

*Adjournment Debate*

Inuit people are not a large minority in many parts of this country, and many provincial governments might oppose and defeat any later entrenchment. With the federal government's present unilateral action, the chances to entrench aboriginal rights are much greater, if only the federal government would agree to do what it knows must be right.

On October 23 the National Indian Brotherhood announced their opposition to any patriation and charter of rights which failed to recognize and entrench their rights. They asked for amendments to the charter which would constitutionally recognize and protect their aboriginal rights, their property rights, their treaty rights and their right within Canada's federation to Indian government. Unfortunately, many failed to understand these demands by our native people.

People often look at our Indians and Inuit as just other ethnic groups and consequently fail to acknowledge that they should have any specially entrenched rights. But this assessment results from a complete misreading of our history and a prejudiced negative perception of aboriginal civilizations. The Indians and Inuit were established in this land for thousands of years before the arrival of Europeans. They had their own governments, laws, languages and cultures.

When the Europeans came in the sixteenth and following centuries, they unilaterally took over most of these lands by larger numbers, force of arms and more advanced technologies, rarely with the consent of the aboriginal peoples. How, under any concept of a moral justice, can we justify this action? How can it be justified under our Judeo-Christian concept of justice? We think it wrong for Hitler to march into France and Holland or for the Russians to annex the Baltic states but rationalize that it was all right for the British and French to take, without legal or moral right, Indian and Inuit lands in America.

No one suggests that we completely undo 300 years of history, but we can go a long way to correct the injustices of the past. We can recognize and entrench aboriginal rights in the constitution, and we can do it now. First, aboriginal rights are all those rights that our "first nations", the aboriginal people, possessed and which they never voluntarily gave up when Europeans arrived. These are rights to certain lands, languages, cultures, and forms of government. Second, we must also entrench their treaty rights so they cannot be abrogated by ordinary federal and provincial legislation.

These treaties were agreements between nations and meant to be basic constitutional documents. Third, Indian and Inuit lands and resources should not be subject to federal and provincial expropriation without consent. And fourth, the Indian and Inuit people, the "first nations" of Canada, should have the right within confederation to determine their own form of government. They do not want separation, they want to be full partners in the new Canadian dream.

Unfortunately, I did not have an opportunity to speak in the constitutional debate which ended last week. My name was too far down the Speaker's list when closure was applied.

● (2225)

Unfortunately as well, I have not been chosen to serve on the constitutional committee. I am committed, however, to doing everything in my power to amend the constitutional proposals to entrench Indian and Inuit rights now, at the same time as patriation. As far as I am concerned, no cause is more clearly just than this one, and it will never be suppressed.

**Mr. Ron Irwin (Parliamentary Secretary to Minister of Justice and Minister of State for Social Development):** Mr. Speaker, I appreciate and share the concern for the Indian people expressed by the hon. member for Notre-Dame-de-Grâce (Mr. Allmand). He has indicated that the Minister of Indian Affairs and Northern Development (Mr. Munro) has said, first, that the Indians would be fully consulted on the constitutional proposals and, second, that there would be protection in a new constitution. I respectfully submit that it will take at least two decades more to settle the Indian claims of Canada and decide what their rights are.

**Mr. Allmand: Why?**

**Mr. Irwin:** I will give examples. For instance in British Columbia there is a Nishga Tribal Council in the Nass Valley. All these people have claims in the process of negotiation, claims which are being litigated or being denied. There are certain bands in northern British Columbia. There is the Musqueam band of Vancouver. In the Yukon there is the Council of Yukon Indians, and Mr. Dennis O'Connor is dealing with this. In the Northwest Territories there are four separate groups making claims. There is COPE involving the Inuit. There is the Inuit Tapirisat of Canada, the Indian Brotherhood of Northwest Territories and the Metis Association of Northwest Territories. In Quebec there are three bands making claims, the St. Regis Band—

**Mr. Laniel:** St. Regis is in my riding.

**Mr. Irwin:** —the Oka Band and the Caughnawaga Band. In Nova Scotia there is the Union of Nova Scotia Indians. In Newfoundland there are at least two I know of in Labrador. The Micmacs who came to Newfoundland about 150 years ago are claiming aboriginal rights. Then there is my area, northern Ontario. I do not even deal with non-status Indians, so I think it is oversimplifying the problem to think these can all be settled fairly and judiciously before a constitution can be passed. Section 24 is quite clear, and it does have a reverse declaration. I will read it:

The guarantee in this charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada, including any rights or freedoms that pertain to the native peoples of Canada.

In other words, if they have rights, then they will not be extinguished through the constitution.

Over and above this, we are meeting with them. We have provided them with \$1,360,000 of tax money to research and put forward their claims. The Prime Minister of Canada (Mr. Trudeau) has said—my hon. friend leaves—that native rights