1876 2020

POLICY SERIES

No. 229 / APRIL 2020

THE 'ZERO-IN-TEN" PLAN

ENDING THE *INDIAN ACT* AND RESERVE SYSTEM

BY JOSEPH QUESNEL

FRONTIER CENTRE FOR PUBLIC POLICY

Ideas that change your world / www.fcpp.org

JOSEPH QUESNEL

Joseph Quesnel is a research fellow for the Frontier Centre for Public Policy who mainly focuses on Aboriginal matters and property rights. Presently based in eastern Nova Scotia, he is from northeastern Ontario and has Métis ancestry from Quebec. He graduated from McGill University in 2001, where he majored in political science and history. He specialized in Canadian and U.S. politics, with an emphasis on constitutional law. He also has a Master of Journalism degree from Carleton University, where he specialized in political reporting. His master's research project focused on reformist Indigenous thinkers in Canada. He is currently studying theology at the Atlantic School of Theology in Halifax. In the past while as a policy analyst, he was the lead researcher on the Frontier Centre's flagship Aboriginal Governance Index, which is measured perceptions of quality of governance and services on Prairie First Nations. For over two years, he covered House standing committees as well as Senate committees. Quesnel's career in journalism includes several stints at community newspapers in Northern Ontario, including in Sudbury and Espanola. He also completed a radio broadcasting internship at CFRA 580 AM, a talk radio station in Ottawa, and the well-known Cable Public Affairs Channel (CPAC). He is a past editor of *C2C Journal,* an online Canadian publication devoted to political commentary. He wrote a weekly column for the *Winnipeg Sun* and contributes to *The Taxpayer,* the flagship publication of the Canadian Taxpayers Federation. Quesnel's policy commentaries have appeared all over Canada, including the *Globe and Mail,* the *National Post,* the *Financial Post,* the *Vancouver Sun,* the *Ottawa Citizen,* the *Montreal Gazette,* the *Calgary Herald, Winnipeg Free Press,* among many other major papers. Over the years, he has been featured as a guest commentator on many radio and television news programs.

FRONTIER CENTRE
FOR PUBLIC POLICY

203-2727 Portage Avenue, Winnipeg, Manitoba Canada R3J 0R2
Tel: 204-957-1567
Email: newideas@fcpp.org

The Frontier Centre for Public Policy is an independent, non-profit organization that undertakes research and education in support of economic growth and social outcomes that will enhance the quality of life in our communities. Through a variety of publications and public forums, Frontier explores policy innovations required to make the prairie region a winner in the open economy. It also provides new insights into solving important issues facing our cities, towns and provinces. These include improving the performance of public expenditures in important areas such as local government, education, health and social policy. The author(s) of this study have worked independently and the opinions expressed are therefore their own, and do not necessarily reflect the opinions of the board of the Frontier Centre for Public Policy.

Copyright © 2020 by the Frontier Centre for Public Policy.

Policy Series No. 229 • Date of First Issue: April 2020.

Reproduced here with permission of the author(s). Any errors or omissions and the accuracy and completeness of this paper remain the responsibility of the author(s).

Frontier Centre for Public Policy expresses its appreciation and thanks to the Lotte and John Hecht Memorial Foundation for supporting for this project.

ISSN 1491-78

Ideas that change your world / www.fcpp.org

POLICY SERIES
No. 229 / APRIL 2020

THE 'ZERO-IN-TEN" PLAN

ENDING THE *INDIAN ACT* AND RESERVE SYSTEM

BY JOSEPH QUESNEL

TABLE OF CONTENTS

INTRODUCTION

It is no secret that the *Indian Act* is universally reviled among Indigenous leaders and activists, yet none of them really have come up with a realistic plan to repeal or move away from it. There have been some attempts to remove major parts of the legislation over the years, but they have all ended in failure. The fact of the matter is that the *Indian Act* and the reserve system it created is all that Indigenous communities have known for almost 150 years. Consequently, it has deep roots in the psyche of Indigenous peoples and the Canadian public, and is the main paradigm through which we view Indigenous affairs.

