

The Constitution

The situation is further complicated by the fact that an explicit charter of individual rights and freedoms may be used in the courts to argue against the collective rights of native people. A constitution which does not include a clear reference to the aboriginal rights of native people may, in fact, lead to an erosion of existing rights and freedoms.

I do not suggest that the government is conspiring to erode the few existing rights which we have. Northerners sometimes fear that the government is plotting to assimilate us into the existing southern model. Again, I do not believe that there is a plot. It should be noted, however, that such things sometimes occur as the indirect result of actions which may have been well intended. For example, the Baker Lake court case established that aboriginal rights can be extinguished by Parliament, even as a side effect of another law. However, in the Baker Lake court case, the judge was a previous Liberal cabinet minister of industry, and the Department of Indian Affairs and Northern Development had a Liberal cabinet minister at that time. The outcome was pretty predictable.

Native people and northerners do not constitute a majority of Canada's population. We all understand that. That is the basis for the argument which the Prime Minister often gives the native people. They argue that we are a mere municipality. The territories have not been included in any constitutional debate of any meaning because their population constitutes hardly more than a municipality in the southern section of Canada.

Those are not all the factors that are involved. We are under-represented in positions of power and influence and, consequently, decisions are sometimes made that affect us, but of which the consequences were not fully considered. I do not expect other members of this House to think like native people or northerners, sometimes not even my hon. friend from Yukon. I do ask them, however, to listen to what native leaders across Canada, and the elected representatives of territorial governments, are saying. The homecoming of the Canadian Constitution will be an historic event. It could turn out to be an historic disaster for native Canadians and northerners. The omission of any reference to aboriginal and treaty rights of native Canadians may not be a sinister attempt to wipe out special status and assimilate us into an American melting pot version of Canadian society. However, the results may lead to the same thing.

● (1620)

I urge all members of this House to insist that patriation not take place until adequate provisions have been made for native participation in the constitutional revision process. As I said at the beginning of my remarks, I am more than a little despondent about this wish.

This spring the Inuit Committee on National Issues, the National Indian Brotherhood and Native Council of Canada were given funds to conduct research into constitutional issues and present the results of this research to the government. The government is now proposing to patriate a constitution which does not provide mechanisms for receiving native input and

which does not even attempt to cover many well-known positions which these organizations have articulated.

Furthermore, the amending formula leaves us little hope that changes beneficial to native people will have any chance of being included after patriation. Perhaps the money which these organizations received was intended to buy time for a government which has no intention of seriously addressing the legitimate concerns of native people with regard to the constitution. No timetable has been set to discuss native participation, and no formal procedure is in place for receiving submissions from the Inuit Committee on National Issues and the other native organizations.

I think this government should make its intentions clear with regard to native participation in constitutional renewal and that these intentions should be communicated to the Inuit Committee on National Issues, the Native Council of Canada and the National Indian Brotherhood, at the earliest possible date because we are rapidly running out of time.

The constitutional resolution as it is written falls short of recognizing the aboriginal rights of native people and offering guarantees which would preserve and enhance native cultures, of which I have spoken. The urgency of having these rights guaranteed in the constitution is enhanced by the fact that the amending formula offers us little hope of having changes made after patriation. Until part V of the resolution comes into force, the unanimous consent of the provinces is required before an amendment can be made. No one here today would argue that unanimous consent is an easily attainable goal. Part V comes into force when the consent of a majority of provinces is required. This is at least two years down the road and it still does not provide native people with any real assurances.

Instead of negotiating directly with the federal government, efforts will be dispersed to include lobbying for provincial support as well. The prospects of successfully amending the constitution to include a direct reference to aboriginal rights, as well as other guarantees which native people feel are essential, are greatly diminished after patriation takes place.

A couple of weeks ago the Inuit Tapirisat of Canada had their annual general assembly, during which they formed a resolution concerning the constitution of Canada. This resolution predictably had to do with making a submission and representation to the Government of Canada about what the Inuit of northern Canada believe should be included in the constitution. I have not yet seen any mechanisms for receiving those submissions or representations, and there is not likely to be. As I said, I am fairly despondent about the constitutional debate as far as the native perspective and as far as the Inuit of northern Canada are concerned. Although we have a word in our language for the constitution "piquyaryuak", I do not believe there is any chance that the Inuit of Canada will ever be given the opportunity to make amendments to benefit them in the context of the nation Canada.

Mr. Nielsen: Mr. Speaker, I rise on a point of order. I just want to suggest to the hon. member for Nunatsiaq (Mr. Ittinuar) that he provide *Hansard* with the Salabik spelling of