

It represents an effort to redefine the relationship between the federal government and the Aboriginal peoples of Canada.

Bill S-18 is just one step in correcting over a century of ineffective and often abusive federal policies regarding the Aboriginal peoples. It is an attempt to reshape federal thinking and attitudes, which have perpetuated the intolerable conditions facing so many of the Aboriginal peoples of this country. Above all, it seeks to clearly set out the federal responsibility and process for ensuring that Aboriginal peoples are able to take their rightful place in Canada.

In this sense, Bill S-18 might be one of the more important bills to originate in the Senate in recent years. It is a bill that has been conceived, developed, and launched in the Senate, and it will be the Senate's contribution to honouring and fulfilling the Crown's obligation to the Aboriginal peoples of Canada.

Finally, Bill S-18 will provide a clear signal that the Senate intends to carry out the work that began with the establishment of the Standing Senate Committee on Aboriginal Peoples.

The idea of this bill stems from the period following the 1987 first ministers' conference on aboriginal matters. At that time there was a need to develop a new policy and process to accommodate the rights and aspirations of the Aboriginal peoples in Confederation. Instead of responding to this need, the government ruthlessly cut funding from various aboriginal organizations and programs. This situation is made worse by the fact that the government has refused to develop an overall policy on how it sees the Aboriginal peoples taking their rightful place in Canada.

● (1840)

The aboriginal constitutional reform process was a policy initiative left over from the previous administration. The current government did make one honest effort to bring about an agreement for a self-government amendment. However, it quickly lost interest in the process in favour of trying to reach a constitutional deal on Quebec's outstanding demands.

In the meantime, the concept and meaning of aboriginal self-government has been watered down to the point where the term is being used to describe minor administrative arrangements relating to Aboriginal peoples.

Land claims negotiations is one area where the government has been crediting itself with some success. However, land claims is another example of a policy initiative that was held over from the previous administration.

It is true that after more than a decade of negotiations, the government has reached land claims agreements with a number of Aboriginal peoples. Unfortunately, the government has obtained some of these agreements through intimidation and by threatening to abandon all negotiations and cut off funding for discussions and research.

The current land claims policy has other deficiencies. For example, the government conveniently ignores land claims that do not suit its needs or interests. This is usually the case when

it comes time to negotiate land claims on low profile matters involving overlap or offshore areas.

The most serious shortcoming in the existing policy is the federal government's refusal to negotiate self-government arrangements as part of a land claims agreement. It refuses to do so simply as a matter of policy—a policy completely based on an arbitrary decision.

Despite the lack of new initiatives to assist the Aboriginal peoples, the government has consistently pursued an unwritten policy of attempting to deny, limit, or off-load its responsibilities and obligations regarding the Aboriginal peoples. Every provincial government and aboriginal group has probably come across this unwritten policy at one time or another in its dealings with the federal government. Bill S-18 would block such an unwritten policy.

The federal government's efforts to deny or limit its responsibility for Aboriginal peoples provides a good example of an important issue that is addressed by Bill S-18. Under section 91 of the Constitution Act, 1867, the federal government has the jurisdiction and the power to deal with a number of matters, including those relating to the Aboriginal peoples.

The federal government fulfills its duties and exercises its powers for most matters coming under its jurisdiction. This is clearly the case for areas relating to the military, the printing of money, postal services and so forth. Canadians would not have it any other way. They fully expect the federal government to act to fulfill its responsibility in areas coming under its jurisdiction. In fact, through its spending power, the federal government even acts in areas where it does not have jurisdiction. Post-secondary education and medicare are two examples of this. However, it is a different story when it comes to federal jurisdiction in matters relating to Aboriginal peoples.

The government argues that it is wrong for people to think that it should act on various aboriginal matters. It argues that its jurisdiction in this area is merely an enabling provision. As a result, the government concludes that it has no responsibility to act on matters relating to the Aboriginal peoples, except for what is provided for in the narrow confines of the Indian Act or in what is set out in arbitrary policies.

Bill S-18 would put an end to this double standard. It would compel the federal government to act in this area by defining the federal government's responsibilities, duties, and obligation to the Aboriginal peoples of Canada. In other words, the government would have to carry out its responsibilities on aboriginal matters in the same way it currently acts to carry out its responsibilities for other matters coming under its jurisdiction.

Honourable senators, I should now like to provide a brief explanation of the proposed Aboriginal Peoples Act. The first part of the bill would provide general protection for aboriginal and treaty rights through the use of various non-derogation and non-abrogation clauses. Aboriginal peoples have felt that such provisions have been made necessary by the government's inconsistent use of such clauses to protect aboriginal rights in federal legislation.