This paper seeks to present a realistic plan for First Nations to move out from the *Indian Act* over a long period of time. This so-called "Zero-in-Ten" plan is to create a situation where zero provisions of the *Indian Act* are applicable to First Nation communities in 10 years.

To be clear, this plan will *not* terminate the special relationship between the First Nations and the federal government. It will *not* end the provision of federal services to First Nations or stop the fiscal relationship. It will *not* alter Aboriginal and treaty rights. It will also *not* prejudice current and future specific and comprehensive lands claims. This plan is *not* a version of the White Paper or a White Paper 2.0. It most closely resembles the intent of Senate Bill S-216,[1] a piece of legislation introduced by Metis Senator Gerry St. Germain that was designed to allow for Crown recognition of self-governing First Nations.

Instead, this plan will return reserve lands back to their rightful owners, the First Nation communities, and it will remove ministerial oversight for most aspects of Indigenous life and governance. Although First Nations will be largely autonomous, they will still be subject to the Charter of Rights and Freedoms and pertinent human rights legislation, as self-governing First Nations are now. This paper assumes that the continued application of these protections is uncontroversial among First Nations.

DISCUSSION

There is nothing wrong with Indigenous communities occupying land they have lived on since time immemorial. There is something very wrong, however, with a 19th-century system—imposed in a top-down manner from the central government—that restricts what First Nations can do with their land and resources. There is something wrong with requirements that they must receive approval from the federal minister on a myriad of issues related to band governance and affairs. Modern First Nations in the 21st-century need tools from this century, not tools from an earlier age.

This paper takes aim at the paternalistic reserve system, not First Nation possession and occupation of their own lands. The paper assumes that the worst element of the *Indian Act* regime is its federal government paternalism and the assumption that Indigenous communities still need oversight over their internal affairs. That is the foremost problem that needs to be addressed in any *Indian Act* repeal effort.

On a practical level, the *Indian Act* does, in fact, protect certain aspects of Indigenous life and governance that many communities have come to view as sacrosanct or perhaps sacred. It sets aside reserve lands for the exclusive use by Indian bands. It defines who is an Indian for the purpose of government identification and more importantly for funding bands. It protects the tax exemption that First Nations people living and working on reserve benefit from. It also protects reserve land from seizure by creditors. At the same time, it protects certain aspects of Indigenous life and governance that are less critical, such as rules governing band elections. Moving away from the *Indian Act* would represent a fundamental shift in the way Indigenous people govern themselves and interact with the non-Indigenous society.

Few Canadians seem to realize that the reality for Indigenous people is that for decades their communities have been removing themselves from the various provisions of the *Indian Act.* From custom band election systems to the *First Nations Land Management Act* to sectoral self-government agreements, First Nations have been removing themselves slowly from the *Indian Act* and have been doing much better because of those actions.

The idea in this paper is to place a sunset clause provision onto the *Indian Act* (it will expire in 10 years time unless the federal government revived it) and create temporary legislations of interim rules that would only apply to First Nations as they removed themselves from the *Indian Act* and as they negotiate governance agreements either regionally or by individual bands with the federal government. So once 10 years comes around all First Nations would come under these individual or regional agreements and the *Indian Act* would no longer exist. Then, Ottawa can work with Indigenous communities in empowering them to create their own sources of revenue streams and craft new fiscal relationships with Indigenous communities.

The 1996 Royal Commission on Aboriginal Peoples (RCAP) spoke about the ability of First Nation communities to coalesce and "re-constitute" themselves as Indigenous nations within the landmass of Canada.[2] It also spoke about allowing these communities to decide their own membership laws and to create their own governing systems.[3] The following plan allows First Nations to do exactly this over a phased-in period with certain expectations of good will between First Nations and the federal government. Although this plan does, in fact, assume agreement with all RCAP plans, it respects the vision of autonomy outlined therein.

