

The slow pace of land claims

Canadians must not be held hostage by people like the natives who blockaded train tracks at Deseronto the other weekend, but if the government truly wanted to avoid ugly land claims confrontations, it would try harder to undermine their political legitimacy.

The natives' own band has disowned the blockade but not the motivation behind it. Indeed, the ragtag group of belligerents with their burned-out school bus might be correct about the rightful treatment of a quarry on land subject to a claim by Mohawks from the Bay of Quinte. Unfortunately, no one knows for sure because the federal government's system for assessing land claims is so wretched.

"Specific land claims" are cases where a First Nation alleges that it has been wronged by the government — usually that it was either deceived at the negotiation stage decades ago or cheated of a right or a payment to which it was entitled under a land-transfer treaty in the years since. If corporations were involved, one would sue the other and a judge would sort it out, but because of the complex historical and political questions involved, and sometimes the limited resources of a band bringing a claim, a different system applies.

It involves research and negotiation, and sometimes a hearing by the Indian Specific Claims Commission. Technically that's an arm's-length body, but it answers to the Minister of Indian and Northern Affairs, the same person whose budget pays to settle land claims and whose department represents the Crown against the First Nations making those claims. Phil Fontaine, grand chief of the Assembly of First Nations, and Indian Affairs Minister Jim Prentice have served on the commission, and both have said it doesn't work.

According to a recent Senate

report, 855 specific claims are grinding through the system at a rate of about 10 a year; only 275 have been settled since 1970. At that pace, assuming nobody brings another one, resolving them all will take until 2093. Mediator and former premier David Peterson says native frustrations are reaching a boil across the country.

The government allocates a limited amount of money for the claims process each year, perhaps \$100 million, which is enough to settle only a handful while all the others drag on; the government itself estimates it could be on the hook for between \$6 billion and \$15 billion. The Assembly of First Nations wants \$1.5 billion allocated each year to try to whip through the backlog.

Allocate the money and land-claims negotiators will surely find a way to spend it, but the principle is right. Paying the just claims of Canada's natives mustn't be delayed because the government hasn't supplied the money to do it; waiting doesn't make the damages any less. Mr. Prentice plans soon to present a plan to cabinet, where it deserves urgent consideration.

Land claims are complex, and even people of goodwill with the right money and staff couldn't work them all out in a year, or perhaps even a decade. But if the system were working efficiently and in good faith, nobody with a legitimate claim would have any reason to block a road or a rail line, and the authorities could act swiftly and confidently against anyone who did.

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