

The Constitution

covenant relationship between Indian people and the Crown was completely ignored. When I and other members of my party objected to this denial of rights, the government answered that it was impossible to recognize such rights.

On November 7 I asked the Prime Minister (Mr. Trudeau) about this. He answered as follows:

—I think the simple claim of aboriginal rights, without anyone knowing exactly what it means, is not a matter which one can convincingly argue should be put in the Constitution at this time.

When I asked the Minister of Justice and Minister of State for Social Development (Mr. Chrétien) about aboriginal and treaty rights, he claimed their rights would be protected through the old section 24, which everyone knew was inadequate. All Indian, Metis and Inuit people across the country said it was not worth anything. He implied that nothing more was either needed or possible.

When the Tories brought out their amendment to the Constitution, they went even further than the government in denying the rights of aboriginal peoples. Their suggested amendment did not even mention these people. Their amendment would have read as follows:

The guarantee in this charter of certain rights and freedoms shall not be construed as denying the existence of any rights or freedoms that may pertain to any cultural community or any other rights or freedoms that may exist in Canada.

This is what the Tory party was willing to offer the aboriginal people of Canada; this was their amendment. The facts are very clear and may be found by anyone who cares to read the record of the constitutional committee.

All members of the committee listened very attentively when representatives of the Indian, Metis and Inuit appeared before the committee. We listed and asked questions, but neither the Liberals nor the Tories were prepared to take any positive action. I am very proud of the role the New Democratic Party played in forcing the government to make a positive recognition and affirmation of aboriginal rights. In this respect I should like to pay tribute to the leader of my party who was involved in some very difficult negotiations with the government. These negotiations were successful and I would like to commend the government for its willingness to move on this important issue. I would also like to commend members of the Conservative Party for giving the amendment their unanimous support when it was put forward to the committee. I invite them now to join with us in supporting this package so that recognition and affirmation of aboriginal rights will become a constitutional reality, and not simply a dead letter in the constitutional report.

● (2120)

Some hon. Members: Hear, hear!

Mr. Manly: When we bring the Constitution home we will be saying to ourselves and to the world that we are no longer a colonial people. By recognizing the rights of the aboriginal peoples we are also saying that we no longer want to be a colonizing people. We do not want to look upon the Indians, the Inuit or the Metis simply as subjects to the colonized and

as a people who have lands which can be exploited. We want these people to take their full place and their full stature as members of Canadian society.

For this to happen we need a change of attitude, as well as a change in the Constitution. Without the political commitment to see justice done for the aboriginal peoples, our new Constitution will remain only a scrap of paper. Through their experience with a long series of treaties, negotiations and agreements the aboriginal peoples know how empty and hollow our promises can be. Right now the James Bay Cree, who received many assurances a few years ago in exchange for the surrender of their rights, are finding that the Government of Canada and the government of Quebec are going back on their word. These people are suffering a serious health problem and our government says it is powerless to do anything about it because of the agreement.

This is why some of the Indian people are a bit uneasy about the wording which says their rights are hereby "recognized and affirmed." They would like a stronger wording which says that those rights are sanctioned, ratified and confirmed. They would like to see additional protection for their rights in the amending formula so that no changes could be made in those rights without their consent. We would support any strengthening of their rights in the amending formula.

But even without this we recognize that Canada has taken an important step forward, which now needs to be ratified by this House. Constitutional recognition of aboriginal and treaty rights must be backed up by serious negotiations which will give these people an economic base on which they can build. The future actions of the government will indicate how serious it is in the recognition of these rights.

One major problem needs to be faced by us all. We are concerned about Section 12(1)(b) of the Indian Act which discriminates against Indian women on the basis of sex. If an Indian man marries a non-Indian woman she is entitled to Indian status. However, if an Indian woman marries a non-Indian man she loses her status. In both cases women take their status from their husbands. I remind this house that the Indian Act was imposed upon the Indian people. This discrimination was not of the Indian people's making. However, many Indians have come to accept it, as all people sometimes accept discrimination which does not directly affect them. I think the time has come to change this situation.

I would like to throw out two challenges. First, I challenge the federal government to develop a program of land entitlement and financial entitlement which will make it possible and attractive for bands to receive Indian women back into membership, without these women becoming an additional burden upon communities already struggling with poverty and very meagre resources. Let us have some positive action on the part of the federal government to make it possible for bands to receive these people back into membership.

Some hon. Members: Hear, hear!

Mr. Manly: Second, I challenge Indian bands themselves to develop their own procedures for membership; procedures