ADMINISTRATIVE AND PLANNING ISSUES OF
NATIVE COMMUNITIES: A CASE STUDY EVALUATION

by

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ABSTRACT

The psychological, cultural, social and economic problems of Indian communities have been widely publicized. In spite of this there exists a lack of documentation of the conflicts between our aboriginal natives and the Federal government. This study has identified some of these conflicts by focusing on:

1) The current inter-governmental relationship between the Department of Indian Affairs (a client centred administrative bureaucracy) and the Indian Band Council (local government) and its effect on planning and administration at the local level.

2) The planning and administrative process at the local government level.

The main purpose of the study is to propose a policy of self-reliance for the Indian people. A gradual phasing out of the Department of Indian Affairs is a means towards achieving this policy. Though this is not a study about aboriginal rights it is suggested that any proposed Federal government policy would be unworkable if it did not acknowledge the significance of the aboriginal rights issue for the Indian people.
The study is an analysis of material gathered over a three year period during which the author was serving as a Social Service Consultant to the Squamish Indian Band. The material drawn on includes inter-office memoranda, related published documents, information gained as a result of attendance at meetings, and personal discussions in the course of the consulting work.

Use is made of applicable theory and practice to help understand the administrative and organizational relationships that exist at the bureaucratic and local level. This study has identified various administrative and behavioral changes that are required in order to correct faults in the current administrative and planning process. These faults must be corrected if the program of self-reliance is to succeed. Case study material of the Squamish Indian Band is used to illustrate conflict areas between an Indian Band and the Department of Indian Affairs. The resulting observations and recommendations may be useful to planning personnel and to Indian communities in pursuing their future developmental objectives.
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INTRODUCTION

There is no question that resolution of the Canadian Indian dilemma persists as one of the delicate problems facing Canadian governments over the years. In 1969 the Federal government proposed a policy of total equality for the Indian people in the form of the *Statement of the Government of Canada on Indian Policy*.1 (See Exhibit A, page 8, for the policy summary.) This plan proposed to remove the Indian Act from the Federal Statutes within a five year period. The special privileges and rights embodied within the Act were viewed as having the effect of isolating Indian people from the rest of society. A series of seventeen "consultation meetings" across Canada were held by members of a Parliamentary Standing Committee on Indian Affairs with representatives from Indian Bands participating. The House of Commons Committee debates clearly show that a lack of communication between the Federal committee and local representation existed. For various reasons the proposed policy was rejected by Indian people. Many Indian groups felt they were not consulted adequately, others felt their previously negotiated rights and treaties would be jeopardized.

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In addition the White Paper Policy of 1969 did not address itself to aboriginal rights of the Indian people. In the province of British Columbia there are no treaty agreements hence the subject of aboriginal rights and land claims is actively pursued by organized groups such as the Union of British Columbia Indian Chiefs.

"The historic pattern of dealings with the natives of British Columbia clearly indicates a desire on the part of the Indians to obtain a precise legal statement of the status of their aboriginal rights. These rights, it has been shown, were recognized by the colonial government, and later the Provincial and Federal Governments at Confederation and it is incumbent on Canadians that these rights should be dealt with fairly and justly."\(^1\)

One of the difficulties of the ongoing debates about aboriginal rights is that a precise definition about what constitutes aboriginal rights is not readily apparent. However, evidence from published material and individual Indian Band submissions shows that aboriginal rights is a doctrine which recognizes that Indian people have special claims to land by virtue of being the first inhabitants of Canada. Aboriginal rights is a generalized claim that supports specific claims. Out of this arose the Federal government's early recognition of these rights in the form of treaties with Indian people residing in most parts of Canada except British Columbia, Quebec, and the North West

Territories. In the case of those areas where treaties exist, the issue is whether the treaties were fair. The Indians claim that the original treaties were allegedly made under duress. In those areas of Canada where no treaties exist, the issue is whether reserve allotments were of proper size. Following Confederation the Federal government varied its formula for reserve size allotment a number of times. As a result the size of some reserves was reduced. In these cases the Indian Bands involved are saying that parcels of reserve land were unjustly and illegally removed as a result of the Federal government's inconsistent reserve allotment policy.

Indian aboriginal rights submissions generally request forms of compensation for lands other than reserve lands which are now owned by the Provinces or private individuals. Compensation takes the form of cash settlements, designation of areas of land for Indian Bands and long term Federal funding to assist Indian Bands in social and economic development programs. At the present time all Indian Bands in British Columbia have organized regionally into fifteen distinct groups that will each be presenting separate proposals for aboriginal claims. One of the difficulties at the local level has been the lack of a clearly defined statement of these rights. There are variations in the definition of these rights based on geographic location of the various Bands. In spite of this, there is a consensus among Indian people in British Columbia that these rights must be recognized
before the Indian people are prepared to give up their special status as Indians as provided for in the Indian Act. The Federal government approach has been to propose a phasing out of the special status arrangement (Indian Act) without considering aboriginal rights. The aboriginal rights are psychological barriers to progress and Indian people will not accept any proposed government policy change unless the aboriginal rights are recognized by the Federal government. The objective of this study is not to discuss aboriginal rights and other Indian claims. The purpose is to develop a process for a gradual disengaging of the Department of Indian Affairs and an increased self-reliance of local Indian Bands. However because of the importance of aboriginal rights to the Indian people, it is suggested that any proposed Indian policy would be incomplete if it did not recognize this strong Indian attitude.

The Act of Proclamation of 1763 has been spoken of as the "Charter of Indian Rights." Like so many great charters in English history, it does not create rights but rather affirms old rights. "The Indians and Eskimos had their aboriginal rights and English law has always recognized these rights."\(^1\) The 1973 Supreme Court decision in the "Calder v. Attorney General"\(^2\) case is viewed as a major victory by the Indian people. In this Supreme Court judgement there was a narrow four to three decision cast against the Nishga Indians' claim to aboriginal rights however the

\(^1\)Ibid., p. 33.

\(^2\)Ibid., p. 35.
deciding judge ruled against the claim on procedural rather than substantive grounds. In his opinion, the Nishga Indians did not follow proper procedure by not first gaining approval from the Provincial government to proceed to the Supreme Court. The struggle for recognition of aboriginal rights continues, for the Indian peoples recognition of these rights is the paramount objective. Because the White Paper policy of 1969 did not address itself to this issue, it was unanimously rejected by Indian people. The Indian people want recognition of aboriginal rights first and then participation in society as equals. Indeed, most Indians will always consider themselves as never having been brought within Canadian society until the aboriginal question is settled.

The Federal government and the Indian people have both shown a desire to establish a new relationship. This Indian desire exists in spite of continued resentment towards the Department of Indian Affairs for stereotyping Indians as being incapable of handling their own affairs. They say, and correctly so, that they were not responsible for creating this special status relationship initially. It was the Federal government who established a separate bureaucracy in order to protect the Indian people from the effects of European migration and settlement. While awareness of Indian problems exist hardly a beginning has been made toward their resolution. A quote from our Prime Minister illustrates this:
"I think that all of us feel a sense of guilt, not so much toward the Indian as toward the fact that we haven't really addressed our minds to his problems."

This study reviews the two areas from which the future developmental process must grow. First, the Federal Ministry, the Department of Indian Affairs and Northern Development is closely associated with all the affairs of the Indian people. Hence, the opportunity exists for this Department to make a notable contribution in the 1970's and 1980's towards the goal of greater independence and well being for Indian people. To achieve this goal the Department requires a fresh approach to policy formulation, and the provision of technical and consultative services. The relationship between the Federal government and the local Band will be examined by identifying conflict areas.

The second area from which the development process can grow is the local Band level. Decision-making at this level rests with the Indian people alone and this presents the most encouraging possibilities. The role and influence of various professionals (Indian or non-Indian) associated with local decision-making is quite significant. That is, this process of consultation and technical advice should not be paternalistic. How well professionals and other key persons understand, perceive and respond to these situations will affect how well the Indian communities will fare in their attempt to become

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self-reliant, self-governing with cultural and socio-economic opportunities equal to those of other communities. The role of the administrator and planner, whether Indian or non-Indian, is most challenging at this local level.

An effective planning and administrative process is required in assisting those Indian Bands who are in a position to become totally or partially self-sustaining socio-economically. This will be required regardless if the aboriginal issue is solved in the near future or not. The objective of the Federal government should be to assist Bands in a self-reliant, self-sustaining developmental process as they become ready for it. At the present time these are the urban Bands with land of high market value plus some rural bands with a solid marketable resource base. This study suggests that programs and services during this transitional period of development must be designed and attuned to the objectives of the Federal government and the Indian people. Any progress in this direction must provide for the full participation of the Indian people.
Summary

1 Background
The Government has reviewed its programs for Indians and has considered the effects of them on the present situation of the Indian people. The review has drawn on extensive consultations with the Indian people, and on the knowledge and experience of many people both in and out of government.

This review was a response to things said by the Indian people at the consultation meetings which began a year ago and culminated in a meeting in Ottawa in April.

This review has shown that this is the right time to change long-standing policies. The Indian people have shown their determination that present conditions shall not persist.

Opportunities are present today in Canadian society and new directions are open. The Government believes that Indian people must not be shut out of Canadian life and must share equally in these opportunities.

The Government could press on with the policy of fostering further education; could go ahead with physical improvement programs now operating in reserve communities; could press forward in the directions of recent years, and eventually many of the problems would be solved. But progress would be too slow. The change in Canadian society in recent years has been too great and continues too rapidly for this to be the answer. Something more is needed. We can no longer perpetuate the separation of Canadians. Now is the time to change.

This Government believes in equality. It believes that all men and women have equal rights. It is determined that all shall be treated fairly and that no one shall be shut out of Canadian life, and especially that no one shall be shut out because of his race.

This belief is the basis for the Government's determination to open the doors of opportunity to all Canadians, to remove the barriers which impede the development of people, of regions and of the country.

Only a policy based on this belief can enable the Indian people to realize their needs and aspirations.

The Indian people are entitled to such a policy. They are entitled to an equality which preserves and enriches Indian identity and distinction; an equality which stresses Indian participation in its creation and which manifests itself in all aspects of Indian life.

The goals of the Indian people cannot be set by others; they must spring from the Indian community itself. Government can create a framework within which all persons and groups can seek their own goals.

2 The New Policy
True equality presupposes that the Indian people have the right to full and equal participation in the cultural, social, economic and political life of Canada.

The government believes that the framework within which individual Indians and bands could achieve full participation requires:

1 that the legislative and constitutional bases of discrimination be removed;
2 that there be positive recognition by everyone of the unique contribution of Indian culture to Canadian life;
3 that services come through the same channels and from the same government agencies for all Canadians;
4 that those who are furthest behind be helped most;
5 that lawful obligations be recognized;
6 that control of Indian lands be transferred to the Indian people.

The Government would be prepared to take the following steps to create this framework:

1 Propose to Parliament that the Indian Act be repealed and take such legislative steps as may be necessary to enable Indians to control Indian lands and to acquire title to them.
2 Propose to the governments of the provinces that they take over the same responsibility for Indians that they have for other citizens in their provinces. The take-over would be accompanied by the transfer to the provinces of federal funds normally provided for Indian programs, augmented as may be necessary.
3 Make substantial funds available for Indian economic development as an interim measure.
4 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.

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

The new policy looks to a better future for all Indian people wherever they may be. The measures for implementation are straightforward. They require discussion, consultation and negotiation with the Indian people-individuals, bands and associations and with provincial governments.

Success will depend upon the co-operation and assistance of the Indians and the provinces. The Government seeks this co-operation and will respond when it is offered.

3 The Immediate Steps
Some changes could take place quickly. Others would take longer. It is expected that within five years the Department of Indian Affairs and Northern Development would cease to operate in the field of Indian affairs; the new laws would be in effect and existing programs would have been devolved. The Indian lands would require special attention for some time. The process of transferring control to the Indian people would be under continuous review.
I. DEPARTMENT OF INDIAN AFFAIRS POLICY

All aspects of an Indian's rights are defined in a special Act known as the Indian Act, which was last revised in 1951. Interpretations of the Act by civil servants, government officials, politicians, etc. have tremendous bearing on how the Indian people will be treated, how they will feel towards those who administer, and what self-initiatives they will take towards establishing themselves within Canadian society. Aside from various cultural programs which other ethnic populations of Canada maintain at their own expense, historical aspects of these other ethnic groups do not have a direct relationship to their ability to sustain themselves. The Indian population however, was given special rights as defined in the Indian Act. This special relationship between the Federal government and the Indian people has set them apart from all other populations in Canada; it has created attitudes that are very real, significant and relevant today in any discussion of Indian policy. In the words of the Federal government of 1969,

"to be a Canadian Indian today is to be someone different in another way. It is to be someone apart--apart in law, apart in the provision of government services, and too often, apart in social contacts."

