their own destiny rather than having it imposed upon them. The failures are accounted for by the reluctance of the dominant society to allow them into the work force.

Ken Coates' study of Yukon education is distressing, but forthrightly demonstrates the Canadian government's marginal commitment to Indian education, especially in the north. Marginal people living in a marginal part of the country and out of sight of most people brought about a lack of concern. It makes clear that if the residential schools were imperfect the alternative day school system was a disaster.

The last article, by Diane Persson, is an ethnographic gem. In reading it, one gets a detailed picture of one residential school, but also sees the more general course of Indian education in Canada. That her research conclusions somewhat contradict other studies of schools presented in this book simply adds interest and will guarantee stimulating discussion among undergraduate students.

The book is an excellent study of past educational processes. Let us hope it will inform present efforts.

D. Bruce Sealey


Professor Bartlett's paper is the eleventh in a series of background papers by the Institute of Intergovernmental Relations, as part of their research project on "Aboriginal Peoples and Constitutional Reform." The project was developed in response to the First Ministers' Conferences on Aboriginal Constitutional Matters.
which focused their attention on making constitutional provisions for aboriginal self-government.

Phase One of the project considered the various models, forms and proposals for aboriginal self-government. Professor Bartlett's paper is part of Phase Two of the project which considers the mechanisms and agreements by which aboriginal self-government can be implemented.

Professor Bartlett starts with the general assertion that true "self-government" with the aboriginal community is "fully empowered to act with respect to the administration of aboriginal lands and resources" including "use, access, control, management, disposition and taxation." Until such powers are vested in the aboriginal community, "aboriginal self-government" is meaningless.

More particularly, after an extensive review of federal and provincial laws and agreements, along with a study of the exercise of federal and provincial powers in other related areas, Professor Bartlett asserts that, based on a policy of subjugation, self-government of aboriginal lands and resources has not and does not exist in Canada, nor is it apparently the direction the respective governments intend to take.

The paper quite convincingly argues that the process of subjugation which has existed is again practiced under the current federal, provincial and aboriginal arrangements not to create true powers of self-government but to provide for "self-management" and municipal forms of government. Professor Bartlett contends that a pattern seems to be developing in this direction as evidenced by such recent arrangements as the James Bay and Northern Quebec Agreement, Cree-Naskapi (of Quebec) Act, the Sechelt Indian Band Self-Government Act and the Inuvialuit Final Agreement (Western Arctic).
The paper surveys in considerable detail how the powers that aboriginal people have over lands and resources, and within that context, their powers of self-government, have been circumscribed by federal and provincial laws and agreements. The starting point of the survey is a review of provisions under the Indian Act which clearly demonstrate, under federal legislation, a policy of subjugation and denial of self-government. While one might debate Professor Bartlett's position that Section 87 was drafted in contemplation of the exercise of provincial jurisdiction or that Indians have no power of self-management over wildlife under Section 81(o), one cannot escape the overall conclusion that provisions under the Indian Act, including those under the Indian Oil and Gas Act, deny Indian people the opportunity to be fully self-governing.

The paper next considers the denial of self-government by the provinces under existing constitutional agreements with the federal government, which, in effect, establish provincial interests and powers on reserve lands and affirm federal, but not Indian, administration. Professor Bartlett contends that provincial interests and jurisdiction on reserve lands are most strongly evidenced in British Columbia and Quebec where the beneficial Indian ownership of reserve resources is limited by these agreements, and the foundation of self-government is thereby undermined.

The balance of the paper considers in some detail current agreements and laws whereby aboriginal interests in lands and resources are surrendered and accommodation is made by way of compensation. These arrangements provide that any remaining control they have over lands and resources must accommodate provincial interests. An analysis of provisions in agreements such as the James Bay and Northern Quebec Agreements and the Inuvialuit Final Agreement...
(Western Arctic), as well as the Cree-Naskapi (of Quebec) Act, demonstrate clearly that the self-governing powers of aboriginal people to administer their own lands and resources are subject to provincial and federal "laws of general application" and are, like municipal governments, powers only of self-management.

Professor Bartlett, having convincingly reached the conclusion that there has been in practice consistent federal and provincial denial of aboriginal self-government in favour of powers of self-management, concludes his paper by suggesting approaches towards self-government which, while in themselves politically desirable, are probably unattainable under current political circumstances, particularly considering the pattern of past and present denial of aboriginal self-government. While the constitutional entrenchment of the aboriginal right to self-government is a realistic objective currently being debated and some tax concessions might be realized, it is unlikely other approaches suggested by Professor Bartlett will be readily implemented. Some of these approaches are that Section 88 be deleted from the Indian Act; that the federal government exclusively occupy the legislative field and then turn over its responsibility to aboriginal governments; that federal and provincial governments provide a secure economic foundation for aboriginal governments through comprehensive resource-sharing arrangement, guaranteed transfer payments or transfer of ownership to subsurface minerals; and that aboriginal lands and resources be excluded from the right to expropriation. Be that as it may, the approaches recommended, even if achieved in part under more suitable political circumstances, will go a long way toward establishing aboriginal self-government.
and reverse a policy which only recognizes a limited form of municipal government.

Individuals and organizations involved in land claims and self-government negotiations will find Professor Bartlett's paper revealing and useful in guiding their deliberations. Through an extensive review of federal and provincial laws and agreements, he identifies a pattern of denial of aboriginal self-government which many aboriginal people have either not fully realized but suspected or fought vigorously to circumvent.

This pattern of subjugation and denial of aboriginal control can even be traced back to the earliest development of the principle that "discovery" gave ultimate title in lands and resources to the Crown, with the aboriginal interests being a "mere burden" on that title. Even the Royal Proclamation of 1763 circumscribed the aboriginal people's ability to deal with lands reserved for them other than through the Crown. With minor exception, the history of subjugation and denial of aboriginal government has been consistent from the time of earliest contact between the aboriginal people and European settlement. Under these historical circumstances, as Professor Bartlett finally comments, the assertion by the provinces that they fail to understand aboriginal self-government, should be viewed with some skepticism. The real question is whether the federal and provincial governments are truly prepared to recognize the powers of aboriginal self-government as being something more than powers of self-management.

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