PAST ATTEMPTS TO CHANGE THE *INDIAN ACT*

When the White Paper was released in 1969,[4] it was the first significant announcement that the federal government intended to repeal the *Indian Act.* While Indigenous leaders at the time reacted very negatively to this plan, they did not specifically single out the repeal of the *Indian Act* as their main point of disagreement. After all, Indigenous leaders and activists also opposed this *Act,* but they had ambivalent feelings about it and the role it played in their welfare. As Harold Cardinal, the Cree activist from Northern Alberta and author of *The Unjust Society,* explained in 1969:

> We do not want the *Indian Act* retained because it is a good piece of legislation. It isn't. It is discriminatory from start to finish. But it is a lever in our hands and an embarrassment to the government, as it should be. No just society and no society with even pretensions to being just can long tolerate such a piece of legislation, but we would rather continue to live in bondage under the inequitable *Indian Act* than surrender our sacred rights. Any time the government wants to honour its obligations to us we are more than happy to help devise new Indian legislation.[5]

Cardinal's call for the federal government to work with Indigenous communities to devise "new Indian legislation" went largely unanswered in terms of organizing some sort of "summit" meeting between the two groups to discuss this serious matter. This plan is a response to this call. A key difference is that Canada now has entrenched Aboriginal and treaty rights in its constitution, something that was unavailable in Cardinal's day. Thus, constitutional Aboriginal rights, ideas of Aboriginal title, and the duty to consult First Nations communities would be unaffected by this plan.

The last time there were serious discussions about repealing the *Indian Act* occurred in 2012 during the historic Crown-First Nations Gathering in Ottawa after the height of the "Idle No More" movement where Indigenous issues were at the centre of Canadian political life. Although removing the *Indian Act* was not a central demand of that movement, the movement created an opening in the political landscape to discuss such a fundamental change. However, Prime Minister Harper threw cold water on that proposal when he said:

> Our government has no grand scheme to repeal or unilaterally re-write the *Indian Act.* After 136 years, that tree has deep roots. Blowing up the stump would just leave a big hole. However, there are ways, creative ways, collaborative ways, ways that involve consultation between our government, the provinces and First Nations leadership and communities. Ways that provide options within the *Act,* or outside of it, for practical, incremental and real change.[6]

This paper argues that this is the time to move towards increased Indigenous independence away from the *Indian Act* while ensuring that Aboriginal and treaty rights are protected. In this age of reconciliation, First Nations are ready to rebuild their nations and assume control over their destiny as individuals and as communities.

The most significant change would be the transfer of underlying title of the lands and resources from the Crown to First Nations communities themselves. The restriction on alienation of land only to the Crown would be abolished, but an Indigenous government could then impose a similar restriction on the sale of "reserve" lands. First Nations would be in the driver's seat on that question; the people would be empowered to create their own destiny. The goal would be removing the federal government from the fiduciary responsibility for Indigenous lands and resources in Canada and turn that responsibility over to the Indigenous people themselves.

This plan will require a psychic shift among First Nation peoples, non-Indigenous people, and indeed all levels of Canadian governments. The concept of a "reserve" as land set aside and protected and coddled by the federal government will disappear as well as the idea that First Nations must answer

to Ottawa for many areas of First Nation collective life. The federal government will continue to look after the interests of First Nation peoples, but the most overt forms of paternalism of the past will have ended, and the relationship will resemble more a partnership among equals rather than a "ward-child" relationship as in the past, despite the federal government's special role with First Nations. Although Ottawa would have jurisdiction over "Indians" as per the constitution they would vacate that role as these self-governing governance agreements became operational over time.

Canada would have to accept that Indigenous communities have collective rights and rights to certain lands, as well as significantly increased autonomy over their affairs, especially as they assume more of the financial burden of their communities. It would also accept that the federal government has a unique relationship with these communities. But this relationship will be more about the nation-to-nation, government-to-government relationship than a ward-like fiduciary one.

This places the burden on Indigenous communities to accept increased autonomy and willingness to accept the consequences of their choices, as individuals and as communities. This is, of course, easier said than done. Therefore, this plan will involve significant resources coming from the federal government and continued Indigenous-state engagement for a significant period of time.