1Canada, Department of Indian Affairs. Statement of the Government of Canada on Indian Policy, 1969, p. 3.
For this purpose a short section tracing the policies and attitudes of the Federal government is essential for looking at the policy of the present. "Has there been a change in policy? To what degree? Why are there still problems?"

a) The Significant Past

The original Indian Act was based on two postulates, the first is that,

"Indians were primitive, backward people who were not capable of handling their own affairs, and must be protected from self and others. The second postulate was that Canadian Indians were all the same and that one Act could apply to all of them."¹

A review of the Department of Indian Affairs annual reports from the 1800's up to 1951 will confirm this general attitude. A slightly more positive outlook was taken by the Department officials from 1951 onward. The Marsh report of 1950 is cited because it was a practical study attempted by two university departments who were apparently interested in becoming familiar with reserve life. Not surprisingly, this report found that many Indians, unlike non-Indians, had no skill or experience in building houses and recommended that building projects must be seen as part of a community, and that Band participation and co-operation helps make projects on reserves successful.

Further proof of the government's attitude towards Indians handling their own affairs is seen in the administration of Family Allowances as late as 1946. A section in the Family Allowance Act of that year stated the following:

"provided that in the case of Indians and Eskimos payment of the allowance shall be made to a person authorized by the Governor in Council to receive and apply the same."

Indians who were veterans, however, were exempted from this provision. No doubt there had been abuses of the allowance, but this was part of the dependency that arose, evident first in the economic sphere when Indians were forced to adapt to a new means of subsistence. While Indians in some parts of Canada were relying on their own subsistence, others were totally dependent upon government funds. For this reason a review of Indian problems must be made in a regional context, and this will be discussed later.

As examples from this case study will bear out, "most Indians who have achieved self-sufficiency have done so in spite of, and not because of the Indian Act and its influences." We must wonder therefore why the Act continues to be administered in its present form, if aside from the protection of land, for Indian people, it has not through the years significantly achieved its intended purpose of making Indian communities more administratively and economically independent.

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2Ibid., p. 28.
In 1951 we see a partial recognition by the Federal government of the possibility for self-management and control of resources by individual Indian Bands. This is evidenced in sections 82, 61, 69 and 63, however, in all sections wording is very general and powers may be revoked by the Governor in Council, at the pleasure of the Crown. For example, section 60 (1) states:

"The Governor in Council may at the request of a Band grant to the Band the right to exercise control and management over lands in the reserve occupied by that Band as the Governor in Council considers desirable." ¹

The difficulty of this change in attitude is that while recognition of local management is now possible, in every case it requires assessment and approval of the Minister of Indian Affairs or his duly appointed representative. The greatest difficulty aside from the duplication aspect, is that any decisions made at the local level must wait for bureaucratic response. This creates confusion and administrative difficulties that revolve around the inability of the bureaucracy to respond quickly to local Band decision-making.

After 1951 the Department assisted Bands in organizing Council meetings and election procedures. However, up until 1970 the civil servant still executed the role of decision-maker on behalf of a Band. This prevented Indian personnel from becoming directly involved in their own affairs. It is

only in the past few years that Band Councils participate in a more direct role as decision-makers and administrators of program funds supplied by the Department.

This attitude of Department officials as well as some local Band-employed advisors still prevails today. It is authoritarian, it creates dependency, and does not assist Indian communities in making their own choices. It perpetuates the need for the expert, which is essentially what the whole Department has done, i.e. perpetuated the need for its own existence by failing to give proper consultative advice to make Indian communities more self-reliant.

In spite of being granted voting and liquor privileges\(^1\) none of these is a substitute for economic and social well being.

"I must express a fear which exists in the minds of many of them (Indians). Too often in the past the government has given with one hand and taken away with the other. It has made the Indians suspicious and rightly so . . . of any action which in any way changes their status."\(^2\)

For example, while the Act takes away or controls all of the Indian's responsibilities, it assumes that Indians are responsible for their own welfare services. That is, there is no mention in the Act about provisions of relief or welfare services. "Health and welfare services are offered to Indians

\(^1\)Prior to 1951 Indian persons were not allowed in public liquor licensed premises in Canada.

\(^2\)Holmes, A. I., op. cit., p. 38.
as a matter of grace and there is the expectation that Indians will look to their own community resources. \(^1\) The conclusion of Holmes' study adequately summarizes the plight of the Indian person in Canada throughout our history.

"This study has indicated that Indians have neither the civil rights nor the welfare services of the ordinary Canadian citizen. They have been born, raised and educated apart from their fellow Canadians. Indians are not only considered in a stereotyped and different manner, but the stereotype is based on negativistic principles. Because of this, services have been rendered in a paternalistic or punitive manner, both of which have had a demoralizing effect while inadequately meeting needs." \(^2\)

It becomes apparent that in order to improve Indian conditions there must be good communication and co-ordination between all levels of government and local Indian Bands. A growing number of experts are beginning to realize that this co-ordination and communication must be sincere, it must be supplemented by mutual understanding and acceptance between Indians and non-Indians of Canada. In the past, Indians have been greatly influenced by non-Indian expectations of failure. While it is unfair to criticize all officials connected with the Department of Indian Affairs through the years, the intent, even behind enlightened legislation and policy can be distorted in the hands of ultra-conservative administrators and policy makers, whose priorities of Departmental paper work

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\(^2\) Holmes, A. I., op. cit., p. 107.
and office procedures take precedence over field work on local reserves involving planning for Indian needs.

b) Indian Policy
   i) A General Trend

In reviewing the literature on Indian policy, it becomes clear that the opinion of the government and its representatives has never envisaged the Indians as becoming independent while still retaining a special status in law. Early annual reports of the Department of Indian Affairs bear this out as well as the recent major statement on Indian policy in 1969.

Mr. Laird, an agent of the Department of Indian Affairs in 1876, declared that the "moral character of the Indians was good, considering their upbringing" and he held some hope that they might become as responsible as other citizens providing they could shed their special rights and become enfranchised. Enfranchisement clauses instituted then, and a part of the Indian Act today, allow Indians to relinquish all their Indian rights and thus it is assumed that an Indian is a citizen on equal par with any other Canadian citizen following enfranchisement.

Said Mr. Laird in 1876:

"Our Indian legislation generally rests on the principle that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State. The soundness of the principle I cannot admit. On the contrary, I am firmly persuaded that true interests of the aborigines and of the State alike require that every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that (it) is clearly our wisdom and our duty, through education and every other means, to prepare him for a
higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship. In this spirit and with this object the enfranchisement clauses in the proposed Indian Bill have been framed."\(^1\)

The underlying assumption by Mr. Laird's statement is that the Indians must relinquish their Indian status in order to improve themselves. The Indian people reject this view because of the importance that the Indian people place upon this status as we shall see later. In line with Mr. Laird's optimism, one of the enfranchisement clauses of the Indian Act of 1876 declared that Indians who had attained the position of a doctor, lawyer, minister or graduated from a "University of Learning" were ipso facto enfranchised.

Similarly the 1969 policy statement states of Indians that:

"They are entitled to an equality which preserves and enriches Indian identity and distinction; an equality which stresses Indian participation in its creation and which manifests itself in all aspects of Indian life. . . . It is expected that within five years the Department of Indian Affairs and Northern Development would cease to operate in the field of Indian Affairs."\(^2\)

Since the formulation of the Indian Act in 1869, government policy towards improving the socio-economic well being of the Indians has always been tied to the implied goal of eventual

\(^1\)CANADA, Department of Indian Affairs, Annual Report, 1876, p. 14.

\(^2\)CANADA, Department of Indian Affairs, Statement of the Government of Canada on Indian Policy, 1969, p. 6.
dissolution of the Act and hence special rights of the Indian people. In addition, Indian people have consistently pursued their claim of aboriginal rights to the land. British colonial law has consistently recognized these rights embodied in the Act of Proclamation of 1763.\(^1\) The Indian people consequently have not favoured any change in their status for fear that this may affect their argument for aboriginal rights. Government solutions through the years appear to have been based on the premise that somehow this Indian attitude would disappear or else become redundant with time. Settlement of the land question is of paramount importance to the Indian people. They saw the 1969 policy statement of the government as a quick solution and proposal by the government which, if accepted by them, would interfere and hence destroy their original claims to the land as its first citizens.

The consequences of this approach by the Federal government and the resulting responses and opposition from the Indian people throughout the years has had a profound effect upon the relationship between the two and especially on the accomplishments (or lack of) of the range of programs offered by the Department of Indian Affairs which were and are supposed to raise the socio-economic, cultural and psychological aspirations of the Indian people.

ii) Contemporary Policy

For a brief look at what the Federal policy is one has to turn to several sources such as government position papers, speeches and statements of the Minister and senior civil servants, the debates of the House of Commons Standing Committee on Indian Affairs, press releases, etc. A thorough investigation of these over a certain time span will give one the impression of what the policy is supposed to be. A further question is whether the policy as proposed is in fact being implemented as stated, but this will be discussed later.

The apparent policy is extremely important in this discussion, for it explains to all Canadian citizens in a general way how government is approaching the matter of services to Indian people. References to the apparent policy will be brief, for it is the actual delivery of services and programs at the local reserve level that determine how effective the apparent policy is. It is here, in the day-to-day interactions of government officials and local Indian people that really exposes policy, and it is these processes that the study will examine.

But for the moment, it can be said that the Federal government policy on the surface appears to be a very acceptable one. For example, from the Statement on Indian Policy of 1969 we see statements such as;

"those who are farthest behind must be helped most . . . control of Indian lands should be transferred to the Indian people, . . . lawful obligations
(claims and Treaties) must be recognized. There can be little question that special services, and especially enriched services, will be needed for some time."

In an address to the annual meeting of the Big Brothers Association of Canada, the former Minister, Jean Chretien, said:

"Consultation is going today with a depth and an Indian involvement never before equalled. Last week I announced a summer employment program which will be operated by the Indian people and which will function at the community level. The cost of this program is $500,000. Involvement of Indian people through their associations is the key to future program planning and administration."  

A document entitled "Background Paper: History of Indian Policy" emphasizes that:

"the government has accepted an obligation to consult Indian people on all aspects of policy and program planning, preparation and implementation. Objectives for some programs have been agreed upon and a consultative mechanism will enable further productive talks to take place. Future policy will emerge in light of these discussions."

From the House of Commons Proceedings and Evidence of the Standing Committee, Mr. Connelly of the Community Affairs Branch of the Department replies to M.P. Mr. Smith:

\[1\]op. cit., pp. 10 and 11.  
"So, community recreation facilities, preventative social services, a good number of things that were not priority issues three or four years are going to becoming priority issues."\(^1\)

The available evidence on Indian Policy in Canada suggests that some very serious planning and policy formulation is being devised on an ongoing basis in order to improve the socio-economic standards of Indian people. In particular the policy statements suggest that:

a) Indian people now have the opportunity to become involved in decision-making of the Department and that they are consulted on all aspects of policy formulation.

b) The priority of the Department is to encourage local initiative in regards to economic development and communication with local municipal governments.

c) In terms of social services, education, health services, etc., the preventative approach along with "enriched services to help those who are farthest behind" is favoured.

