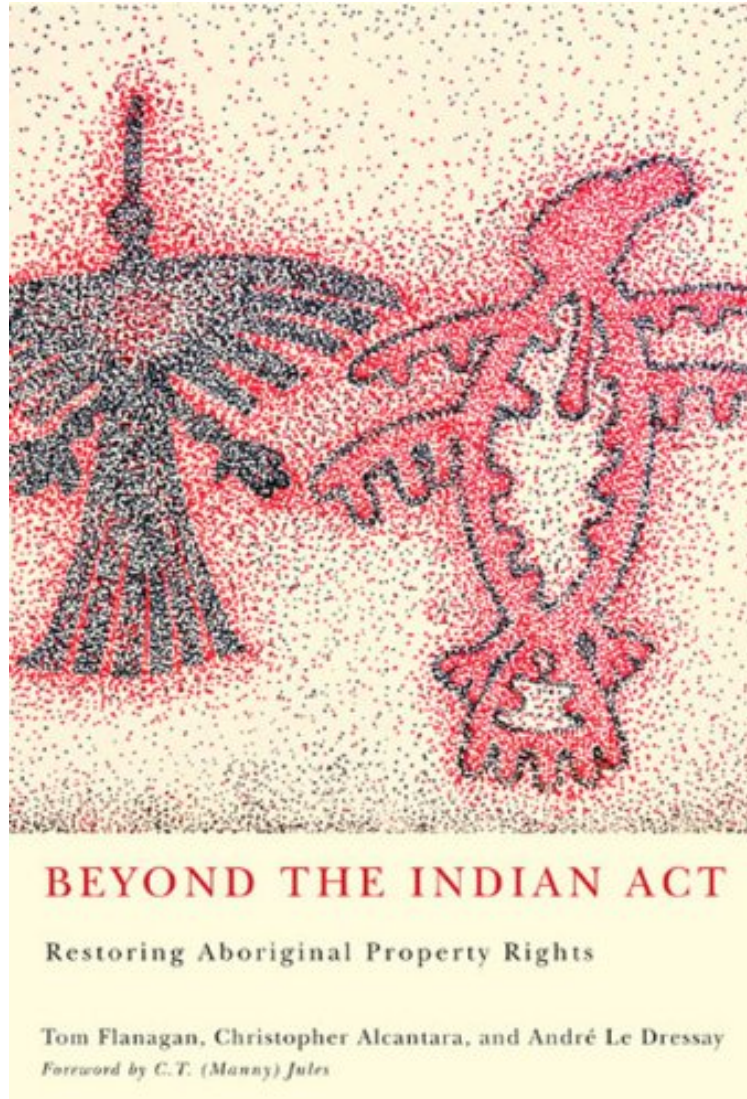


(Mobile pdf) Beyond the Indian Act: Restoring Aboriginal Property Rights

Beyond the Indian Act: Restoring Aboriginal Property Rights

Tom Flanagan, Christopher Alcantara, Andr Le Dressay

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Tom Flanagan, Christopher Alcantara, Andr Le Dressay : Beyond the Indian Act: Restoring Aboriginal Property Rights before purchasing it in order to gage whether or not it would be worth my time, and all praised Beyond the Indian Act: Restoring Aboriginal Property Rights:

0 of 0 people found the following review helpful. Misleading Title, Misleading ArgumentBy The ProfessorWhen I purchased this book I was expecting a reasoned discussion of Land Claims and the Indian Act in Canada. This has become a very important issue in recent years and warrants a serious discussion. What I found was something completely different. There is an old story in Indian Country about an Indian Elder who is being asked if he would like

to provide a message to be included on a space probe. The Elder says yes, he would, and the message is "these guys will try and take your land". This may be funny (or sad) primarily to Indian people, but the situation to which this joke makes reference is deadly serious. The authors of "Beyond the Indian Act" have the ultimate goal of removing all tribal lands from Indigenous control. Lead author Tom Flanagan is a Canadian academic who is an advocate of "neo-termination" for Canadian 1st Nations. To those of you are unfamiliar with "termination" it is a political concept, first developed in the US to end the formal existence of Indian tribes and all of their rights and treaties, along with reservations. Flanagan was an advisor to former Canadian Prime Minister Stephen Harper, and believes that Indians (Aboriginals in Canada) should not be entitled to self-determination (the current US Policy) in any form, they should be denied all federal funding and/or tax exemptions, and that the Canada's Department of Indian Affairs and the US BIA should be closed down. In particular, he wants tribal lands removed from the protection of treaties and all Land Claims to be stopped. Basically, what Flanagan and his followers want is for Indigenous peoples to be assimilated into the dominant culture and to abandon all claims to their own identities, cultures, and especially those troublesome land claims. Most of the arguments in this book are misleading. Even the cover image is incorrect, claiming to be a representation of The Eagle and the Condor, but anyone familiar with birds can see that the left image is a hummingbird, taken from the Plains of Nazca in Peru. The subtitle "Restoring Aboriginal Property Rights" is about as accurate as the US "Healthy Forests Act", which removed protection from forests. The goal of Flanagan and his coauthors is not to restore property rights to aboriginal peoples, but to remove their tribal rights to control their own lands. No person looking at this book should think that is actually about restoring any sort of rights for Indigenous peoples, in fact it is about removal of any such rights. 0 of 0 people found the following review helpful. An excellent book By Sam BA fascinating book, even if a bit scholarly, but very readable. I was interested in why the First Nations had such a bad reputation (poor, not wanting to work etc) but this book sheds a lot of light as to what our legal structure had enabled and hampered society in general. While the First Nation Act had the intention to protect the First Nations against unscrupulous white bandits/traders/entrepreneurs, this has now become a major hindrance to development. The 3 authors go through history, and case by case examine how developments have enabled an "ESCAPE" from the Indian Act in Canada, a lot quite recently (1990-2005). There have been incremental steps, allowing certainty of ownership, transfer of land, and then raising property tax, that lead to an improved investment climate, resulting in the case of the Westbank First Nations property value going from 15'000\$/acer in 1991 to over a million \$ in 2007. It describes the Dawas Act in the US which was a big failure (1887-1934) even if one could see the logic that was applied at that time. I was not aware of this gradual evolution, led by the first nations, taking responsibility for their own affairs, and in effect becoming proper citizens of a land which they were in before the big waves of immigrants. It does not have a "bitter" taste or slant, or even a "militant" bias. It just want to re-establish ordinary rights, so that the "dependancy " is removed, administration is not a complex and tremendously long drawn affair, transparency is re-established, so that they can govern their own land.

The authors not only investigate the current forms of property rights on reservations but also expose the limitations of each system, showing that customary rights are insecure, certificates of possession cannot be sold outside the First Nation, and leases are temporary. As well, analysis of legislation, court decisions, and economic reports reveals that current land management has led to unnecessary economic losses. The authors propose creation of a First Nations Property Ownership Act that would make it possible for First Nations to take over full ownership of reserve lands from the Crown, arguing that permitting private property on reserves would provide increased economic advantages. An engaging and well-reasoned book, Beyond the Indian Act is a bold argument for a new system that could improve the quality of life for First Nations people in communities across the country.

"You don't have to travel to Zambia or Peru to see dead capital. All you need to do is visit a reserve in Canada. First Nation people own assets, but not with the same instruments as other Canadians. They're frozen into an Indian Act of the 1870s so they can't easily trade their valuable resources. Beyond the Indian Act provides strategies to correct this so First Nation people can generate wealth in a manner that other Canadians take for granted." Hernando de Soto, President, Institute for Liberty and Democracy