

The Constitution

chance for recognition because we always maintained that entrenchment would be impossible after patriation, given the views of most of the premiers in the provinces of Canada.

For once, native leaders from all parts of the country, Inuit, Indian and Metis, worked together in a process of intensive discussion, consultation and debate with members of all parties. My own party, and particularly the hon. member for Oshawa (Mr. Broadbent), who, in our language, we like to call the "Downright hon. member for Oshawa" played a large role in convincing the government to accept our amendments, which were won only after a long and hard process of negotiating with the federal government.

We would, of course, prefer that aboriginal rights were recognized because they were self-evident of a society where principles of simple justice prevailed. But I am sorry to say they were not aspects of that charter. Aboriginal rights were ignored in the first draft, whether by design or accident, and I prefer to think by design, but that does not matter now. The fact is that they were missing.

As I said in the committee, there have always been members in all parties who were sympathetic to our goals and who have worked on behalf of native peoples. The unanimous all-party agreement which recognized aboriginal rights on January 30 was a great accomplishment. It was not just a result of intensive work in the last week of committee hearings, but the culmination of years of struggle.

This marks the beginning of a new era for native people in Canada. The importance of this recognition of aboriginal rights lies precisely in its being a beginning. Our historical relationship with the federal, provincial and territorial governments has not been a happy one to date. Until January 30, we faced the prospect of a Canadian constitution being patriated without any positive inclusion of the rights of the native people of Canada. For us this could only lead to the erosion of our distinct native cultures through a gradual process of assimilation, which is a negative process. The true significance of the aboriginal rights amendments is that they guaranteed us freedom to follow our traditions and to speak our own languages within the greater Canadian society. The constitutional resolution before the House recognizes the principle of aboriginal rights, and the process of enumerating and defining these rights will follow in the post-patriation period.

● (1750)

Section 35 allows for native participation at constitutional conferences held during the two-year period following patriation and calls specifically for the agenda to include the matter of identifying and defining aboriginal rights. This section implicitly recognizes the principle that the aboriginal peoples of Canada must be involved in the process of defining exactly what their rights are and, more importantly, that only the native peoples themselves can adequately represent their own interests. Only through a process such as this can the paternalism which unfortunately has existed in the past be eliminated. I must say it is through the help of members in all parties who have worked toward this that we have achieved this end.

Some hon. Members: Hear, hear!

Mr. Ittinuar: I sincerely hope that when the native representatives sit down at the table with the first ministers, the first matter to be resolved will be agreement on the formula which permits the ongoing participation of native peoples at all future conferences and on all matters which affect their interests.

I believe the Conservative Party is in agreement with me when I say that the amendments with regard to aboriginal rights passed by the joint committee are not only fair and just but also long overdue. In fact, the hon. member for Provencher (Mr. Epp) put it rather well when he said:

If justice is to be done in the country it must also be done first to Canada's aboriginal people.

Some hon. Members: Hear, hear!

Mr. Ittinuar: Members of the party to my right applaud, but I wonder if they are aware of the implications of patriation without the inclusion of the amendments on aboriginal rights. Let me explain. First we would not be represented at constitutional conferences and, second, the possibility of obtaining provincial agreement on these amendments is tenuous at best.

The amending formula at least recognizes the power of the provinces, but without the amendments which we have achieved the native peoples of Canada have nothing and face the prospect of never again seeing their rights recognized and affirmed by a Canadian constitution.

Unilateral patriation is not the most desirable route, as we are all aware, yet in spite of this I ask hon. members to consider seriously Canada's native people when the vote is taken. This would take justice out of the realm of abstract idealism and put it into the Constitution of Canada.

Section 33 of the proposed resolution recognizes and affirms the aboriginal and treaty rights of the Indian, Inuit and Metis peoples of Canada. The significance of this amendment is twofold, for it entrenches the collective rights of the aboriginal peoples while at the same time recognizes important distinctions within the broad category of aboriginal or "native" people.

Inuit, Indians and Metis cultures, languages, histories and traditions are very different from one another, and yet we share the right to identify ourselves as aboriginal. The recognition and affirmation of aboriginal rights at the constitutional level provides protection against the erosion of these rights. It means that federal government lawyers can never again argue against the existence of aboriginal rights, as they did in court against the Inuit of Baker Lake. The principle has been affirmed, and the long process of clearly defining the nature of such rights will follow. Entrenchment of aboriginal rights marks the beginning of a new era in which native people themselves will have a hand in shaping what those rights mean.

The limitation of rights through such indirect means as government programs and policies will be more difficult. Considering the level of distrust which presently exists, and has