

*Indian Act*

**Mrs. Finestone:** It is not a women's issue that I have been addressing; it is an Indian issue of which women are a part, and I would like to know how—

**Mr. Deputy Speaker:** Order, please. I do not believe this is a question of privilege. The Hon. Member for Cochrane-Superior (Mr. Penner).

**Mr. Keith Penner (Cochrane-Superior):** Mr. Speaker, I listened with great care to the contribution to this debate made by the Hon. Member for Mount Royal (Mrs. Finestone), and we all know that the Hon. Member has a reputation as an advocate of human rights which is enviable. We all wish we had equivalent reputations in fighting for human rights. The Hon. Member's speech this morning was certainly an eloquent speech.

**Mr. Robinson:** But—

**Mr. Penner:** Yes, exactly, but a very big but. The speech was eloquent, all of the sentiments expressed were correct, but the speech was made in the wrong forum. That speech should be made by one who is a member of an Indian First Nation. That is where the speech should be made.

All of those arguments are valid; all of the suggestions put forward by the Hon. Member for Mount Royal are in fact in the report of the Special Committee on Indian Self-government as matters that should properly be considered by an Indian First Nation in putting together the components of their Government and in seeking recognition by the Government of Canada, because one nation seeks recognition from another nation. There are certain requirements in seeking recognition, and so the report laid forward a pattern or a suggestion by which this process may be undertaken. The matters referred to specifically and clearly by the Hon. Member for Mount Royal are all listed there.

The issue here is not really the validity of the arguments themselves about including the maximum number of people in decision making about the membership code and about the particular form of government and the other requirements for seeking recognition. All of those are valid arguments. The simple question is, who calls the shots?

The report of the special committee, on page 54, says:

Representatives of Indian band governments rejected any federal intervention in the matter of reinstatement.

I quote from a brief presented by the Assembly of First Nations on that occasion.

It is up to the Indian governments across the country to resolve that and to put into place some just means of making sure that there is reinstatement or whatever it is they want to do.

The special committee did not shy away from the difficulty that these First Nations were facing in putting together the components of a Government that would be eligible for seeking recognition from the Government of Canada, but you will notice the emphasis that I am giving time and time again—I am talking about Indian First Nations. There is a kind of accepted way of proceeding when you are dealing nation to

nation, which is the pattern that was laid down for us by the Royal Proclamation of 1763 and one that we departed from, as the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) correctly pointed out in his remarks yesterday. When we started dealing with Indian people on an individual basis, we got off the track. We should have stayed on that nation to nation approach, and we would not be here debating this issue today; we would not be in this difficulty in which we find ourselves at the present time.

The special committee did not shy away at all from the problem that is raised by the Hon. Member for Mount Royal. All of her arguments are good. Allow me to repeat the arguments for her. You will notice a subtle difference, which is, that the suggestions for proceeding were suggestions to be seriously considered by Indian First Nations, not matters to be legislated here in this forum, in this Parliament of Canada. Here they are, Mr. Speaker.

The following procedure might be adopted—

Not "shall" but "might be adopted".

—by Indian First Nations to determine membership or citizenship:

1. The people in each community would begin with the Indian Act list, plus those who might be reinstated by any changes in legislation.
2. These people would get together to ask who might be missing and to include those they wished to include.
3. These people would agree on membership criteria and thus decide who else might be included or excluded. The criteria should be in accordance with the standards in international covenants concerned with human rights.
4. These same people would agree on appeal procedures and mechanisms.
5. The whole group would then determine their form of government and apply for recognition.

Now we come to Recommendation No. 9:

9. The Committee asserts as a principle that it is the rightful jurisdiction of each Indian First Nation to determine its membership, according to its own particular criteria. The Committee recommends that each Indian First Nation adopt, as a necessary first step to forming a government, a procedure that will ensure that all people belonging to that First Nation have the opportunity of participating in the process of forming a government, without regard to the restrictions of the Indian Act.

● (1150)

The difficulty that we are facing at this time with this motion is that everything that has been said is so right. Everything that has been said cannot be argued against. The validity of the proposition put forward by the Hon. Member for Mount Royal is unassailable.

We are dealing with Indian First Nations which never relinquished their autonomy to anyone. Their autonomy was taken away from them and now, a long time after that took place, it is beginning to dawn on a few of us that we made a terrible mistake and created problems that are beyond our ability to solve here in this place. If we were to put aside Budgets, transportation matters, agricultural matters and all the other matters with which we in this House deal, and if we were to give full and undivided attention to all the problems that are facing the Indian First Nations, we would exhaust ourselves with work and we would exhaust ourselves with endeavour, but we would not begin to solve the problems because we do not have the understanding and capacity to do