

370 NEW Native Reserves in 8 months

Land Claims for Generations to Come?

May 30, 2007

In 2001, Indian Affairs (INAC) admitted that Canada had 2,666 reserves

By September 2006, INAC had a listing of 2,974 reserves in Canada

By April 2007, that same registry had a listing of 3,344 reserves in Canada

192 of these “new” reserves are described as “sub-surface”

WHAT'S A SUB-SURFACE RESERVE?

In October 2003, the Internal Directive 10-2 was circulated throughout Indian and Northern Affairs Canada (INAC). This directive addresses *Partial Subsurface Interest Additions* and it effectively became a final policy as it was added to the Land Management Manual.

- The purpose of this directive is to address the possibility of setting apart partial interests in mines and minerals as reserve under the conditions spelled out in the Policy section.
- The issue of setting apart partial interests in mines or minerals as reserve was raised when First Nations began purchasing partial interests in mines and minerals under specific claim settlements and/or treaty land entitlements.

(“**Partial interests in mines or minerals**” means that a First Nation would acquire only a part of an interest in mines and minerals. For example, if a ¼ interest is purchased, only that ¼ interest can be set apart as reserve providing that the conditions set out in the Policy section of this directive are met.)

Policy Section:

The following conditions will apply when partial interests in mines and minerals are being set apart as reserve:

- The surface of the land under which a partial interest in mines and minerals is proposed as reserve must have reserve status pursuant to the Indian Act
- Title to the partial interest in the mines and minerals must be acquired by the First Nation and transferred to Canada before the lands are set apart as reserve
- The First Nation must be fully informed of the complexities of dealing with partial interests in mines and minerals
- A partial interest in mines and minerals cannot be explored or exploited without the appropriate provincial instrument having been first obtained, and any such instrument for mineral exploration and exploitation will not be granted by the province without the proponent having first obtained the consent of each partial holder
- All the owners of the partial subsurface interests must sign a Joint Agreement prior to Canada proceeding with setting apart the partial interest as reserve. This agreement must detail the conditions under which this interest would be held and how it would be managed for the group of owners
- The Additions to Reserve Policy must be followed when partial interests are being proposed as reserve.

What does this directive mean to Canadian jobs and the Canadian Economy?

In a nutshell, this directive gives First Nations the ability to delay and interfere with the exploration of natural resources. With a minimal investment, any First Nation can become a partial owner and according to the words of Directive 10-2, consultation and agreement must first be obtained from every part owner prior to moving forward.

In view of the approach to “keep everything natural”, this directive fits very nicely with the long term plans of interfering with the Canadian economy.

Where are all these reserves coming from and who lives there?

Most of the “new reserves” are additions to existing reserves. Many of these reserves are small lots of property, several acres in size, nothing to get excited about.

Except that at the end of the day, these reserves, large or small, have to be maintained, supervised, and administered. In the end, these small additions get to join Band Councils and also get to share the funding. As “the pieces of the pie” get smaller due to the “spreading the money around” effect, it’s to be expected that the dependency factor appears to have skyrocketed, that the housing needs remain inadequate and that social welfare is insufficient.