PAST ATTEMPTS AT COMPREHENSIVE *INDIAN ACT* REFORM

As stated above, there is nothing novel about First Nations removing themselves from specific provisions of the *Indian Act* or the reserve system. In fact, comprehensive amendments to the *Indian Act* were attempted in 1996 through Bill C-79,[7] which called for significant "interim" reforms to the *Indian Act* in a number of areas, including band governance, by-law authority, and legal capacity, and the regulation of reserve land and resources.

The *Act* proposed in this paper would give First Nation governments increased authority over many more aspects of the daily operations of Bands by removing ministerial involvement and streamlining many administrative processes. Unfortunately, this reform effort was opposed by Indigenous bands at the time it was proposed; many of the Bands said there were problems with a "piecemeal" approach.[8]

In 2002, the federal government again initiated a major overhaul of the *Indian Act* with the introduction of the proposed *First Nations Governance Act* (Bill C-7).[9] Bill C-7 was aimed at addressing fundamental aspects of Band governance and would have provided band councils with: expanded authorities to develop their own laws (codes) in respect of leadership selection; the administration of government and financial management and most importantly accountability; expanded law-making authorities in a number of other subject-matters; as well as the removal of ministerial oversight powers in several policy areas.

However, the proposed *Act* was met with opposition from chiefs and provincial/territorial First Nation organizations, as well as from the Assembly of First Nations, and as a consequence the *Act* died on the order paper with the prorogation of parliament in November 2003.[10] The financial accountability provisions would eventually be passed as separate legislation.

Over the years, the Senate has attempted to introduce several bills to recognize the inherent right of self-government of First Nations. The most recent attempt was Bill S-216 introduced by Senator Gerry St. Germain in May 2006 to promote the recognition and implementation of the right to self-government for First Nations in Canada. However, the bill died on the order paper at the prorogation of parliament in September 2007.[11]

EXISTING ARRANGEMENTS THAT REMOVE *INDIAN ACT* PROVISIONS

At present, there are various legislative regimes that remove First Nations from specific provisions of the *Indian Act* and do not seem to prejudice existing Aboriginal and treaty rights. These are legislative tools that have empowered bands to operate more freely from the *Indian Act.* For example, the *First Nation Land Management Act,* (FNLMA) which was enacted in 1999, removes participating First Nations from the land management provisions of the *Indian Act.* First Nations can develop their own laws about land use, the environment, and natural resources and take advantage of cultural and economic development opportunities with their land management authorities. Each First Nation is responsible for adopting its own land management system, complete with a comprehensive land code.

As of January 2019, 153 First Nations have entered First Nations Land Management agreements and are either developing or operating under their own land use codes. Subsequent governments have devoted resources to helping more First Nations enter the FNLMA regime. Researchers and scholars have, in fact, been lauding the FNLMA as an "unsung success."[12] For example, the consulting firm KPMG has conducted two studies on the economic impact of FNLMA, in 2010 and 2014.[13] By escaping the paternalistic involvement of the federal government in the management of Indigenous land, these First Nations under the FNLMA have posted increased internal and external investment, increased revenues for their communities, and significant job-creation spin-offs.[14] Research has also found that the processing speeds of land transactions (such as mortgages, leases, permits, easements, and land interests) have decreased significantly, with many saying that the processing speeds for First Nations under the FNLMA are as much as 35 times faster than under the *Indian Act.*[15] Also, First Nations operating under the FNLMA report improved relations with private corporations and nearby non-Indigenous municipalities.[16]

There are three other ways that existing First Nations remove themselves from the *Indian Act.* The *First Nations Oil and Gas and Moneys Management Act* (FNOGMMA)[17] was enacted in 2005 as optional legislation that allows some First Nations to opt out of the money management provisions of the Indian Act and provides for the release of capital and revenue for the management and control of the First Nation.[18]

The *First Nation Fiscal Management Act* (FNFA) was enacted in 2005 and provides First Nations with practical tools, which are available to other levels of government, for modern fiscal management by enhancing First Nation property taxation, creating a First Nation bond financing regime, and supporting First Nation capacity in financial management.[19] The *Indian Act* was designed to control First Nations and inadvertently, it also hampered their economic activity so it is no surprise that First Nations have demanded and worked with Ottawa to create tools outside the *Indian Act* to ensure their involvement in the 21st-century economy.

