Comparative Analysis of the 1969 White Paper and 1970 Red Paper

Background:

In the era of the 1969 White Paper, leaders throughout their territories were deeply concerned with the prospect of change envisioned by the White Paper that they would lose their cultural sovereignty and ultimately their lands. As a formal response, the Red Paper was written primarily about land claims and the economic policies of the government of the day but continues to resonate with leaders to this very day.

The Red Paper was sent to Prime Minister Pierre Trudeau in 1970, and a petition was sent to the Queen claiming that the Canadian government was taking away something granted by the Crown. Trudeau, in a famous statement, claimed that native rights could not be recognized because "no society can be built on historical might-have-beens." Further, Trudeau said, "We'll keep them in the ghetto as long as they want."

In 1970, the White Paper was officially withdrawn, citing widespread protest. Since this time period, many native scholars and others who have studied the issues consider the spirit of the White Paper to be alive and well, operating behind the scenes of successive Canadian governments in the advancement of the devolution strategy aimed at implementing Indigenous domestication under the guise of Self-Government.

Jean Chretien was the Minister of Indian Affairs in the 1960's and 1970's.

First Nations peoples began to realize that they would have to make their claims to an International Court. In 1973, the Nisga'a took the first comprehensive land claim to the Canadian Supreme Court. Six of the seven judges said that the Nisga'a specifically did not have the right to the land, with the caveat that the native groups in general do have a legitimate claim to the land. While seemingly a defeat, this was in fact a major ideological victory for all native peoples.

In 1981, the Charter of Rights and Freedoms guaranteed that existing native treaties would be respected. In 1987, the second attempt for Constitutional amendment was attempted first at Charlottetown and subsequently during the Meech Lake Accord. Cree MP Elijah Harper of Manitoba ultimately and finally turned down constitutional amendment famously because the First Nations were not consulted due to the closed-door policy and lack of meaningful involvement.

With the fall of the Charlottetown Accord, the advancement of the Aboriginal and Treaty Rights agenda fell by the wayside leaving it to three decades of Supreme Court decisions to determine the future of Aboriginal Treaty Rights in Canada. In 1982, the Canadian Constitution was formalized with Section 35 (1) stating that the "existing Aboriginal and Treaty Rights are hereby affirmed…"

The result has been that in the 40 years since 1982, First Nations have been forced to argue the existence of their rights through courts that are created by the Canadian parliament, which is also establishing the laws and rules for deliberating on the Aboriginal and Treaty rights questions.

First Nations have lobbied diligently for International oversight throughout this same time period and the result has been a United Nations Declaration on the Rights of Indigenous Peoples that is now under scrutiny as one of the many pieces of legislation that will impact our rights. Bill C-262 is before the Federal Government of Canada in their law making process. However the court system continues to be the only avenue for First Nations to argue their rights as the UNDRIP has not been definitively binding on the advancement of Aboriginal and Treaty Rights to the extent that First Nations desire.

1969 White Paper	**1970 Red Paper**
The White Paper of 1969 was a Government of Canada document meant to form the basis of legislation dealing with Aboriginal rights. <u>Key Points:</u> 1. The legislative and constitutional basis of discrimination based on the Indian Act should be removed. 2. There should a positive recognition of Aboriginal culture and its uniqueness on Canadian life. 3. Aboriginal services should come through the same channels and government agencies used for all Canadians. 4. The furthest behind should be helped the most. 5. Lawful obligations should be recognized.	The Red Paper was the Indigenous response to the Government of Canada White Paper of 1969 and was developed by Indian Association of Alberta. Key Points: 1. The legislature and constitutional basis of Indian status and rights should be maintained until Aboriginals are prepared and willing to renegotiate them. 2. The only way to maintain Indian culture is to remains as Indians. 3. Aboriginals already have access to the same services as other Canadians, plus additional rights and privileges that were established by the British North America Act, various treaties and governmental legislation. 4. The government wrongly thinks that the Crown owns reserve lands. The Crown merely holds such lands, though

6. Land control should be transferred to the Aboriginal peoples. 7. The government is prepared to repeal the Indian Act, so Aboriginals can acquire titles to and control over Aboriginal lands. 8. The government is prepared to make funds available for Aboriginal economic development as an interim measure. 9. The government is prepared to drop the words "Indian Affairs" from the Department of Indian Affairs and Northern Development. Government responsibilities dealing with Aboriginals would be transferred to other appropriate federal departments. 10. The government is prepared to appoint a Royal Commission to consult with the Aboriginals. The commission would study and recommend adequate procedures for land claims adjudication.	they belong to the Aboriginal peoples. The government also thinks that Aboriginal sonly can own land in the Old World, European sense of land ownership. Therefore, the Aboriginal peoples should be allowed to control land in a way that respects both their historical and legal rights. 5. The Indian Act should be reviewed, but not repealed. It should only be reviewed when treaty rights issues are settled and if there is a consensus among Aboriginal peoples on such changes regarding their historical and legal rights. 6. The Department of Indian and Northern Affairs should cease to exist in its archaic and paternalistic form. A similar federal agency should be established to look more closely at and be more attuned to the needs of the Aboriginal peoples – particularly when it comes to ensuring that treaty and land rights promises are kept. 7. Aboriginals reject the appointment of a sole commissioner in a Royal Commission, because he will be appointed by the government itself to protect its interests without Aboriginal consultation. The government, instead, should call an 'independent, unbiased, unprejudiced' commission that should have the power to bring any witnesses or documents that it or the Aboriginal wish to present. Its judgments should be legally binding.