

The Constitution

any longer but will reserve the right to get up at the end of his speech.

Mr. Ittinuar: Thank you, Mr. Speaker. This is the usual case, I believe. I stated an historical fact and said that I did not mean it as a reflection on the province of Newfoundland nor on its residents. I have the utmost respect for the current issues on which they fight because some of those are analogous to ours in the north. Maybe the hon. member for St. John's East will accept my apology.

Mr. Benjamin: You do not owe him any.

Mr. Ittinuar: As I said, I draw that as an analogy to this resolution because I believe it may be the trigger that fires the final bullet for us as a people. I believe that.

Let me state this premise before I start—that the resolution on the constitution now before the House ignores native people and their rightful place in Canadian society.

Mr. Nielsen: It ignores the north.

Mr. Ittinuar: The hon. member for Yukon (Mr. Nielsen) interjects saying the north as well, and I shall come to that in a few moments. It perpetuates the view that they are inconsequential in a larger national context. I am as proud as anyone else in this House and I appreciate as fully the fact that I am Canadian but I must attempt to impress upon members that native people are not romantic relics from the past, to be forgotten and ignored in the process of creating a new Canada. We have been involved in the building of Canada from its infancy and long before that.

A few moments ago the hon. member for the Yukon said the resolution ignores the north. In the near future the north will be contributing to the economy of Canada through its resource development and yet, as the Prime Minister (Mr. Trudeau) said to me last year, the Northwest Territories has no standing whatsoever in making the Constitution of Canada. I am sure the hon. member for Yukon would echo those sentiments.

Mr. Nielsen: Echoed.

Mr. Ittinuar: As far as we are concerned, Inuit are not a conquered people nor have they ever been. In most cases native people accepted immigrants from Europe and assisted them in exploring this country and adjusting to its harsh and unknown environment. That may not be the case so much in the south as it is in the north. I could tell stories about explorers and their sentiments about discovering the north. They were inclined to say, "This Eskimo guided me and I discovered this island." So much for that.

In the early years of the European presence in Canada, aboriginal rights were recognized as valid, even though they were not always respected. In the royal proclamation of 1763 the King of England forbade settlement on Indian lands and declared that Indian lands could only be obtained by the Crown through treaties. Native people formed alliances and

entered into treaties with Europeans, and even fought beside them in defending Canada in the revolutionary war and the war of 1812. I dare say that native people were also involved in World War II. Unfortunately, by the time of the drafting of the British North America Act, native people were already being taken for granted by those in power. Again, I do not mean any reflection on the Fathers of Confederation. Section 91(24) of the act proves that they were taken for granted, however.

In section 91(24) of the British North America Act native people, or, as we are called, aboriginals, were reduced to the status of an administrative problem. We are still regarded in this way to some extent today. Thus, the federal government was granted jurisdiction over Indians and lands reserved for Indians. The BNA Act did not impose any constitutional obligation upon the federal government to pass any legislation at all concerning native people. Nevertheless, the government passed the Indian Act which does not confer any legal rights or special status upon the native people. It is simply a statute for the administration of Indian affairs. That is the case today.

I want to emphasize this point since I believe it is often misunderstood, even by those who are well-intentioned toward the administration of Indian affairs. The Indian Act provides no constitutional guarantee of aboriginal rights and there is nothing in the BNA Act which recognizes, let alone protects, aboriginal rights. The BNA Act gives Parliament paramountcy, and an act of Parliament could extinguish aboriginal rights at any time. At the moment I do not believe that Parliament has paramountcy over this resolution because it is being railroaded through this House by the party opposite. That is unfortunate. Hon. members opposite would have a far bigger and greater victory if they would listen to people on this side of the House.

Some hon. Members: Hear, hear!

Mr. Ittinuar: I believe the Indian Act is a somewhat paternalistic statute in that it gives the federal government trusteeship over Indians and Indian lands. No special legislation has been enacted, and therefore no special legislation exists. It is interesting that some two or three decades ago the federal government moved Inuit—or Eskimos as some people refer to us—from the province of Quebec and parts of the territories to places like Grise Fiord and Resolute Bay in order to declare its sovereignty over those Arctic islands. We declared sovereignty for Canada, but there has never been a mutual respect of that sovereignty as we are not allowed to participate in any consultation on constitutional amendments.

An hon. Member: Shame!

Mr. Ittinuar: That is something that the government should amend. No matter how well intentioned, the government trusteeship has failed dismally and has led to a continuation of poverty, disease, and unemployment in many native communities.

I would challenge anyone in this House to go to places where I know there is disease, where I know there is unem-