The *First Nations Commercial and Industrial Development Act* (FNCIDA) came into force in 2006 and addresses regulatory gaps for First Nation commercial and industrial development on-reserve by enabling the federal government, at the request of a First Nation, to develop regulations that mirror a provincial regime for specific commercial and industrial development projects. First Nations that make use of this new legislative tool ensure their on-reserve real estate developments benefit from greater certainty of land title, making the value of properties comparable to similar properties of off-reserve land. Finally, the federal government's matrimonial property rights law addresses the gap in the *Indian Act* where people living on reserve are not protected by provincial matrimonial laws.

The last proposal was the most far-reaching, and most controversial, and it was the inspiration for this study. The *First Nation Property Ownership Act* (FNPOA) was introduced in September 2009 in a presentation to the House of Commons Standing Committee on Finance.[20]

Manny Jules, Chief Commissioner of the First Nations Tax Commission and an influential BC leader, proposed FNPOA that would allow First Nations to opt out of the reserve land system in the *Indian Act.*[21] This would involve transferring title from the federal government to specific First Nations governments and would allow those communities to move towards a Torren land title system,[22] which, arguably is the best property rights protection system available.[23] The most important aspect to bear in mind is that FNPOA would grant reserve lands in collective fee simple manner to First Nations so that they could determine their own property-rights systems.[24]

Unfortunately, due to widespread misunderstanding of the legislation, a Bill was never introduced in the House of Commons, and consequently the effort to introduce such legislation stopped due to widespread misunderstanding among First Nations. This plan involves the adoption of a version of the FNPOA that would apply to all First Nations without self-government agreements.

All the above tools would allow First Nations to escape the paternalistic grip of the anachronistic *Indian Act,* with the FNPOA providing the most freedom. The record of benefits to the First Nations involved is a very positive one.[25] The research literature on Indigenous communities in Canada, as well as in the United States, shows only benefits to those communities when decision-making authority over lands, resources, and other areas of Indigenous life rests with the community itself, and not with a distant central government.[26]

The renowned Harvard Project on American Indian Economic Development,[27] in its arguments for Indigenous sovereignty, has stated that: "When Native nations make their own decisions about what development approaches to take, they consistently out-perform external decision makers—on matters as diverse as governmental form, natural resource management, economic development, health care, and social service provision."[28] Of course, creating transparent and accountable institutions and good leadership are critical, but returning authority to the First Nation over its own affairs is the first critical step on the way towards creating healthy, self-sufficient Indigenous communities. Therefore, this plan goes further than the FNLMA, and grants full-title to First Nations communities as a collective title so that the communities are completely responsible for their lands and resources and consequently they can make decisions about the way the land and other resources are developed. It will also grant full authority on economic development matters to the First Nations themselves and the First Nations will be outside of ministerial discretion and oversight. Canada will continue to work with Indigenous communities on membership and Indian status issues, but over the next 10 years, issues such as the federal tax exemption and the benefits of Indian status will be examined and would likely come to be covered by the individual and/or regional governance agreements conceived as part of this plan.

It is argued here that in this age of Indigenous reconciliation it is time to move forward with plans to move away from the *Indian Act* towards more independent Indigenous communities. The voluntary and piecemeal approach has been shown to work and to be effective, but Indigenous communities would benefit most from the full range of powers over their own lands and resources and have authority over their own internal affairs.

However, there will be safety precautions in that at the outset and throughout the process there will be an opportunity for some First Nations to decide to remain under legislation that resembles the *Indian Act.* Although the sunset clause will make the *Indian Act* expire in 10 years, there will be federal interim rules that resemble the *Indian Act* that these Indigenous communities would remain subject to for the foreseeable future. Taking this step will require a referendum vote of membership with a special majority threshold. Some First Nations that are simply unready for this kind of move would be able to remain under the old paternalistic structures until they are ready for this change. The plan will involve the Canadian government directing its attention and resources to helping these First Nations prepare for eventual exit from the provisional legislation resembling the *Indian Act.*