An examination of several programs is now required in order to ascertain whether the objectives\(^2\) as stated by the

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\(^2\) While a clear policy towards provision of services does not exist the Federal government intent can be ascertained from other sources such as the Estimates which state the following objective. "In consultation with Indian and Eskimo peoples to innovate, support and encourage coordinated activities whereby Indians and Eskimos may achieve their cultural economic and social aspirations within Canadian Society." in CANADA, Department of Finance, Estimates 1975.
Department are in fact reflected in the programs and service delivery at the local Band level. While the government has proposed a statement of policy regarding land claims, and removal of special status (Indian Act) this was rejected by the Indian people as was indicated earlier. At the present time there is a loose agreement on the process of providing services that Indian people require. The agreement is that policy will not be changed without the consent of the Indian people. In actuality, changes in procedure as stated in program guidelines are having the desired effect that the Federal government has intended in its 1969 proposed policy statement. For example, Indian persons with assets are required to contribute to their costs of health care and education. Therefore, while a clear policy does not exist broadly stated objectives as defined in the Estimates and in program guidelines do give an expression of Federal government intent.
II. METHOD OF REVIEW

The task at hand involves reviewing administration and planning processes of native communities. Projects of inquiry such as this can be carried out through survey research or the case study method. Since the objective is not to obtain information on the extent of a specific administrative problem, the survey research technique was not pursued. In addition, the survey technique would require interviews, questionnaires, etc. to be taken from administrative heads, government officials, and Band councillors who would hold much of the information required as confidential, and hence only provide superficial information to the study. Nonetheless, the writer used interviews wherever necessary and feasible.

The case study approach requires a kind of long-term commitment and fortunately the writer was placed in a favorable position having been employed with a native community in the lower mainland for a period of three years and encouraged by his employer throughout this time to carry out a review of this nature. The capacity to be accepted and trusted by the group is essential for a participant observation role to be effective. The type of investigation done

\[^{1}\text{Squamish Indian Band.}\]
here was not a short-term, deliberate investigative exercise. Rather, with the full knowledge of the employer, a continuous observation and collection of data was made which in turn has been used by the organization for its own continued improvement in administration and planning. Types of observation include individual interviews with all administrative staff, attendance at committee and Band Council meetings dealing with every aspect of business within the community, joint meetings and interviews with the Department of Indian Affairs' staff as well as surrounding lower mainland B. C. Indian Bands, as well as a meeting with the Minister of Indian Affairs, the Honourable Judd Buchanan.

The procedure by definition was unsystematic, however, it is a unique approach to gaining a wide range of information about a group about which previously, not as much was known. At best, this method is capable of revealing "a detailed, rounded, probing grasp of the system as a whole."¹

Since the nature of the relationship between Indian Bands and the Federal Department of Indian Affairs is so interlocking, a review of planning and administration of Indian communities must include an examination of the planning and administrative practices of that Department. For indeed what occurs at the local Band level is influenced by the bureaucratic responses from the Federal level.

The procedure of this study involves identifying gaps, inconsistencies, and negative influences at the Federal level by reviewing a number of programs of the Department. In particular, the substantive content, rationale and strategy of proposing a point of view or a new program or policy will be observed amidst this dynamics of exchange between bureaucratic and local Band interests.

A variety of techniques for analysis were used. The analysis of the local government program consisted of a thorough review of all related documents, interviews with Departmental and Band officials, and attendance at meetings. In the social service program case example, use was made of the above techniques but in addition, the writer had the benefit of his own involvement in the social service program in the capacity as a consultant to the local Band. Comparisons were made in program delivery effectiveness between the Department and the local Band. The housing case example involved the writer as participant in doing a housing study. This approach allows the reviewer to see the nature of the problem and to identify the type of decisions and questions that the local administration is confronted with.
a) Local Government

Because of the special legal relationship where the Crown acts as trustee for all Indian lands, local Bands in B. C. who have only begun to become involved in development of their lands in a large way since 1970 have come head on to the problem of not being able to act officially in their own interests in a legal way. The Indian people have been and still are:

"a people yoked to two systems of law: first the body of laws affecting all White men; and secondly, the special body of administrative laws devised for the Red man alone."¹

While the problems cited here are those of the more urban Bands of lower mainland B. C., the issues will similarly affect virtually every Indian Band in the future. For example, a Northern B. C. Band with very different lifestyle, socio-economic conditions and development opportunities may face similar problems in its attempt to develop a forest industry operation on its own or jointly with private interests.

In order to obtain a flavour of the magnitude and ensuing complexities of the development examples used here, a brief review of some developments of lower mainland Bands will be helpful. The Sechelt Band with over 500 members and 33 reserves has the majority of its residents residing on a reserve adjoining the village of Sechelt. The Band has become increasingly known for its economic development and land management programs.

"The Band-developed Tsawcome Properties subdivision is currently being marketed under the direction of four Band members appointed as Agents of the Crown for the purpose of managing this development."

The Squamish Band is the largest in the lower mainland with an on-reserve population of over 1,000. It has 26 reserves with major land holdings in West Vancouver, North Vancouver and Squamish. One of the largest regional shopping centers (Park Royal) is located on the Band's Capilano Indian Reserve No. 5. This Band operates its own Marina, jointly developed the International Plaza Hotel, and is presently involved in a series of economic development negotiations that will further enhance its reputation. The Musqueam Band has an on-reserve population of some 400 people and is successfully developing the Salish Park subdivision near the University Endowment Lands.

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1Musqueam, Sechelt, and Squamish Indian Bands. The Alliance. A submission to the Minister of Justice and the Minister of Indian Affairs, February, 1975, p. 2.
Legal Conflicts: Department of Justice, Department of Indian Affairs and Indian Bands

Because of similar legal problems encountered with the senior governments in their attempts to pursue economic developments, Squamish, Sechelt and Musqueam Indian Bands in early 1975 found it necessary to come together to form what is known as The Alliance, in order to deal with common issues in land use and local government on their reserves. In their words:

"We feel that the combination of multiple client representation by the Department of Justice (with its attendant conflict of interest implications) and duplication of administrative activities between the various levels of the two Departments is severely prejudicing Bands such as our own who are committed to self-determination through economic development of reserve lands." ¹

The Alliance has researched this problem very thoroughly and have definitely made their case, namely, that an Indian Band cannot have its own legal representation in making decisions about land management of their lands. The most distressing thing for the Bands is that neither Federal Department has officially recognized this conflict. Recognition is the first step and of course a required step before reasonable discussion can follow towards solution. The Alliance show that the United States' government clearly recognizes this problem as stated in a message to Congress on July 8, 1970, when former President Nixon commented,

¹Ibid., p. 3.
"The Secretary of the Interior and the Attorney General must at the same time advance both the national interest in the use of land and water rights and the private interests of Indians in land which the government holds as trustee. . . . no self-respecting law firm would ever allow itself to represent two opposing clients in one dispute; yet the Federal government has frequently found itself in precisely that position. There is considerable evidence that the Indians are the losers when such situations arise. More than that, the credibility of the Federal government is damaged whenever it appears that such a conflict of interest exists."¹

In Canada, the former Assistant Deputy Minister of Indian Affairs, Mr. John Ciaccia, has partially acknowledged the Bands' concern:

"in the past, it was fine for Justice to advise us because we could tell you what to do so that we didn't need a relationship between a lawyer and the Band. We were the bosses and you did what we told you to do. But the relationship has changed . . . . Yet the old relationship between the Justice Department and Indian Affairs has stayed the same. They are not your lawyer, they are our lawyers . . . . But this leaves the Indian People with lesser rights than other Canadians. You cannot even have your own lawyer . . . . The Staff of the Justice Department are in a very difficult position because by training and by law, they think for the Crown. They think on behalf of the government and you want someone else who will think on your behalf, for your interests. I would think this creates a conflict of interest in certain cases."²

While this conflict of interest issue is understood and pursued minimally by most Indian people, credit must go to those that do, for resolution of the conflict and streamlining of the Department of Indian Affairs is a prerequisite towards future self-determined economic developments of Indian Bands. The

¹Ibid., p. 4.
²Ibid., p. 7.
problem stated simply means that whenever an Indian Band enters into an agreement involving land use with another jurisdiction (municipal government) or private company, etc., it has taken as long as two years or more before the initial legal documents are returned from Justice to Indian Affairs, and then back to the Bands. The results are obvious, in cases where disputes arise, Bands have lost thousands of dollars in revenue and litigation costs, due to the slow and ineffectual process. For example:

"The decision of about a year ago by the Department to refer all documents to the Justice Department has had tragic results insofar as we are concerned. The normal situation is that it takes weeks or months to obtain anything back through the channels from Justice to Indian Affairs. In a number of cases we have still had no word back whatsoever on documents submitted to Justice through Indian Affairs many months ago. The Department of Indian Affairs and Justice have been on very bad terms with each other at the local level and there appears to be misunderstanding and distrust as well as mutual dislike amongst some of the officials concerned. This of course does not help us to get our business carried out effectively."¹

A submission to Prime Minister Trudeau on October 14, 1972, clearly describes the frustration at the local level.

"In the past we have listened to the statements of your government urging Indian Communities to become self-sufficient . . . . Documents and proposals negotiated by Band Councils and forwarded to Department of Indian Affairs' Field Offices in some cases have not reached Ottawa for signature months after they were sent to field offices . . . . In one case, Justice

¹Squamish Indian Band Council Administrative Problems Encountered With the Departments of Indian Affairs, Justice and Urban Affairs. September, 1972.
could not obtain an essential file from Department of Indian Affairs for many months and as a result, litigation before the Supreme Court of Canada has been delayed at least one year. The Band involved is the loser to the extent of over one hundred thousand dollars.  

Possible solutions to the conflict of interest problem might include the prospect of conducting a full impartial independent inquiry into the conflict of interest problem. The Department of Justice Act might be amended to allow Band-retained lawyers the right to act as Agents of the Band for all Band legal work. In the United States Senator Edward Kennedy proposed that Indian tribes or their representatives should be given full opportunity to participate in any decisions affecting them, including the formulation of policies and rules.  

He suggests that Indians should be assured competent, independent council and that the Government should finance representation. 

The administration of this Department (Indian Affairs) does not appear to have ever ascertained in an effect way the wishes of the very people it is set up to serve. Peter Self lists several ways that public wishes may be ascertained by a bureaucracy. While it is not an easy task at best, one method of consultation "is the submission of public policies.

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1Squamish and Sechelt Indian Band Councils' Presentation to Prime Minister P. E. Trudeau, October 14, 1972, Item 6.

to the tests of opinion polls, open meetings, and other participatory devices before these policies are finalised."¹

If such an exercise and focus was enlisted by the Department of Indian Affairs, submissions such as those of the Alliance, along with others, would assist all concerned in reaching effective solutions. Such processes exist within other Departments, for example, the country-wide meetings held by the Department of Manpower and Immigration about immigration policy, the Department of National Health and Welfare and its sponsorship of the LeDain Commission hearings. But the Department of Indian Affairs approach to policy formulation has been reactive and passive, it has consistently operated in a paternalistic manner, it has not opened up and enlisted assistance from the Indian people and the public for a more progressive and amiable discussion of its policies.

Solutions to these and similar problems have been achieved in other jurisdictions; the Department might start by adapting some of these precedents to their administration, it may work out others through serious negotiation with the Bands concerned who, in many cases, have done more research than the Department itself. Time and space do not permit a complete discussion of the range of administrative issues that the three Bands of the Alliance alone have presented to various Departments of government (Federal and Provincial) for clarification. Clarification on matters of taxation,

proposals for the creation of a legal entity under the Indian Act, as well as submissions for clarification of the powers of local government of an Indian Band have all been thoroughly documented and identified. It remains now for the Federal government not only to react but to participate with those Bands already deeply involved to clarify administrative procedures so that fruitful development can proceed.

b) Social Services and Education

One of the clearest examples of Departmental policy contradictions and an example of a human service delivery program which does not have as its focus, service delivery, but rather financial accountability, is the Social Assistance Program as it is administered by the Department of Indian Affairs in British Columbia. The B. C. Region policy guidelines manual states the procedures and extent of social services that are to be administered by the districts, as well as those Bands who administer their own social assistance program.

The Squamish Band has administered its own program since 1969 and has developed a wide range of social services which it offers to its members.¹ (See Exhibit B, p. 33.)

¹The Squamish Band numbers approximately 1,200 persons residing on 8 of their 26 reserves. The Mission reserve in North Vancouver (800 members), Capilano reserve in West Vancouver (200 members), and some 200 members reside on 6 various reserves in Squamish. From a central North Vancouver office, services are provided to all residents and coordinated with all off-reserve Provincial and Municipal agencies which are located in three different municipalities.
Several other Bands within the Vancouver District have or are in the process of setting up a similar program with variations based on need and location; Lillooet District Council, Chilliwack Area Council, Sechelt, Powell River and Saanich Tribal Council to name a few.

While it is known that the program's aim is primarily to provide financial assistance, the policy manual clearly states as the Program's objectives the need for social workers to provide various support services as required.

