

*Supply*

Minister of Indian Affairs and Northern Development (Mr. McKnight), who is also present, knows that those case studies demonstrate beyond any doubt that moneys used in a self-government situation are in almost every case much more cost effective than what we have at the present time.

We also know that too much money is being spent now, filtered through the bureaucracy the Department of Indian Affairs and Northern Development which is paying for monitors, overseers, processors, and auditors who do not even know how to audit. Yet, we know that our Indian communities continue to suffer from a very low level of services.

Parliament approves money, for example, for the Native Economic Development Program, yet moneys under that program are allowed to lapse. Why is that? Why is it that the Department of Indian Affairs much prefers to spend billions on social assistance over years and so little in terms of economic development? Is it, as some people think, that the policy is to keep the aboriginal people of Canada as wards of the state? Is that really what we want?

Many people in Canada—and it is in the same study to which I have been referring—believe that we are not spending our money well. The majority believe that giving aboriginal peoples more control over economic programs will result in more effective use of federal funds in the medium term, reducing reliance over the long term. Is that not what all Hon. Members want to achieve? I know that it is what the Minister of Indian Affairs wants to achieve, because he has so testified before the Standing Committee on Aboriginal Affairs and Northern Development.

What is desperately needed at the moment is something apparent to get the process of self-government moving. Under the Department of Indian Affairs it is moving, but at an intolerably slow rate. What we really need is a constitutional imperative to get it moving at a much more rapid rate.

Some of the Attorneys General who attend these conferences, or so I am led to believe, have expressed fear and concern that if there is recognition within our Constitution of the right to aboriginal self-government that right will become enforceable in the courts. I would say to that that of course any right can be enforceable in the courts. If a right is not realized, there must be a remedy. However, Hon. Members on all sides of the House must realize that the aboriginal people of Canada are not seeking some measure by which they can rush off to the courts. They have said time and time again that the way in which they want to proceed is by way of negotiation. It is the preferred route. It is the way they want to go.

I suggest to the House that a false fear has been raised in the country that recognizing the right to self-government will cause our aboriginal people to go to the courts in order to obtain for themselves a definition or even an order for establishing self-government. It is clearly not so. Aboriginal people want to negotiate and they want the Constitution—this is really the answer I would have liked to have given back to the Minister of Justice during Question Period—to contain an

obligation to negotiate self-government. They want the Constitution to describe broadly the general terms which are to be negotiated leading to agreements. If aboriginal people wanted to use the courts exclusively, if that were the intention behind their desire to get a recognition of aboriginal self-government, they could have already done so.

Section 35 of the Constitution which recognizes aboriginal rights is a very powerful section. However, there have been very few cases based upon Section 35. Instead, aboriginal people have patiently tried to seek accommodation through the political process by making use of First Ministers' Conferences on aboriginal rights. These conferences have been ongoing for a five-year period. Does that not demonstrate a great deal of patience?

If the constitutional approach runs on to the rocks, I suggest there may be no other way except the route of litigation. I would also suggest to Canadians that the results of litigation based upon Section 35 may be much less pleasing to them and much less satisfactory for national unity and the health of the country than proceeding through negotiation leading to agreements. All Hon. Members would agree that that is the preferable route to go. After all, this country of ours was created more by political forces than any other kind of forces. It was Mr. Justice Macfarlane of the British Columbia Court of Appeal who put forward a view that questions of aboriginal title are best dealt with in the political rather than in the legal forum. He was presiding over a particular case. In giving his judgment, he made this comment:

This—is but a small part of the whole process which will ultimately find its solution in a reasonable exchange between Governments and the Indian Nations.

● (1620)

That, Sir, is what the First Ministers' Conference is really all about. It is a reasonable exchange. I want to suggest to the Government of Canada that if it is to be a reasonable exchange then it cannot go to the conference table with a very hardened position or an inflexible position. What is true for the Government of Canada is true for provincial administrations as well. There has to be some give and take and some creativity. There has to be a reasonable exchange. I want to repeat that if the Constitution imposes upon Canada an obligation to negotiate these agreements, we really have nothing to fear at all. There is no threat to any of us.

Let me quote, if I may, former Prime Minister Trudeau who travelled, by the way, a very long, long distance with respect to aboriginal rights. There was a time when he denied categorically, in a speech in Vancouver, that they even existed. He travelled that route to giving some of the most forceful directions to the First Ministers at those conferences that have been given to date. At one of those First Ministers' meetings he said:

There is nothing revolutionary or threatening about the prospect of aboriginal self-government. Aboriginal communities have rightful aspirations to have more say in the management of their affairs to exercise more responsibility for decisions affecting them. These functions are normal and essential to the sense of self-worth that distinguishes individuals in a free society.