questions about the legal correctness in the dealings with land in the remaining areas. Three of these areas are most of the Yukon Territory, parts of the Northwest Territories, and parts of British Columbia.

The report states further that the only possible legal remedy for non-treaty areas now in non-Native ownership is a claim of compensation for the lands lost. At the time the report was published such a claim still had not been taken to the courts.

In fact, the majority of Canadian Native people trusted the Federal government so completely for their welfare that going to court to test or enforce their rights was never regarded seriously. This meant that their legal rights and aboriginal claims were poorly defined under Canadian law. In turn, this meant that their rights could be easily disregarded by the government, which quickly became the case.

Today, however, the old trust in governments is mostly gone and there are many court claims awaiting resolution in Canada. There are also other Native claims which are presently being negotiated in other ways, such as the one in the Yukon Territory.

Hopefully these attempts to settle Canadian Native claims in regard to aboriginal and treaty rights will bring a renewed respect for Canada's Indian and Eskimo peoples.

As Chief Dan George from British Columbia puts it: "Let no one forget it, we are a people with special rights guaranteed us by promises and treaties. We do not beg for these rights, nor do we thank you. We do not thank you for them because we paid for them, and God help us, the price we paid was exorbitant. We paid for them with our culture, our dignity, our pride and self-respect. We paid, we paid and we paid until we became a beaten race, poverty-stricken and conquered."