"The primary objectives of the Departmental Social Assistance program in the B. C. Region are:
1. to assist persons living on reserves in maintaining a basic standard of living,
2. to make available and help utilize rehabilitative treatment and services, and
3. the prevention of dependency."\(^1\)

This is consistent, of course, with proposed policy statements emanating from the Department in the past.

"So, community recreation facilities, preventative social services, a good number of things that were not priority issues three or four years ago are becoming priority issues."\(^2\)

As indicated earlier, the policy statement of 1969 suggests phasing out the Department yet it clearly stresses the need

\(^1\) Department of Indian Affairs and Northern Development, British Columbia Region, Social Assistance Regulations and Procedures. November 25, 1975.

for "enriched services" as do various statements made by the
Minister, his deputy and senior advisors. In fact, a memo-
randum from the Regional Supervisor of Social Services in
B. C. to the District Supervisors outlines a draft paper
entitled, "Preventative and Rehabilitative Services," the
substance of which has some encouraging examples of how
programs might be administered by the Department to the local
communities. From a list of "assumptions" on which the paper
is based, the following is stated:

"If preventative and rehabilitative social
service programs are to be effective there must be a
large increase of community involvement in the design
and operation of the program . . . if an Indian
community is provided with services through any of
the alternatives described later, the community will
insist on having a higher quality of service with
appropriately trained staff, adequate facilities and
so on."1

The contents of this memorandum display recognition and sym-
pathy for the problems at the local level. Referring to the
proposals that various Indian communities submit the memoran-
dum states,

"response time in relation to these proposals has
been deplorably slow because of a lack of a clear
policy respecting the part the Federal government
should play . . . it also is evident that the Indian
people have been provided with few support services
to assist them in coping with the day-to-day stresses
of life."2

1 A memorandum, Regional Supervisor of Social Services,
B.C. Region to All District Supervisors, January 22, 1974,
p. 2.

2 Ibid., p. 3.
One wonders why this attitude which seems to be in tune with stated Federal government policy is not recommended to the Minister. In any event, it is clear that some senior level civil servants within the Department appear to support a preventative approach in the provision of social services, in order to organize the resources at the local reserve level, increase awareness, and decrease dependency.

However, at a meeting of November 18, 1974, called by the Department in connection with the Squamish Indian Band Social Assistance program, the Regional Director of Community Affairs advised the Squamish Band that its previously approved administration budget of $59,000 for administering the Social Assistance program was being cut to $45,000. His reason was that it had become apparent that the Band was providing "enriched social services" and that while he personally approved of the Band's efforts, the Department policy could not approve a budget for "enriched" services that the Band was providing. His criterion for the provision of staff to Bands was based on the number of persons receiving social assistance only and, in his opinion, every 200 families on a caseload would require 1 staff person. He explained that the Department was only responsible for those services provided under the heading of "financial" on the Band organizational chart (see Exhibit B, p. 33). Band representatives then explained to Departmental staff that not all clients required finances, and that in fact, most required counselling, information, day care, employment, etc., and hence the Band
approach was to utilize its staff in community development projects which would lessen dependency and drastically cut the social assistance budget within a few years. Following a thorough documentation and submission of these facts, the former Departmental decision was changed and the budget cut was restored.

This point illustrates that the policy makers or decision-makers in the B. C. Region Office are the finance personnel and financial accountability is the primary focus with a lesser concern for non-financial program accountability. Proof of this is revealed in a District level memorandum from the District Supervisor of Social Services to his District Supervisor in which the social service supervisor comments,

"If we are truly to respond to the initiatives that come from the Indian people themselves, then we must accept the concept of a comprehensive Social Services program as expressed by the Squamish Band. . . . Furthermore, if we fail to recognize and act upon the expression of the Squamish Band, but rather, be guided by antiquated numbers on Social Assistance criterion, we will also fail to recognize the fact that people have other problems besides financial. . . . Finally, past performance by the Squamish Band Social Service Department shows a decrease of over 20% in both the number of cases on assistance and social assistance dollars paid out comparing fiscal years 1972-73 and 1973-74."

Those Bands who have a source of revenue (economic power) and are situated in large cities (urbanization) near

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1 Inter-office Memorandum, Department of Indian Affairs, July 23, 1974.
Departmental offices (location) tend to be more effective in pressuring the Department for required funds. This is so because many local communities are not sufficiently organized to persist in consistent use of strategies and political support for their ideas, most do not have the technical expertise and knowledge of the bureaucracy in order to effectively present their proposals, and many of those that have tried in the past have become apathetic in their own pursuits as a result of the lack of positive Departmental response. Bands with the required resources and staff are able to make some progress by affecting bureaucratic attitudes to their proposals. However, Bands cannot afford to sustain shrewd dialogue and pressure upon the Department because they are dependent on that very system for what few services they do receive. Lobbying for improved services may jeopardize existing services.

Deployment of staff and calibre of staff within the Department of Indian Affairs Social Services program is inadequate. When we think of the high unemployment, the high rates of social problems within the Indian population in comparison to the non-Indian population, it is easy to see that any allocation of finances and other resources must include programs of social development, with variations from community to community. For this the Department should be restructured to provide a regional focus. Problems of the Indian people of Terrace are very different from the problems of the Indian people of North Vancouver. Indeed,
they are a different people, a different ethnic group, as different as Lithuanians are from Yugoslavians. For this reason, Department programs and staff skills should reflect these regional differences. Instead, we have in the Department one mind set, and one set of policies for each Departmental program that apply equally to all B. C. Indian people.¹ For example, to execute the Department's Social Service program at the District level, there are three social workers. The total district Indian population they serve numbers some 5,000 persons. For over a year they have not had the position of Social Service Supervisor filled. Consequently those Bands dependent upon the Department District office for their social services have received inferior attention. In fact, the social assistance cheque is basically the only service the District office provides. The three staff members are charged with an impossible task. In this type of frantic crisis orientated operation, many human needs are neglected, social assistance payments are duplicated simply because of lack of staff time to do a complete job. It is not unfortunate only from the standpoint that there is no direction or service coming from the Department, but worse than that, people at the local Band levels are hurt and set back as a result of this disorganization and skeleton service. The need for Social Services is to a degree,

¹See Exhibit C, p. 40. (Comparison between Department of Indian Affairs hierarchical organizational structure and Squamish Indian Band evolving dynamic organizational structure.)
A. DEPARTMENT OF INDIAN AFFAIRS ORGANIZATIONAL STRUCTURE.

Primary function is to interpret policy, provide financial accountability to Treasury Board and administrative supervision to the Districts.

The "B. C. Region" serves an area consisting of B. C. and Yukon.

B. SQUAMISH INDIAN BAND ORGANIZATIONAL STRUCTURE.

Department Heads form the Management Committee (chaired by the Band Manager.)

Management Committee advises council on policy and program formulation.
reciprocally related to the success of development programs. From discussions with Departmental staff and observation of program operations, it is evident that there is little or no co-ordination between various programs of the Department. The former District Supervisor of Social Services resigned his position because of this deficiency.

In August of 1975, the Department issued a policy directive on social assistance known as Pink Circular Number 1042. This directive outlined some new procedures and reviewed some old procedures for a Band's financial accountability. Included was a section requiring Bands to submit a list of all names, cheque numbers and Band numbers of social assistance recipients, to the District office, in order to prevent duplication of payments that may occur between Band offices and Provincial Human Resources offices. Members of the Squamish Band, Social Service Department, the Band Council and general membership could not see how the Departmental District could undertake this additional task of reviewing and cross-referencing social assistance lists. They suggested that the most effective procedure would be co-ordination between local Band staff, with those of the Human Resources Department. In any event aside from the fact

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1Residents of Indian reserves (whether Indian or non-Indian) apply for Social Assistance to the Band (if it is administering the program) or to the nearest Department of Indian Affairs District. Social assistance rates of the Department program are parallel to the benefits provided by the Provincial Human Resources Department. The Department's concern is that some applicants illegally obtain benefits from both offices by declaring false information.
of the obvious impracticality and impossibility of administering this policy, the Squamish people decided to protest against following the directive, not purely on the grounds of issuing names and numbers, for presumably every organization must be accountable to the funding source as a rule of thumb, but on the grounds that Bands should be consulted prior to implementation of new Department policy affecting Indian people. In a lengthy brief presented to the Minister of Indian Affairs (the Honourable Judd Buchanan) in Vancouver on October 27, 1975, they stated their case and quoted numerous sources in which the Department has told the people of Canada that they consult and try to involve Indian people in all their policy making.

The Department meanwhile ceased forwarding funds to the Squamish Band Social Service Department and recipients were referred to the Vancouver office for their social assistance for months of October, November and December, 1975. A considerable amount of chaos, inconvenience and bitterness (towards the Department) occurred. Discussions were held with local members of Parliament and other senior officials in Ottawa without any significant response from the Department. The Regional Director stood firm in his stand, explaining only that this new directive was an audit procedure that was required and that he was not prepared to discuss it further. At this point the Band weighed the consequences of returning the administration of this program back to the Department as opposed to complying with new Department procedures and
retaining administration at the Band level. The decision was made to comply with Department procedures as returning the program would have inconvenienced the Band membership. Facilities such as a Rest Home and Day Care Centre were developed with local initiative. Returning the program would jeopardize involvement of local members in similar developmental projects, in addition there was no assurance that the Department would continue operating facilities which the Band had developed. A passage of the brief indicating the Band's wishes to become more intensively involved in the administration and management of their own affairs merits attention.

"We feel that this type of local initiative, involving our own people in the initial planning, operation and management of social service programmes, is an extremely useful social development process for our people to be involved in. As indicated in the enclosed summary, we find that this approach corresponds to various statements of policy of your Department in Ottawa, made in annual reports, Indian policy papers, and the House of Commons Standing Committee on Indian Affairs, etc. Yet at the local District and Regional level there is very little reflection of this interest in involving our people in decision-making that affects our current and future livelihood. While we certainly appreciate that the Department must follow and issue regulations from time to time, we also feel that it would be of great benefit to us to become equally involved with your Department in the decision-making process. Not only would this assist us towards becoming more independent generally, but it would help us and the Department in designing programmes that correspond more precisely to actual community needs. We are extremely concerned about the seeming lack of interest by the B. C. Region in these matters of recognition and support of "essential preventative services", and more Band involvement in decision and policy making."  

1Squamish Indian Band Social Service Department. Social Service Delivery to the Squamish. A submission to the Honourable Judd Buchanan, Minister of Indian Affairs and Northern Development. Hotel Vancouver, Vancouver, B. C., October 27, 1975.
An interesting observation was made of the Social Assistance financial amounts paid to Squamish recipients during the months of November and December, 1975, while the Department administered the program for the Squamish population. Duplication, overpayments, etc. totalled $6,347.00 for the two months concerned. Extended over a period of one year, this amounts to approximately $40,000 more that the Department would issue in comparison to what the Band Social Service Department would allocate. The reasons are self-evident, an effective and efficient local Band office is familiar with every client, not only is the possibility of fraud, duplication, etc. less likely, but the local office has the advantage of immediate referral, consultation, etc., to other immediate resources. The irony of this example is that it demonstrated that the very skill that we would assume this type of bureaucracy to excel in, was its weakest point. It was mismanaging government funds because it completely lost sight of the program aspect of its function.

Education
With minor exceptions all Indian children attend schools of the provincial public school system. Through an agreement known as the "Master Agreement" the Department provides per capita funds to the Province. The Department's

1 Several residences are maintained by the Department to house school children whose families are residing far from school facilities. In recent years Department policy has been to phase out these residences as school facilities improve in rural areas.
Education branch provides funding for tuition and living allowance for vocational education, adult education programs, and post-secondary education. Duplication of service occurs in most instances where the Band is administering the social assistance program. Since the local population looks to its own staff and Band support services first, the local social service worker provides initial contact, hence counselling and assistance with applications. However, since the local Band does not have authority to approve applications for payment of school tuitions, these are forwarded to Departmental staff for approval. The Departmental approach is again based heavily on financial accountability, hence the applicant applies without any reasonable feedback and preparation and approval of applications depends essentially on "whom one is interviewed by."

