

[English]

Mrs. Sheila Finestone (Mount Royal): Mr. Speaker, I am pleased to participate in the debate on the opposition motion moved by my colleague, the Hon. Member for Cochrane-Superior (Mr. Penner). It is unfortunate that we feel the need to raise this issue, but recent events have forced us to bring this important subject to the attention of all Hon. Members.

The media issued press reports on possible cut-backs in the Department of Indian Affairs and Northern Development and the proposed changes to the Indian Act have created an air of uncertainty for both status and non-status Indians across the country. It would appear that, contrary to Tory promises made during the 1984 election campaign, disadvantaged members of our society will suffer as a result of government policies. It is unclear, however, what exactly are the government policies. The Government's actions are not a just response to Indian concerns regarding the mechanism of self-government.

As a member of the International Helsinki Watch Committee, if I had to report right now to that committee on the situation in Canada, it would be very difficult not to cite the lack of care and concern that is the hallmark of the administration of the Indian Act. In fact, the long 100 years of injustice would be something that would be unfortunate but would have to be clearly enunciated. I would be ashamed to have to enunciate the litany of injustices that have been inflicted upon our native people.

I refer to the words of the Hon. Member for Cochrane-Superior for I agree with his analysis. He has said that we as Canadians have our own version of apartheid, a most nefarious piece of legislation, one that has disenfranchised men and mostly women and always with the most ridiculous of reasoning. As I participated on the Standing Committee on Indian Affairs and heard the evidence of over 105 groups, I was absolutely horrified.

I would like now to put this present-day nightmare aside. I would not like us to lose sight of the fact that in the determination of aboriginal rights, equality must prevail. These two issues, the right to self-government and the right to equality, must go hand in hand. It is basically and fundamentally a question of human rights.

The Government has touted its great consultation process, and consult it has. That is so if one can define consulting as being the process by which a party presenting its concerns is speaking to those who have deaf ears. The word used to mean a two-way process involving give and take and a general learning, growing and open approach leading to some consensus or resolution of issues. However, we do not see much evidence of that when it comes to the native or aboriginal peoples. This is obvious from the objections of Indian people themselves concerning the constitutional process, departmental funding, amendments to the Indian Act and the latest scam of the Nielsen "Buffalo Jump" report.

The Tory Government also has a credibility problem when it comes to its stated objective of removing discrimination from the Indian Act. The Minister's laudable principle of equality is

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simply not being met, and Indian men and women, both status and non-status, are dissatisfied with the Government's actions in this regard. Principles are not enough; we must have some action. We have to carry through with the deeds that demonstrate a real commitment.

I know that the Hon. Minister of Indian Affairs and Northern Development (Mr. Crombie) has had to fight in Cabinet for money for his programs and I know that he is well-meaning Minister. But let us not pretend that equality has been achieved, and let this Minister not continue to say that equality has been achieved. Certainly, equality has not been achieved. Some non-status Indians will regain their status in band memberships and their names will appear on the Department's lists. However, not everyone will regain that status.

● (1610)

In the 1980s, we have finally started to address the issues and to move toward a partnership. We have started to listen. I believe that the Penner report was the first step. Section 35 of the Constitution Act recognizes and affirms the existing aboriginal and treaty rights of Canada's aboriginal peoples—Indian, Inuit, Métis and non-status Indians. While Section 25 of the Charter of Rights and Freedoms guarantees that the Charter cannot be construed to abrogate or derogate from existing treaty or other rights of aboriginal peoples, those two provisions affirm the place of native groups in Canadian society in a particular and distinct way. The principles are in place. It remains to find the mechanisms for the application.

In order to identify and define native rights for later inclusion, the Constitution Act called for a Constitutional conference between Canada's First Ministers, native leaders and the territorial Governments. That conference, which was held in 1983, resulted in an accord, which subsequently became the first amendment to the Constitution which was proclaimed in June, 1984. I believe this legal framework is necessary for a new relationship, based on mutual respect and defined aboriginal rights. But as we saw at the Constitutional conference which was held this April, the Prime Minister (Mr. Mulroney) failed to get the provinces to agree to proposals which would have given the aboriginal people the rights which they sought. He gave them his guarantee that if they agreed to the principles behind the proposals, without entrenching them, he would personally ensure that those rights would be defined after consultation with the provinces. I think one should read that differently. What he said was that once the provinces agreed to what they would like to negotiate, then they would talk about what is appropriate.

I must give the native leaders credit. They were not fooled by the Prime Minister's empty promises. I was there. I saw and watched what went on. It was a fascinating process of the playing off of differences and incredible labour negotiation tactics. But what was obvious was the great differences to be found between the provincial Premiers, the acceptance of the role of the provinces by native peoples, and the deep differences between patrilineal and matrilineal societies and their approaches to the issues. The accord which was suggested by