The argument in favour of such a bold move is the result of past and ongoing calls from Indigenous peoples, particularly from strong leaders like Robert Louie and Jody Wilson-Raybould to adopt their own governance systems rooted in their own culture and values. For example, in British Columbia there is widespread confusion over authority between elected leaders and hereditary leaders. This confusion has led to friction over approval of resource-development projects in the case of Coastal GasLink where a segment of the so-called hereditary chiefs came into conflict with the elected chiefs and the RCMP over the use of blockades and injunctions. The resulting solidarity actions by many other people and blockades affected Canada's economy in a significant way. This plan will allow these communities to design their own governance institutions and decision-making processes so that these agreements could be made without such complications and controversies. The community itself would designate its lawful decision makers.

Uncertainty over governance complicates consultation efforts with these communities and hampers long-term economic development. Under this plan, Indigenous communities under their own governance agreements could design institutions and processes that meet their cultural needs. Like Senate Bill S-216, the self-governing First Nations bill, the agreements would involve First Nation adoption of constitutions where they set laws on membership, service provision, culture and language, land and resource title and management, as well as sort out criminal justice matters. These self-governing communities would clearly *not* be glorified municipalities. First Nations would then present a unified front when dealing with the Crown and private sector resource proponents when projects need to be consulted on.

However, if First Nations under this plan receive financial contributions from the federal government, they would be subject to the *First Nations Financial Transparency Act,* like any other level of government. The eventual aim would be to create a fiscal relationship that allows for increased own-source revenues and reduced federal contributions over time. In a word, First Nations would finally become self-supporting and self-sufficient. The aim would be for Indigenous communities to be increasingly self-reliant and therefore responsible for their own financial accountability to their own members.

A REALISTIC PLAN TO PHASE-OUT THE *INDIAN ACT* AND ITS RESERVE SYSTEM

This plan is outlined in ten steps:

1) Parliament places a sunset clause provision in the *Indian Act* as a statute. This means the legislation will expire in 10 years.

2) Parliament would pass a version of the *First Nation Property Ownership Act* where underlying title and responsibility for existing reserve lands would be transfers from the Crown to First Nation communities. This means collective title over land and resources would become vested in the Indigenous community, which could retain it in collective fee simple or decide to divest land to individuals.

3) Parliament would pass legislation that provides federal interim provisional rules for oversight of areas within the *Indian Act,* such as laws governing the tax exemption for First Nations on reserve, or laws encompassing First Nation membership rules, or regulations governing elections. First Nations that have not negotiated their own governance agreement with Ottawa would come under this legislation so there is no legislative vacuum. This would be the most difficult part of the plan to implement and Ottawa would probably devote considerable resources to negotiating governance agreements.

4) Ottawa would negotiate and ratify governance and fiscal agreements with First Nations, which could be done on a regional basis. Once these agreements were ratified the First Nations would remove themselves from the *Indian Act* or the interim federal legislative frameworks.

5) At the same, Parliament would create provisional legislation that would resemble the *Indian Act* and allow the bands not participating to remain under those until they were ready for change.

6) By the 10-year mark, all First Nations would be covered by legislation that had been negotiated individually or regionally with Ottawa. Those who have not passed the 10-year mark will remain under interim federal regulations.

7) Federal Parliament would pass a version of Senate Bill S-216 to provide Crown recognition of these self-governing First Nations.

8) Ottawa will meet with First Nation leaders and organizations to discuss the future of federal service delivery to their communities, as well as the future fiscal relationship with First Nations. The aim will be to encourage communities to raise their own revenues to supplement or supplant federal contributions.

9) The Ministry of Crown-Indigenous Relations and Northern Affairs will continue to exist because the federal government will continue to have special relationships with Indigenous peoples. While Indigenous Services Canada will exist for the foreseeable future, the need for regional INAC offices will become less relevant over time as First Nations assume oversight over their communities.

10) When all Indigenous communities have lived under governance agreements for a minimum of five years, possible amendments to the *Constitution Act, 1982,* will take place to possibly removing S. 91 (24) in the *British North America Act* that read: "Lands reserved for the Indians." Ottawa would get out of the Indigenous land management business forever.