For example, one counsellor, a native Indian and long time employee of the Department, stated to the writer that he did not feel it was proper to refer Indian people to Bartender courses as this might encourage alcoholism. The writer had referred several people for such courses as a result of the development of a large hotel complex that has been developed on one of the Squamish reserves in North Vancouver. In many instances the interested student is subjected to petty paternalistic sermons which are detrimental in every way. For example, a female applicant, highly recommended by her employer, was refused financial support for tuition of a short six week course in mixerology on the basis that "mixerology is no field for a native female."
The applicant's consequent action supported by the Provincial Human Rights Commission later forced the Departmental counselor to reverse his decision.

Because of the absence of personal involvement, the administrative and communication barriers between potential applicant and Department personnel are overwhelming. Decentralization of Department staff, to work at the Band level, is essential if the level of service from the Department is ever to improve. Departmental education staff are very attached to their offices and most communication between them and local Band members is via telephone or letter. Because of the distances separating Departmental offices from the local community, administrative efficiency, as opposed to quality of service becomes the paramount objective.

The present wardship status of the Indian people which excludes them from decision-making requires that wherever possible the decision-making machinery be removed from the area of personal control and placed within government control. The individual's capacity to control his own affairs virtually disappears. Local community members are reduced to the status of children and become amenable to manipulation and management by those in authority. The measure of whether they are good Indian citizens is measured by their docility and the degree to which they co-operate with the Department.

It must be emphasized that removal of the Indian Act and shifting responsibilities to the provinces as outlined by the proposed Federal policy of 1969 would not remove the
controlling influence of the government upon the Indian people. The only difference that provincial officials might bring about is that the Indian's masters will change in number from one to ten. In other words, the important issue is not merely to change government responsibility for Indian people from the Federal government to the Provincial government but rather to help Indian people become more self-reliant. Regardless of which governmental body is responsible, the process in dealing with Indian people must involve Indian people in the initial planning of programs, policy, and philosophy in order to restore local confidence and initiative.

c) Economic Development

The section on local government has shown how the Indian Act regulates and limits the Band Council in pursuing their economic development objectives. Most councillors feel that if the Act were amended to guarantee their rights to the land and to allow the Band Council to legally represent itself that this would bring a measure of security and confidence to the local community which would lead to a feeling of full participation in Canadian society. It is only in the past five years or so that the more progressive and geographically more economically able Bands have made their own economic development decisions with technical assistance from their own appointed consultants. Aside from this, Indian agents or their representatives have had primary responsibility for decision-making. Stanbury, Hawthorn and others have found that assessed land values of leasing arrangements approved by
the Department on behalf of native communities have been grossly underestimated as compared to actual land values of those areas. The consultative advice of the Department therefore causes losses of revenue to the local community.

The Park Royal Shopping Centre, one of the largest shopping centres in Canada, situated on Squamish Band land, has been in existence for twenty-five years now. This complex consists of several large department stores along with one hundred and fifteen stores and specialty shops. "In 1974 over 82 million dollars was poured into the economy generated by the centre. Park Royal and its companies paid over a million dollars in taxes to West Vancouver last year."¹ In contrast the Band received approximately one-quarter this amount as the lessor. In terms of any direct social benefit to Squamish Band members, Park Royal represents a developmental disaster as only three or four Band persons are employed in this complex. The yearly economic return from leases is insufficient to pay for the basic maintenance of utilities (roads, sewers, public buildings) and support staff required to maintain the Indian villages on Squamish reserves. Therefore, the general public has a false impression that this Band is extremely wealthy. A great deal of potential exists, but potential must be developed in order to be of benefit to the Indian residents as a whole.

A review of the development of the recently constructed International Plaza Hotel gives some insight into why the human and social aspects of planning have been neglected. First of all, the land of the Capilano reserve is situated in a strategic urban location thereby making it a very desirable location for development to development entrepreneurs. This results in many submissions of proposals for development. In addition, up to five per cent of Indian lands are subject to expropriation by the Provincial government for installation of public utilities.\(^1\) However, the Band does not as yet have a clear long term development plan of its own. An urban design study of the area is currently in progress and this should assist the Band in developing future policy. Pressured by

\(^1\)BRITISH COLUMBIA, Order In Council 1036 (1938), Victoria: Queen's Printer 1938. The B.N.A. Act defines the ownership of land as falling within the jurisdiction of the provinces. When the Department of Indian Affairs was formed in 1869, the legal description of land set aside for Indians was not precisely defined. Indeed, the amount of land to be set aside for the Indian people was a matter of debate between the Federal and Provincial governments for many years. In 1938, through agreement between the two senior governments, lands reserved for Indians officially became known as Indian reserves and jurisdiction of those lands was transferred to the Federal government who held these lands in trust for the Indian people. This was done through the mechanism of an Order in Council. The Order in Council stated that as a condition for turning over these lands to the Federal government, the Provincial government would retain the right to expropriate up to five per cent of each parcel of such land (reserve) for the erection of public utilities as may be required in the future. Any reserve land already utilized for public utilities (including provincial roads and railways) prior to 1938 were excluded from the five per cent amount that could be expropriated.
developers, along with fear of expropriation for transit routes, etc., Band Council's business and time is consumed by reacting to outside proposals. The development of policy and guidelines reflecting their own peoples' aspirations is completely overlooked. Because the reactive development process of the Band is concerned with matters of a technical nature, only a few Council members and others are really involved in the process. The average local Band member is not concerned with the aspirations of outside developers and entrepreneurs, hence they disassociate themselves from Council and community affairs. This is one of the most serious gaps within the community at present, which can only be corrected by a change in attitude of local Band leadership or by infusion of community organization and community planning expertise.

Approximately one year prior to completion of the hotel complex, the writer became involved in a consulting capacity to the local Band Social Services Department for the purpose of implementing a vocational training program to prepare residents for some one hundred employment positions that would become available. The number of persons who successfully completed their studies included eight mixerologists, ten waitresses and six chambermaids. In addition to completing the courses, these candidates possessed consistent work patterns. The personnel department of the hotel had verbally assured Band Social Services staff that priority would be given to Indian people. Therefore, while over one
hundred local Band members had applied for employment at the hotel, at least twenty-five were as qualified as anyone else in the types of positions available. However, when competition for employment closed, only three persons were selected and two of those were persons who were previously employed as floormen with other hotels. Reasons given for this small number of Band employees hired were: business was slow, there were many other candidates with excellent qualifications, etc.

A closer look at the initial leasing agreement between the developer and the Band shows only token reference to employment. A short paragraph merely states that "it is the intention of the developer and the Band to hire Band employees wherever appropriate." This statement in itself can be viewed as discriminatory from the viewpoint of the Indian person. The lease agreement reveals that the Band Council and/or its negotiating personnel placed little emphasis on the social welfare returns of the project to their people. One would assume that the Department of Indian Affairs' personnel involved would have stressed this aspect of the project. However, the hotel is now in operation, its mandate to do so is neatly phrased in the ninety-nine year lease agreement and local residents who were so enthused about the project last year have become apathetic and have withdrawn to a dependency on social assistance, following initial outbursts of frustration and disappointment.
No other community has the potential for a zero rate of unemployment as do the Squamish. That is, there are approximately two-hundred and fifty employable persons and of these, approximately one-hundred and fifty are already employed. If each development and business interest leasing Squamish land would hire a mere five per cent of their staff from the local Indian community, this in itself would remove the necessity of social assistance for employables. The "welfare" stigma would be removed, attitudes and aspirations of a once proud people would resurface. Of course this choice rests with the Squamish people themselves, for through their leaders they should set policy that would ensure a greater social return from the developments of their lands. One would expect that a Federal government department charged exclusively with providing services for a special interest group would strongly advocate local participation in development of native communities. Unfortunately, the Department of Indian Affairs has not played a positive role in this regard.

Recognizing the need for some orderly assembly of land, along with pressure from entrepreneurs to develop their land, the Squamish Band with consultative advice from the Department have engaged an urban design team to do an overall development design for the Capilano reserve, I.R. No. 5. This study is in its third year and is due to be completed in mid-1976. To date, the reports given clearly show that this is a physical design plan illustrating various physical layouts and their marketing potential. Now in its final
stage, the design team has suggested that there be local
input expressing the social needs of the Band population.
This type of traditional planning typically gives token
reference to opportunity for social input once the physical
plan has been completed. How unfortunate that a study of
this magnitude did not begin to involve the Squamish Indian
people in a developmental planning process from the initial
stages. Again, Department planning personnel can be criticized
for not following up on Band Council's statements that "our
people are our greatest resource."

It is ironical that the most underprivileged and
highest unemployed community in the lower mainland possesses
the greatest potential for full employment, total independence
and a stable social and economic base. This is not an idealistic
dream, it requires only a basic commitment by the Federal
government and local leadership. The Department as well as
local leadership must get out of the reactive role and begin
planning positively for the future of their people. Service
contracts for landscaping, garbage disposal, janitorial
services, etc., with business interests already occupying
Indian land on the Capilano reserve would provide a large
employment base. In future, restaurant, hotel, marina, native
crafts stores and workshops, logging and construction-related
industries, are all potential developments that could be
operated by the Band on its various reserves providing interim
financing was available. Instead, the Federal government
maintains its own massive unresponsive bureaucracy for
administering menial dependency type programs and allows Indian Bands to lease most of their land and hence cut themselves off from their opportunities.

Thus, a large gap exists between local leadership and the general membership of urban Indian communities. While leaders are approving leases that lead to multi-million dollar developments, most members are unaware of the existence, let alone the consequences of such transactions. For this reason a community development approach in Band planning and administration is recommended. Community development as an educational and organizational process is capable of changing peoples' attitudes and practices which hinder social and economic progress. The ultimate measure of success is not the number of buildings constructed but whether people have gained greater confidence, whether they can solve their own problems with little or no outside assistance, and whether they are prepared to abandon certain customs which retard economic development. A community development program will reach maturity when the people become capable of running their own affairs without any financial and technical assistance from the government.

d) Housing

This section consists of a submission to Band Council on the subject of "Housing Needs and Social Implications." The report in its entirety is presented to illustrate what has been referred to in this study as a need for basic analysis of community problems prior to implementation of any major
economic developments which commit the use of available reserve land without providing any apparent or visible improvement in basic social necessities such as housing or employment for local residents. This is occurring essentially because any planning that has occurred to date has used the traditional planning model, namely physical design and land assembly which maximizes return on investment for the outside developer. This report illustrates from the beginning the need to involve local residents in the definition of needs, including the definition of terminology and measures that are used to define those needs. This basic process-oriented involvement in planning is essential for Indian communities in order to improve the awareness, remove the apathy, and to create new visions of hope in the residents themselves.

SQUAMISH INDIAN BAND DEPARTMENT OF SOCIAL DEVELOPMENT

DATE: February 1, 1975

TO: Squamish Indian Band Council

SUBJECT: Housing Needs and Social Implications

CLASSIFICATION: Analysis and Recommendation

The Director of Social Development reports as follows:

The Nature of the Problem

While large tracts of land are increasingly committed to various major economic development enterprises (Park Royal, International Plaza, Environment Canada--see Appendix A), there exists no clear statement of policy or Council direction with respect to current and future housing needs of the Squamish people. In addition, there has been a lack of recognition of the hardships and resulting social problems that are occurring because of the current lack of housing.
Traditional single family housing units are being built at a rate of 6 to 8 units per year, by the Band Housing Authority at various sites throughout both Reserves. At present, only a minimum number of lots remain available for building at defined village sites. Only a few of these exist on the Mission Reserve, where there is almost no other land available for additional single family housing expansion. On November 5th, 1975, the Urban Design firm of Gaboury, Lussier and Sigurdson, who are involved in a major study of Capilano IR #5, released Part I of a three part conclusion to the three year study. In our opinion their assessment of Band Housing needs to date totally eliminates the social consequences prevailing as a result of the current lack of housing, as well as the inadequacy of existing housing stock. For this reason our Dept., has undertaken a 2 month study to determine "actual" current housing needs including an assessment of social problems generated as a result of the inadequacy of existing housing stock.

Background Information

On January 1st, 1975, the total population of the Band numbered 1150, with 296 residing off reserve (See Appendix B for age distribution of population). The Capilano Reserve area consists of 420 acres, while Mission consists of 45 acres (see Appendix C). Prior to 1969 the Dept. of Indian Affairs granted loans to families for house construction. Building amounted to 2 or 3 houses a year. Contracts were given to private builders, usually carpenters who were known to Indian Affairs' personnel. In 1969 the Band established its Housing Authority and in 1971 along with C.M.H.C. and Indian Affairs financing, constructed 41, 3 & 4 bedroom townhouse units. A $90,000 per year administration subsidy to Housing Authority ends in 1976. This will leave the Housing Authority without essential operating funds. The amount of revenue available for the operation of Housing Authority, is hampered by a lack of consistency in payment of housing loans and rentals. A large number of Band families do not pay their loans or rentals. Nor does there exist any effective policy or procedure to improve on collection of loans. As a result the overall housing program is financially unstable.

