

*The Constitution*

Today, as never before, Indian people are asserting the importance of their status and they want it maintained. Indian women have the right to maintain their status regardless of their marital status, and I would urge the Minister to bring in legislation as soon as possible to deal with the recommendations brought out in the subcommittee's report on Indian women in the Indian Act. When the Minister appeared before the second subcommittee in December he promised he would bring in that legislation with considerable haste. Seven months have gone by since then and we still have not seen the legislation. I remind the Minister, the Government and the House that it is important that this legislation be tabled so that Indian leaders and groups as well as Members of Parliament can study it and make representations. It is a very complex subject, it is not going to be dealt with on a Friday afternoon by all Party agreement, so it is important to do it right when we do it.

I regret that some misunderstandings surrounding the equality clause when it was introduced have arisen. Many of the groups representing the aboriginal people thought the wording in the final Accord was not the wording to which they originally agreed. It is important to note the basis for this understanding is Section 35(1), which talks about existing aboriginal and treaty rights. It is that word "existing" which limits the equality clause, just as it limits the whole application of aboriginal and treaty rights. It is the word "existing" which causes Indian, Inuit and Métis people to feel very uneasy about the real intentions of this Government.

A third issue dealt with in this Accord involves an invitation to the aboriginal people to a constitutional conference to discuss any proposed amendment which would affect their aboriginal and treaty rights. This is a first and welcome step but it is a long way from proper provision for the aboriginal people to enable them to defend their rights against any attempted tampering by the federal and provincial Governments. It is important to recognize that we have in our Constitution Section 43 which protects the rights of the Provinces. An individual Province affected by constitutional change has the right to veto the change. If an aboriginal right exists and our Constitution says that it does, well, then it has to be basic to our Constitution. It should not be subject to the whim or even the determined policy of the federal and provincial Governments even if they all act in concert. If aboriginal rights exist, and we believe they do, then the aboriginal people should have the final say about those rights, and it is for that reason, Mr. Speaker, that our Party strongly supports the idea of a consent clause.

Finally, Mr. Speaker, as to substance, there is provision for an ongoing process through a series of First Ministers' Conferences which will continue to work at the agenda set before the First Ministers by the aboriginal peoples. These ongoing conferences are necessary. Indeed, this is one of the major reasons why our Party is supporting the Accord. Most of the agenda items which the Indian, Inuit and Métis people laid on the table last year continue to be outstanding. No progress has really been made in defining the rights of Indian people with

respect to aboriginal title or treaty rights or Indian Government. Their hunting and fishing rights continue to be under threat from provincial Governments and courts. So it is essential that we begin to make progress toward a further definition, clarification and entrenchment of these peoples' rights.

In connection with the future conferences, Mr. Speaker, I would like to make a few suggestions regarding process. These suggestions come out of the hearings the Standing Committee on Indian Affairs and Northern Development held with respect to this motion when the different aboriginal groups appeared before us. First of all, I think it is important to recognize the need for a bilateral process. Indian people have always been very proud of the fact that their relationship is with the federal Government, not with the Provinces. This is enshrined in Section 91(24) of our Constitution. To involve the Provinces has, in fact, been a divisive factor. It can be pointed out that there are some 70,000 Indian people who were not represented at the First Minister's Conference in March. They were not represented because they did not want to appear at a forum in which there was provincial involvement. They felt that their relationship was with the federal Government and they want that basic relationship to continue.

● (1720)

We are dealing with a situation, whether we like it or not and whether the Indian people like it or not, in which the provincial Governments are involved. However, the suggestion has been made that there should be a series of bilateral meetings between the federal Government and the Indian people to draft some very clear proposals. Once basic agreement has been reached between the federal Government and the Indian people, then the federal Government can take it to the Provinces and to the First Ministers' Conferences for ratification. However, I think it is important, if we want to see progress on these agenda items, that there be a move toward a bilateral process. In conjunction with that thought, it is important that we recognize that Indian people, Metis people and Inuit people are all separate peoples. They have separate concerns and needs. They have separate agendas that they want to see addressed at these First Ministers' Conferences. Therefore, it is important that in the preliminary discussions there be separate tracks for each of these peoples instead of trying to bring them all together and persuading them to compromise and agree to some common agenda which, very often, leaves out some items of importance.

I regret that the Government has not moved more in recognition of the role of the Native Women's Association of Canada so that it can have some direct input at the First Ministers' Conference instead of requiring it to deal through the other national organizations.

It is important that Indian political leaders, in preparation for future conferences, be able to deal at the political level and not be relegated to dealing with bureaucrats, because what we are dealing with here is policy, and it is important that politicians who are able to speak for the Government be involved in