CONCLUSION

This paper presents a bold and comprehensive plan to end the most troublesome elements in the *Indian Act* and the reserve system. However, the plan is thoughtful and fully respectful of hard-earned constitutional rights held by First Nations and other Canadians.

It puts an expiry date on the *Indian Act* and gives both Ottawa and Indigenous communities time to negotiate individual or regional-level governance agreements that will re-define their relationship with each other, and it would eliminate one of the most anachronistic paternalism *Acts* helping Indigenous communities to finally achieve responsible government and individual and community autonomy from the federal government. In a sense, this plan will honour the vision of the Royal Commission on Aboriginal Peoples (RCAP) on Indigenous nationhood by allowing communities to re-constitute themselves, in some cases on a regional basis for cultural/linguistic needs as well as to take advantage of economies of scale.

This paper is presented as a way of beginning a serious conversation about Indigenous autonomy. Of course, the time period and logistics could be altered by the parties, but the objective would be to end almost 150 years of paternalism. This objective will require patience and good will on both sides. It will result in a paradigmatic and psychic shift in the relationship between these parties. With Indigenous buy-in, Ottawa will commit tremendous resources towards the cost of negotiating and capacity-building to place Indigenous communities on a much more solid foundation in preparation for a brighter future. Canadians will have to accept that if Indigenous communities honour the timeline. Indigenous reconciliation will require more than cosmetic changes to the *Indian Act* system. Reconciliation requires a changed relationship, which this plan will help create. It's time to get started.

ENDNOTES

1. See https://www.parl.ca/LegisInfo/BillDetails.aspx?Bill=S216&Language=E&Mode=1&Parl=39&Ses=1&billId=4772627&View=4.
2. See https://www.queensu.ca/sps/sites/webpublish.queensu.ca.spswww/files/files/Events/Conferences/RCAP/Papers/Abele_Satsan_Alexiuk_Macquarrie_Completing_Confederation.doc.pdf.
3. Ibid.
4. Statement of the Government of Canada on Indian policy (The White Paper, 1969).
5. Cardinal, Harold. *The Unjust Society.* 2nd ed. Vancouver: Douglas & MacIntyre, 1999. 140.
6. See https://c2cjournal.ca/2016/05/conservative-fixes-for-failed-liberal-aboriginal-policy/.
7. See https://www.rcaanc-cirnac.gc.ca/eng/1323350306544/1544711580904.
8. Ibid.
9. Ibid.
10. Ibid.
11. Ibid.
12. See https://policyoptions.irpp.org/fr/magazines/aout-2016/an-unsung-success-the-first-nations-land-management-act/.
13. Ibid.
14. Ibid.
15. Ibid.
16. See https://www.rcaanc-cirnac.gc.ca/eng/1323350306544/1544711580904.
17. See https://laws-lois.justice.gc.ca/eng/acts/F-11.9/.
18. Ibid.
19. Ibid.
20. See https://laws-lois.justice.gc.ca/eng/acts/F-11.9/.
21. Ibid.
22. The Torrens System is modeled after the ship registry system devised by Robert Torrens. In the Torrens System, a purchaser does not need to search back through each previous transfer. Instead, the purchaser can rely on whatever name shows on the Land Title Registry. If the Land Title Registry shows a person as the owner, the purchaser can buy the property from that owner without worrying about how that person became the owner.
23. Ibid.
24. See https://www.uoguelph.ca/fare/FARE-talk/transcripts/beyond-indian-act.html.
25. Ibid.
26. See https://hpaied.org/about.
27. Founded by Professors Stephen Cornell and Joseph P. Kalt at Harvard University in 1987, the Harvard Project on American Indian Economic Development (Harvard Project) is housed within the Malcolm Wiener Center for Social Policy at the John F. Kennedy School of Government, Harvard University. Through applied research and service, the Harvard Project aims to understand and foster the conditions under which sustained, self-determined social and economic development is achieved among American Indian nations.
28. See https://hpaied.org/about.


FRONTIER CENTRE
FOR PUBLIC POLICY