Previous studies have dwelt on the development potential of the Band's prime land location but have offered little or no assistance to the Band in terms of identifying local needs or suggesting basic management and policy directions. This level of organization, and definition of local needs can only be done effectively by utilizing Band personnel (including Band membership) in the planning and assessment process.

Some of the studies done to date include:
(a) Acres A Development Plan for the Squamish Band, 1969

Study correctly identified that "mediocre and poor quality housing accommodates Band members on 36 acres of land north of the P.G.E. Railway" P. 3. Little useful information on Band needs or suggestion of how to define Band needs was put forth.


Study discusses the state of social work services and makes only one recommendation with respect to housing. It suggests a group be formed to stimulate interest in housing programs for marginal families.

(c) Gaboury, Lussier and Sigurdson (G.L.S.) Squamish Indian Band Capilano Reserve No. 5 Urgan Design Study, Development Options Phase C, Part 1 November 1975

This major urban Design Study of Capilano IR #5 designates area C along the banks of the Capilano River as an alternative site for future Band housing. (See Appendix A.) While the four housing options in the study present alternatives in terms of location of future housing sites, the study to date does not present any suggestions in terms of types of housing and costs. G.L.S. figures (acquired from the Department of Indian Affairs) indicating the number of existing units are completely erroneous, as is their suggestion that there is no overcrowding.1

In summary previous studies have contributed minimally, if at all, towards providing Band Council with an accurate assessment of Band housing needs and ensuing social implications.

The Social Development Department Survey

1. Method of Survey

The first task undertaken was to determine the "actual" current need. This was done by individually surveying each home, identifying condition of home, number of persons in home, number of family and singles, doubled or tripled up in existing homes, who require and desire their own accommodation. In many instances sons or

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1On Page 20 of this study the statement is made that "statistically speaking there is no overcrowding as there are 248 houses for 215 families."
daughters residing with parents did not request that they required their own accommodation. These persons were not included in the category of persons requiring accommodation. The writer and two other Social Service staff, both members of the Squamish Band and residents of this community were involved in this study. Overcrowding was defined by us, along with input from a random sample of different family members. Overcrowding was anything in excess of two persons per bedroom, plus more than 1 person per living room. For example five persons in a two bedroom house would not be classed as overcrowding but 6 persons in a two bedroom unit would. The living room chesterfield thus, is felt to be adequate accommodation for at least 1 person, in this community. Attention was paid to the fact that crowding is a social and subjective measure varying with cultural and lifestyle characteristics. Information on population, birth, death and marriage rates for the past ten years were obtained from Band records. Every housing unit was visited and data recorded on appropriate category columns for easy tabulation.

Because every unit was surveyed the degree of error in calculation of total units, number of persons in the home, etc., is felt to be negligible. The number of persons residing off reserve who would live on reserve, if housing was available, was calculated from family files, in which those persons have in the past two years, requested or applied for housing accommodation on reserve.

2. Results

(A) Number of dwelling units existing now:

Mission
- Single family (S.F.) house 74
- Townhouse 41
Capilano
- S.F. house 41
Squamish
- S.F. house 30

186

However, 9 units are occupied by non-Band members, thus making only 177 units available for Squamish members. i.e. some Squamish persons own two or more houses and rent to non-Band members. The G.L.S. study indicates 248 houses or an over estimate of some 62 units. (See Appendix E)

(B) Number of dwelling units "inadequate" now:

"Inadequate unit", is defined as a unit not worth repairing, its characteristics will include at least a combination of two or more of the following; structurally unsound, leaking roof, new plumbing and wiring required, heating inadequate, severe
rotting, openings in doors, walls, etc., and rodent infestation.

Mission - 27 (24%) inadequate
Capilano - 7 (17%) "
Squamish - 1 (3%) " units
Total of - 35 (19%) inadequate units

G.L.S. Study does not identify the number of "inadequate" units.

(C) Number of dwelling units with overcrowding:

"Overcrowding", defined as two or more families residing in one unit and/or more than two persons per bedroom plus more than one person per living room per unit.

Mission - 15 in single family house units
- 6 in townhouse units
Capilano - 3
Squamish - 9
Total of 33 units (18%) with overcrowding conditions

(D) Number of families and singles on reserve requiring housing:

i) Families
   Mission - S.F. 15
   Townhouse 15
   Capilano 14
   Squamish 11
   Total Family Units 55

   Singles
   Mission - S.F. 17
   Townhouse 20
   Capilano 10
   Squamish 10
   Total Single Units 57

ii) Number of families and singles off reserve requesting housing:

   Families - 25
   Singles - 25

iii) Total family units required = number of new units on reserve (55) plus number off reserve (25), plus number of inadequate units (35) = 115 family units.

iv) Total single units required = 57 (on reserve) plus 25 (off reserve) = 82 single units.

v) In addition, 8 senior citizens would benefit from intermediate or minimal level supervisory care in a rest home type of facility.
(E) The number of current units that will become inadequate in 10 years:

Mission -9
Capilano -0
Squamish -3
Total of 12 units that will be inadequate in 10 years.

(F) Population data for 10 year period 1965 to 1974:

1. Births - 313 or a 10 year average of 31
2. Deaths - 101 " " " 10
3. Marriages - 114 or a 10 year average of 11*

*Since 1971 there have been not more than 9 marriages per year.

Population data confirm that a high percentage of the population are under 25 years of age. (See Appendix B). This, coupled with the shift of child-bearing out of wedlock statistic (See Appendix D), makes it difficult to predict the type and number of family formations in future. Women marrying non-Band members are of course not eligible for any benefits from the Band and they usually leave the reserve. Unmarried women with children are low on the priority for housing units, because it is felt that they often develop common-law relationships with non-Band spouses who do not contribute towards support or upkeep of the unit. In spite of this, if we assume that 30% of new family units will relocate off reserve, this shows a continuing need for approximately 8 new family units per year. Also because of the high percentage of young population, there will be a great demand, for at least the next 10 years, for single accommodation. (See Appendix B).

(G) Other Findings

i) Overcrowding conditions are causing severe social and emotional hardship to many families, especially the female with one or more children. Many attempt to relocate off reserve, but the high rental inevitably results in eviction within a few months. Coincidentally, the young parent's attempt to take vocational upgrading is broken and the person usually is forced to retreat back to the reserve. The inability to cope with all the imposing urban elements along with having no place to go to raise one's family, often culminates in the removal of the children by the Social Service Department.
Overcrowding is causing problems of sanitation and poor health in many homes. A malfunctioning toilet, sink and shower, etc., is hardly adequate for twelve or more persons residing in one home. Housewives in overcrowded homes suggested that they never can catch up with their housework due to the large number of persons residing in some houses.

ii) Accommodation for singles and single parent families is non-existent. A great deal of mental anguish and suffering occurs as a result. These people have a complete lack of privacy, most do not have their own sleeping rooms and bathroom. There is little or no opportunity for socializing or entertaining friends. This forces the adult out of the house, to the bar, etc., where there is a tendency to "live it up as much as possible in the least time possible," since there is no opportunity for this type of expression at home. The lack of housing contributes to instability in living patterns which leads to a variety of related social adjustment problems, e.g. children have no adequate place to study.

iii) Unsafe conditions exist in all "inadequate" units. Combinations of the following conditions make life hazardous for those inhabiting these units, especially the young children; badly leaking hot water lines and taps, leaking oil lines and tanks to oil burners, exposed electrical wiring, malfunctioning doors, windows, stoves, etc., rodent infestation due to accumulation of garbage piles in backyards, lack of safety valves on hot water tanks, no fire escapes or basement doors, etc., in homes where basements are used as bedrooms.

iv) Rental and loan payments are in arrears in most cases and neither the Band nor Housing Authority have any program or procedure for the collection of these payments. Almost 60% of families having loans and rents actually do not make any payments toward their debt.

v) Unlike Capilano, there is little existing land available on the Mission Reserve for expansion of single family construction in its present form. A program of land assembly and ownership is desperately required. Some families own 2 and 3 lots while many do not own a lot.
vi) We detected an expressed attitude by many families that they are entitled to a new house without cost to them and that they were waiting for their turn. There is an obvious lack of participation and communication by members in the affairs of the community. Many expressed apathetic and negative comments and few knew about the content of various Band projects that were in progress with major economic development entrepreneurs. Discrimination against women is apparent, i.e. women have no role on Council and new houses are constructed only for those families which consist of a Squamish male as head of the household.

vii) A large number of persons reside off the reserve simply because of the lack of housing on reserve. Many of these possess a stable employment history and good communication pattern with off-reserve institutions, agencies and adjacent community members. In a sense, their living off the reserve presents a loss to the reserve community. That is, these people tend to be well motivated to organization and participation in their vocational, educational and cultural activities.

Broad Housing Policy Options

1. Continue current program of total cost subsidy.

   NOT RECOMMENDED

   Unless massive financing is made available for housing, this would limit the number of new units built to about six to eight per year. In the long run, only a proportion of families would secure housing and more than half the population requiring housing would be forced to leave their community.

2. Institute a 10 year building program, i.e. calculate total housing units required in the next 10 years (including replacement and new units required each year) divide this by 10 in order to define the number of units to be built each year and to design a program to accommodate this.

   NOT RECOMMENDED

   While this policy should solve the housing need at the conclusion of the tenth year, it does not provide any immediate relief from the current housing crisis and
the associated social conditions. The social cost would be too great in light of the fact that other, more immediate alternative solutions exist.

3. Provide land and servicing subsidy, but make each family responsible for the cost of the unit itself.

RECOMMENDED

Providing land which is communally owned now, would make the cost of a unit on reserve substantially less than a unit off reserve. Placing the responsibility on the individual family for upkeeping a mortgage or rental would coincide with the process of making the family become more independent and prepare them to cope more successfully with the social milieu of the surrounding community.

4. Devise a two year program of construction to provide housing for those who need it now.

RECOMMENDED

This would fulfill the current housing need. In succeeding years a building program constructing 6 to 10 units per year would be sufficient to accommodate new family formations.

Recommendations Towards Solution of Immediate Housing Needs

1. The statistics clearly show that the housing crisis is an immediate one which could be solved with a large development program over a one or two year period. Individual financial responsibility for the unit would ease the burden on Band finances and make such a building program possible. Hence, policy options 3 and 4 should be brought to the people in the form of a plebescite. Majority approval would provide the authority required to proceed.

2. Council should meet immediately with G.L.S. to discuss the apparent inaccuracy of their information of Band housing needs and to determine as clearly as possible their role in assessment of Band housing needs. G.L.S. reliance on statistics of other agencies for purposes of determining Band needs should be cautioned.

3. For financial, as well as obvious reasons of familiarity with the community, Council should rely more on the use of their own personnel, consultants and Band members, in determining local needs. For example, a good deal of the work done by G.L.S. on Band housing could have been
easily done by Band local resources. Involvement of local residents and staff in the process of planning and policy formulation is extremely beneficial in broadening awareness and improving on local technical skills and expertise. This is incidentally one of the Band's stated developmental objectives.

4. That the proposed new village site C on Capilano be accepted as an area for future Band housing as recommended by G.L.S. (See Appendix A), with the proviso that site A would be relocated only when required for future economic development expansion. A plebiscite of Capilano residents should be held when necessary to determine whether site B should remain, relocate or expand in future.

5. That Council amend or extend the Frame of Reference of the G.L.S. Study to include a series of site plans showing various ways in which the current housing needs could be accommodated. To compliment this Council summon the heads of all departments along with their consultants to similarly design and define various ways of accommodating the current need. Location, densities, amenities, land assembly, etc., to be part of the task for both groups. This double effort of outside and local expertise would quickly provide Council with a series of site and design options in order to proceed with the building program of 115 family units (2 and 3 bedroom) and 82 singles units (bachelor and 1 bedroom).

6. That the Housing Authority Director, along with appropriate health, plumbing and electrical inspectors, examine each dwelling unit on the reserve for the purpose of identifying safety deficiencies and that they devise a plan for immediate correction of these deficiencies, including a proposed budget. An amendment to the current Band budget should be made if necessary in order to make the required improvements and thus make the "inadequate" units safe for occupancy.

7. Because of overcrowding and poor quality construction of many older homes, a fire prevention program should be implemented by the Band Housing Authority. This should include installation of smoke and fire detection devices. Since the Band owns all units, it would be in its own interest to pay for this installation and protect its investment. However, an incentive program in the form of a shared cost or Band Subsidy would assist towards getting total participation in the program.

8. That as soon as possible Council devise a policy and a system of loan and rental collection. To impress upon the urgency of this, a special mass meeting requiring
a majority vote by secret ballot should be held in order to give Council and/or Housing Authority the power to execute its policy.

9. In order to get away from the present piecemeal building, Housing Authority or the Band should embark upon a plan or series of plans, including land assembly in order to make more efficient use of space, building materials and cost of building. For example, 115 units on Mission reserve are spread over an area of 36 acres. New single family homes are being constructed amidst dilapidated older homes and buildings. An overall site plan of this area designating various locations for building would produce a more orderly pattern to building, improve immensely the visual and landscaping components as well as accommodate ten fold more units, i.e. a subdivision consisting of 150 units with an F.S.R. of .5 could be constructed on four or five acres of land, still leaving some 30 acres for future expansion.

10. Since Housing Authority is now an established builder and hence major potential employer of Band members, it should become incorporated as a company, in order to build for the private market during times when there is no building activity within the Band community. Employment of its own sub-trade personnel, i.e. plumber and electrician, may help to cut current subcontracting costs. These sub-trades could, in addition, assume the duties of the house maintenance and repair program. At present a great deal of Band funding is inefficiently used for home repair, i.e. the Band employs several maintenance men yet sub-contracts in plumbing, painting, electrical, heating, etc., are consistently used.

11. In the event that the majority of Band members decide that they wish all Band revenue to go into new housing, (instead of distributing Band revenues among members) as opposed to individual families assuming the cost of housing, Band Council should prepare itself now and investigate all the ramifications of such a decision. This occurrence is not unlikely in view of the attitudes held by many that they are entitled to housing without cost. For example, the cost of 150 units with an average area of 1100 sq. ft., at a price of $40.00 per sq. ft., would cost approximately $6,600,000. Assuming the yearly revenue was $500,000, members would be required to give up their share of revenues for approximately 14 years. The cost of housing is increasing rapidly, it may be a great saving to the Band to catch up to the backlog of units required and make the decision to build them now. Certainly the saving in terms of social cost would be irretrievable.
12. Band Council or its designated Departments, should begin an educational program of awareness and information to Band membership. For example, many members are not aware that they are eligible to obtain a mortgage for the purchase of housing. If they knew this, perhaps some families would select this alternative. This might help to change the dependent attitude and hence markedly improve the social and economic stability of the whole community. For example, many people have never heard of or seen what a rental agreement looks like or understand what purpose it serves. The Band administration must become more involved in informing and communicating this basic information to its members. It would be incorrect to assume, for example, that all individuals and families are not prepared to assume more social and financial responsibility for their own affairs. Many individuals, families and single parent families have advised us that they are prepared to enter into agreements of ownership and rental providing that this was done on a more orderly basis as compared to the present system. Many of these stated also that they are unaware of the procedures that are required in order for them to pursue this. In addition, is land available to a Band member or group of members who wish to be responsible for the payments and hence ownership of their units? Will Council or local leadership support persons who wish to become more independent and responsible for their own affairs? In our opinion, it is the responsibility of local leadership and administrative staff to make known to the membership the full range of available housing options; to designate site areas, coincident housing types and suitable density levels per site, i.e. provide the physical space in which these various housing types could be developed in stages in future years. Having provided the family or individual with the required information along with a building site, the role of the Band administration then becomes one of a facilitator, helping individual persons achieve their perceived needs. From a social, educational and psychological context, the value of this process is favoured over that of complete subsidy where persons inherit complete housing units without participation in the planning, financial management and other components that are part of home ownership and maintenance. If a more effective program is not implemented soon, the housing crisis and related social problems will escalate to even greater proportions.
1 PARK ROYAL
2 CAPILANO RIVER - EAST BANK
3 UNCOMMITTED LANDS - VILLAGE 'A'
4 CAPILANO VILLAGE 'B'
5 AMBLESIDE PARK
6 TREATMENT PLANT
7 ESTUARY
8 DEPARTMENT OF ENVIRONMENT
LEGEND:

A. -- children born to married women.
B. -- children born to unmarried women.
APPENDIX E

Squamish Band Housing Needs

A recent study commenced by D.I.A.N.A. and to be further augmented by the Band's housing department gives the following background on the Band's population and residential needs.

Population trend (1964-74) has slowly but steadily increased and will continue to do so at a rate of approximately 2%.

On Reserve Population Trend (1970-74) has been stable and assumed to remain at approximately 76%.

Statistically speaking there is no overcrowding as there are 248 houses for 215 families. (Average persons per unit = 4.7 for Band average and 4.8 for Capilano and Mission Reserves).

The 10 year total housing requirements covering both new growth and replacement varies from 113 units to 158 units (depending on a life span of 25 or 50 years per house). This corresponds to a total new lot requirement of 45 lots.

The "on Reserve" population is divided as follows: Mission I.R. 1 - 61%, Capilano I.R. 5 - 35%, Squamish Valley - 4%.

post script: This data has yet to be processed and reacted upon by the Band's Housing Department.
IV. ANALYSIS OF ADMINISTRATIVE AND PLANNING PROCESSES

In reviewing the programs administered by the Department and the Bands, the most striking finding is that while the Department supports a course of self-determination, independence and self-development for the Indian people, there exists no apparent mechanism within its administrative machinery to support, let alone provide, a leadership role in this direction. This is evidenced in the closing remarks of the Alliance group of Bands which literally pleads with the Department of Justice and the Department of Indian Affairs to assist them in the resolution of some of the very well documented administrative problems that they submitted to these Departments in 1975.

"So many of the most beneficial proposals from the two Departments have resulted from 'crisis situations'; the concept of ongoing creativity is apparently spurned. It appears left to Bands such as our own to research and present proposals that will break new ground and help Indian people advance yet this is surely a Departmental responsibility. Does the Department always intend to be merely responsive and never constructively innovative?"¹

It has been shown in the International Plaza example, the area of economic development, and social assistance programs

¹Musqueam, Sechelt and Squamish Indian Bands. The Alliance. Submission to the Minister of Justice and the Minister of Indian Affairs, February, 1975, p. 44.
that no constructive leadership or energies are directed towards changes in administration, in program and service delivery. What is even more distressing is that the Department is not responsive to realistic proposals from Bands which would have the effect of improving conditions at the local level. District Office staff fulfill the function of rubber stamping decisions made by Band personnel, with Bands who administer their own programs. The Regional Director of the B. C. Region in his communication to Ottawa about the need for increased funding states:

"Inevitably, the cost increases partly because the Band staffs are apt to do a more intensive job than we formerly did and partly because there is no significant reduction in District expense when they discontinue service to one out of many bands."¹

Of course the point is that there is no significant reduction in Departmental staff when Bands assume administration of programs funded by the Department. There is no apparent conscious effort by the Department to reduce its staff and to direct funding for administrative purposes to the Bands who become the administrators of programs in these situations.

a) A New Federal Approach

It must be said that the first priority of the Department should be to devise a policy for the gradual transfer of

¹Musqueam, Sechelt and Squamish Indian Bands The Alliance. Submission to the Minister of Justice, and the Minister of Indian Affairs, February, 1975, p. 31.
administrative responsibilities of matters affecting Indian people to Indian people. Such a policy carried out in a sincere and comprehensive manner would be the most honourable and progressive step that could be taken towards truly giving the Indian people a chance at equal citizenry. In light of what has been found in this review, previous attempted government policy towards Indian people has been viewed with skepticism by the Indian people because it has always involved or at least appeared to impart, a ring of finality to the special status they enjoy. It may well be necessary now to allow the Indian people themselves to administer their programs for a period, before the Department's presence can be phased out.

What is proposed here is that in future each Band or group of Bands would contract with the government to take over complete administration of various programs formerly administered by the District Offices of the Department. This would be done over ten, fifteen or twenty year periods with variations of time, goals, and types of programs as among Bands. For example, the financial assistance provided to some Bands for the purpose of setting up their own Housing Authorities could be similarly applied to other programs. A Band may receive a certain sum of monies for a specified number of years during which time it is expected to become both administratively and financially independent. Some areas such as provision of health or social welfare services which are equally available to all Canadian citizens would not have
financial phasing out terms attached. Instead, through continuous Departmental technical assistance in the field on the various reserves, the Department's involvement might continue for a number of years until such time that the Band Agency had reached equal status in skills to execute the job, adequate administrative and other expertise equal to that of any other parallel agency at a Provincial, Federal or Municipal level. Once a Band agency achieves this status, it matters not from where its funds for Social Assistance come, that is, the Federal or Provincial level, since the Band agency would then be in a position to negotiate in its own interests. A word of advice to the Provincial government would be to similarly allow native communities to administer their own services if they so desire. The Family and Children's Law Commission has already recommended that native communities be allowed to administer their own social services as independent Community Resource Boards.¹ When we start implementing this type of programming, we will be starting out on the road towards offering the Indian people equality of opportunity. There will be no special treatment as is the stigma now, because the Indian people will be treated equally.

This new proposed policy should require complete phasing out of District Offices within ten years and sooner in various areas which are already advanced in their

development. In the transition period District staff's function should be to act in an advisory capacity wherever feasible, working with several Bands at the Band level. The option would be provided for Bands to choose their own qualified advisors who would in effect be responsible for implementing Department policy. This will be required due to the large number of Departmental staff that would be either unqualified for the new role by virtue of the skills required, or who would be unable to move to their new job sites, the native communities. The whole process will require of staff a working knowledge and appreciation of community development skills, social change and innovation and a realization that the object of their work is to work themselves out of a job. Many persons, whether former Departmental employees or other, may find that their services will be required even after the Department's involvement ceases. Decisions such as these will be left to the Indian Band administration. There is an apparent fear in non-Indian thinking that it is wrong to allow Indian people to administer their own programs because this will somehow lead to isolation and that isolation will further reactivate past problems. On the contrary, if a policy such as stated above were implemented and Indian people given a real opportunity to participate, we may find an increased intermingling, sharing and communication between Indian and non-Indian peoples. But first the suspicions have to be removed, our intent must be sincere and
the government of Canada must introduce a policy similar to what is being proposed here.

Following complete phasing out of District Offices, a program of phasing out Regional Offices of the Department should be implemented, with a time limit to be set by Indian people. Following that, only a skeleton staff will be required in Ottawa for purposes of overseeing the Special Government Act protecting Indian lands in perpetuity unless otherwise agreed upon by the Indian people and the government of Canada.

Human beings generally react to others as they are expected to react. If burdens are withheld from them, or they are not compelled to carry them, they are not likely to reach out to assume them. There are clearly many examples today of Indian communities reaching out to assume responsibility for their own affairs, what remains now is progressive and acceptable government policy to promote and further that end.

A policy cannot be creative, effective and successful without conscious human behavioral and directional guidance. Administrators and planning officials at all levels must then coincidentally and consistently execute the policy with additional unwritten and unspoken goals in mind. Such constant goals are; to execute the policy without an authoritarian flare, to have the ideal of reducing dependency at all times, as well as to have some personal commitment toward the ultimate policy implementation. The Indian people
cannot be viewed as mere digits in the Department's administrative machine. The services provided must be instruments geared to consider each Indian person as an individual who may need this special service at this time. For too long administrative efficiency and not treatment of the problem at hand has been the government's paramount objective.

b) Local Requirements

Most Indian leaders are suspicious of the Federal government and resentful that the Federal Government has not really taken a clear position on Indian policy. The Statement of the Government of Canada on Indian Policy in 1969 was interpreted by the Indian people as an attempt by the Government to take away the special privileges and to enforce complete assimilation of Indian people. They feel that the 1969 policy statement only reaffirms their feeling that the government via the Department of Indian Affairs has never really been committed towards assisting the Indian to become self-reliant and independent in White society terms. An attitude of distrust still pervades all interaction between the Federal government and the native community.

The requirements and terms under which an Indian Band takes over various programs are too simplistic and do not offer the required technical assistance, especially at the initial stages of management by the local Bands. For example, a typical agreement between the Department and a local Band consists of the following procedures whose orientation towards financial accountability supercede any criteria such
as program effectiveness in meeting local needs, or assurance of adequate program management, hence adequate program personnel.

"We agree:
   a) to manage the program and maintain a suitable set of records for recording wages, holiday pay and unemployment insurance deductions;

   b) to remit unemployment insurance deductions and employer's matching contributions to the Department of National Revenue-Taxation in accordance with prescribed regulations;

   c) to use any contributions received from the Department of Indian and Northern Affairs for this program solely for wages and costs directly associated with the payment of wages to Indian High School students;

   d) to arrange for the audit of the funds used for this program by our Band's auditor;

   e) to return upon completion of this year's project to the Department of Indian and Northern Affairs by cheque payable to the Receiver General of Canada any unexpended funds which were contributed by the Department to our Band for this program;

   f) to make the records pertaining to this project available for inspection by Officers of the Department or the Department's auditor;

   g) to provide Band funds of $_______ in 1975 in support of this program."1

Once a Band takes over a program the communication between the Band and the Department is often minimal, it occurs only at budget time or at some point in the process where financial problems occur. To this degree, the administration

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1 Department of Indian Affairs, Administrative Directive. 1975.
of many programs by Bands are token. That is, there is little improvement in community well being at the local level, there is no proportionate reduction in staff at the District or Regional office of the Department. For example, if a group of Bands decide they will take over the administration of the Education program and the population of these Bands represents fifty per cent of the Indian population served by their Indian Affairs agency, it would follow that the workload of the agency should diminish by fifty per cent. The ultimate goal of the Department should be to provide expertise to the Band for the first year or two so as to permanently entrench and make a success of the program administered by those Bands. It is not necessary for the Indian Affairs advisor to require that Bands duplicate Departmental systems of bookkeeping, staff development, program delivery, etc. In fact, this is one of the greatest problems of Departmental consultation with Bands. For this reason it would be advantageous for the government not to use former employees of the Department as advisors or consultants to Bands who take over administration of programs. As Bands take over responsibility for their programs, the number of Departmental staff should proportionately be phased out. Only when this occurs will there be any real evidence that the Indian people are indeed becoming more independent and that there is a shift of responsibility from the bureaucracy to the local community level.

It is necessary to cite some examples of what is meant by basic administrative technical assistance that Bands
require in order to assume control of programs. A wide range of variations will occur depending upon the size of Band or groups of Bands who work out of one administration office, their location, etc. If a population of two thousand Indian people decide to administer their own education program, part of the agreement should require the Band or Bands concerned to have on staff a person with practical teaching as well as administrative experience. This person need not be a Band Department Head, or ultimate decision-maker at the Band level, but rather an advisor, facilitator, educator and resource person for the local leadership involved with education. This person should have a two-fold terms of reference, i.e he or she would be responsible for seeing that all Departmental requirements were met; such as preparation of budget, job descriptions for employees, a basic but workable filing system, etc. Secondly, the person would assist local staff in executing the education program as defined by the local community. This would require the person to be sensitive to varying opinions on education by local members, i.e. the person should not be judgmental but rather concentrate on establishing the mechanics of programs reflecting the locally defined goals. Most programs in Indian communities require a developmental approach. For this reason, the two-fold terms of reference for the advising person is essential. The first, to establish a basic sense of order and accountability which is required of any organization, and the second, to facilitate
developing a program reflecting the needs and aspirations of the local people.

Another deficiency in the current system lies in the fact that the Department does not have any evaluative process to apply to Band administered programs. As a result some Bands take on several programs before achieving a basic success with ones they currently administer. The selection of key personnel should be in consultation with the Department. At present the Band is in complete control of staff selection. On occasion this allows for some unsuitable appointments of unqualified personnel. The Department should maintain advisory input into selection of staff initially, when a Band assumes administration of a new program. Once the program is sufficiently established and evaluated as a viable and useful program, the decision-making on such matters should revert to the Band. As mentioned earlier, Departmental advisors should work in the Band offices to help phase in required systems and procedures. This would insure a certain level of operation that does not exist in many Band offices today.

The Department should assist Bands taking over programs in computing wage scales compatible with workload and similar jobs off reserve. Non-payment of income tax to those Indian persons working on reserve is the only adjustment to be made in comparing on and off reserve wage scales. Fringe benefits such as dental plans, pension plans, life insurance, etc., should all be set up as part of Band employment procedures. This would make jobs on reserves more appealing to qualified
Indian people who are employed in the outside community. In fact, because of this lack of security along with the disorganization and lack of clarity of job roles and responsibility, many qualified and educated Indian people are seeking employment outside their communities.

The lack of basic management training to the Bands by the Department has proven to be one of the Department's greatest failures and unfortunately, because of this deficiency at the Band level, the Department in turn justifies its continued existence. Because training in the basic procedures of management was not practically applied, false illusions of various roles have emerged at the Band level. That is, persons hired as managers, directors, etc., interpreted loosely the meaning and responsibilities of that office to the extent that it has discouraged these people from pursuing further education and training. Lack of staff who are qualified in a variety of technical and managerial skills is apparent in most Band administrations.

Traditionally the Chief and Council are in charge of all matters pertaining to reserve life. While many Bands are administering large programs with up to a dozen staff members and a department head for each program, the Department continues to forward all written material, i.e. directives, memos, etc. to the Chief and Council. The line workers and Band department heads in turn may not receive information crucial to the operation of their program. The Department is very insensitive in recognizing the local organizational
structures of various Bands. Frustration occurs at the local Band offices. Neither is the Department's policy to deal only with the Chief and Band Council on all business and program matters a realistic or sensitive position to take. It is well known that there are varying degrees of expertise and knowledge about various programs by Band Councillors, it therefore becomes impractical for the Department to insist on discussing program matters without those staff directly involved in the program. Again, it is the developmental process that the Department is either unaware of or deliberately ignores. Of course, the best position for any Departmental person to take is to involve the Chief and Council but they should also include the key staff persons executing the program. This gives the opportunity for the Department to observe any conflicts at the Band level which might be harmful to administration of a program. One of the difficulties at the Band level is the question of determining "who is responsible for what?" Occasionally problems are passed about from department to department, to Band Manager and to Band Council without resolution. The people requiring the service are hurt most by this consistent inability of the Department to help the local Bands clarify roles and responsibilities. By choosing only to communicate to the political authority (i.e. Chief and Council), the Department is taking a very simplistic position.

Band Councils whose magnitude of business is increasing rapidly, must delegate responsibility for these programs to
Band Departmental staff. This in no way minimizes Council's authority as the ultimate decision-maker, it merely allows the staff to do their job more effectively if their responsibilities are defined. This would also allow Council members to become more familiar with various programs as they would gain this information from contacts with their staff. Because of the Department policy to communicate with Council only, some Council members chose to contact the Indian Affairs Department for information rather than their own Band Department staff. As a result, the Department staff develop a very negative view of Band administration. Since the Departmental staff are not politicians, there should be no reason why the Department should take a very strong position by communicating with Band Council only.

Local personnel should be encouraged to pursue higher levels of training wherever possible. Bands need to realistically sort out the apparent dilemma between traditional and modern leadership structures. For example, some members of Council participate minimally in the affairs of Council. Since the Squamish Band, for example, follows the hereditary system of election of persons to Council positions, Council members' terms of office are held for life. Minimal participation of some members presents a heavy workload to those Council members that do participate. Under section 78(2)(b)(ii) of the Indian Act, the office of chief or councillor becomes vacant when the Councillor who holds office "has been absent from meetings of the Council for three consecutive
meetings without being authorized to do so." Violations of this section are rarely pursued by the Bands or the Department even though they occur. In general, there is a lack of participation by Band membership in the affairs of a Band. In part, this is due to a lack of a consistent communication procedure from the Band administration to its members.

The Federal government, through its regional development programs should be encouraging labour-intensive development in areas where native communities exist, to provide jobs and other social welfare benefits. In turn, the Department of Indian Affairs should be providing an "on-the-job" management service to the Bands for a period of time, following which their services should be phased out. Several Bands are well under way in this direction, i.e. hiring their own consulting, administrative and planning personnel, however, this is a very small beginning toward solution of a major problem for the Indian people.

Without this assistance, the administrative process is a helter-skelter affair. While basic priorities or guidelines are required along with consistent follow through, some Councils spend hours debating other organization's procedures, etc. in order to adapt them to their system. Usually this effort is futile because the character of an organization must be realistic and include all factors existent at the local community level. The most distressing observation one makes is that the Indian organizations are not

setting up their own administrative and planning procedures designed to reflect the nature and scope of work to be done.

A rather unusual problem at the local level is the inability of the Council to utilize staff more effectively. This situation is probably not deliberate, but rather one of unfamiliarity and unawareness of better utilization of staff. Staff should be viewed by Council as a vehicle towards solving problems and as such, they should be given more direction in the form of providing assessment, reports and recommendations on problem areas for Council's consideration. This would ease the workload of Council as well as define staff responsibilities.
V. CONCLUSION

The planning process is a dynamic process and it must be flexible, priorities require change with time, and component parts require individual attention, nurture and consequent fitting into the larger scheme of things. Planning with and for Indian communities cannot be anything less. Throughout the various examples in this study, it is evident that the Department of Indian Affairs planning approach has ignored these planning requirements. Departmental staff contact with Indian people at the reserve level is minimal. As a result, there is no forward or progressive advocative planning done by civil servants on behalf of the people that the Department is set up to assist. Essentially, the role of the civil servant is a reactive one only, i.e. responding to Bands' and individuals' requests for program monies, loans, etc. The type of assistance offered consists of the Department staff interpreting the Departmental policy guidelines and then advising whether the Band request fits into the guidelines or not. In most cases this is the extent of the Departmental consultation. For this reason, it can be stated that planning as a continuous ongoing learning and developing process is non-existent in the Department. There is no evidence of
attempts by the Department to make Indian people more knowledgeable about how that Department works, to explain the scope and range of programs that it provides. This is tragic in light of the fact that this bureaucracy, by design a client-centred bureaucracy, has evolved for the very purpose of making the Indian more aware of and involved in the non-Indian system.

Any constructive change in general focus and in the delivery of services, hence restructuring of the Department, is unlikely at the administrative or departmental level. Ministerial and political intervention is required in order to direct changes in departmental and administrative policy. From interviews held with over thirty Department employees, only two or three expressed optimism and enthusiasm towards their work and towards the future aspirations of Indian people. This is why ministerial intervention seems to hold the only hope for constructive change. As it exists the current relationship between a Band and the Federal government is more often a hindrance rather than an asset for the local Indian Band in pursuing its self-reliant developmental goals. This need not be so, and for this reason a gradual phasing out (as compared to complete and abrupt severing) of the administrative duties of the Department is recommended. This is a crucial time in the modern development history of Indian people. For this reason a restructuring of the Department's function could be of great assistance to local communities. A policy requiring all Departmental staff to
work out of local Band offices over the next ten years, prior to complete phasing out of the Department, would in itself cause significant impact and positive social change to occur. That is, it is important that the local Band have a basic but operational system within its community in order to execute its affairs. It has been shown that it is not important, useful or financially feasible to continue the current relationship.

In closing, it is re-emphasized that the main objective of this study has been to identify attitudes and changes in administrative structure that are required at the Federal and Band levels in order to effectively encourage a policy of self-reliance, self-determination and self-development for the Indian people. It has been shown that Land claims issues are of great significance to the Indian people but the proposals put forward here are not dependent upon a resolution of these claims. The unresolved land claims issues are seen as a barrier towards complete implementation of the policy of self-reliance that has been suggested. Changes are also required at the local Band level and for this reason, there is an obligation on Band Councils to improve their administrative system. In particular, increased and improved communication between Band leadership and its people is required. It is recognized that administrative and planning shortcomings at the Band level are a direct result and reflection of past Departmental policies and administrative approaches. For this reason the onus is on the Department
to improve its attitude and its policies. Once the Federal government has done its part, the responsibility for Indian people achieving their objectives will be their own. It is urgent that the continuing conflict between aboriginal natives and the Federal government be settled. The major components of a settlement aside from the lands issue, are development of self-reliance for the Indian people and a phasing out of the paternalistic role of the Department of Indian Affairs.
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