

in the sun, an equal share of justice, of liberty; that share we have it; we have it amply, and what we claim for ourselves, we are anxious to grant to others.

[English]

I want to speak now about native peoples. No one is sorer than I that it was not possible two weeks ago to agree to entrench in the Constitution the recognition and affirmation of aboriginal and treaty rights. Our failure to do so was a consequence of a process which required the making of compromises. But I would be less than honest if I did not say that the cause of the constitutional recognition of aboriginal rights was not helped by the fact that leaders of the native peoples have spent a great deal of time and energy lobbying against the section in the previous resolution which they now seem to like.

I do want to point out that there is no change in the provision of the Charter of Rights and Freedoms with reference to native rights. Section 25 states that nothing in the charter shall be construed so as "to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the original peoples of Canada".

It is the old Section 34, which was not part of the charter, which is not in the resolution before the House. Many of us both on this side of the House and on the other side of the House are very sorry about that, and probably the most sorry is my friend the Minister of Indian Affairs and Northern Development (Mr. Munro), who has worked so hard from the beginning to make sure we had this in the Charter of Rights and Freedoms. He worked with me and with the hon. member for Nunatsiak (Mr. Ittinuar). However, we have succeeded in including in the resolution a provision which requires the holding of a constitutional conference within a year to deal with the subject of constitutional recognition of the rights of the native peoples. I hope native leaders will come to that conference with a well-defined position.

Some have suggested the immediate application of Section 34 to the federal government and matters under federal jurisdiction. The government is prepared to act immediately on this suggestion if the leaders of the National Indian Brotherhood, the Native Council of Canada and the Inuit Committee on National Issues indicate their support for it by Tuesday, November 24. If such support is not forthcoming by the deadline, the government will keep the same proposal on the table for the purposes of all future negotiations on the identification of the rights of the aboriginal peoples.

The government would prefer that the recognition and affirmation of aboriginal and treaty rights be fully reinstated in the resolution but cannot do so without the consent of the nine provinces which are parties to the accord. I know that native leaders have attempted to obtain this consent, so far without success. Many provinces have now informed us that they would agree to be bound by Section 34. I hope this means that in the next two or three days the other parties to the accord will agree to be bound so that we can have a speedy and satisfactory resolution of this issue.

Mr. Broadbent: You just need one more.

The Constitution

Mr. Chrétien: I was on the telephone all day yesterday, part of last night and this morning. All members of Parliament can be useful in this regard, not by trying to gain political points but by doing our duty, if we believe firmly in this. We have to put gentle pressure on all the provinces, and I am sure that with the movement there is now we can do that. If hon. members are in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario or any other provinces, they should do their homework. I think it is coming, but don't rock the boat!

Some hon. Members: Oh, oh!

● (1240)

Mr. Chrétien: They should not try to gain some political advantage. The native groups of Canada and others have been very effective. It is my view that it is the wish of all Canadians that we reinstate Section 34 in the Constitution.

Some hon. Members: Hear, hear!

Mr. Chrétien: It is the view of Canadians that having given our word when we signed the accord, we have to keep it. I want to affirm in this House that we will not impose it on the provinces if they do not want it. There is a mechanism that will permit us to do that eventually. Since the Government of Canada gave its word, it has the duty to respect that. I am sure the provinces understand the message of Canadians and are about to tell us that we will go to London with the entrenchment of both the women's rights in Section 28 and the native rights in the Constitution.

Some hon. Members: Hear, hear!

Mr. Chrétien: I know the hon. member for Nunatsiak today must rightly be disappointed that the resolution as introduced does not enshrine aboriginal rights. I hope that we succeed in enshrining aboriginal and treaty rights in relation to federal matters immediately. I hope that the eight remaining provinces agree to be bound immediately, but if we have to wait a year to reach a consensus with the provinces for all of Canada, the wait will be less important than the fact that we intend to succeed.

I do not have time to talk about the elements of the resolution dealing with equalization or about the extension of provincial jurisdiction over national resources. Others will speak to these items during this debate. I merely want to conclude by quoting the words of George Brown in the confederation debates:

No Constitution ever framed was without defect; no amount of talent and wisdom and integrity combined in preparing such a scheme could have placed it beyond the reach of criticism. To assert, then, that our scheme is without fault, would be folly. It was necessarily the work of concession; not one of the thirty-three framers but had, on some points, to yield his opinions; and, for myself, I freely admit that I struggled earnestly, for days together, to have portions of the scheme amended. But admitting all this—admitting all the difficulties that beset us—admitting frankly that defects in the measure exists—I say that, taking the scheme as a whole, it has my cordial, enthusiastic support, without hesitation or reservation. I believe it will accomplish all, and more than all, that we, who have fought so long ever hoped to see accomplished. It will lay the foundations deep and strong of a powerful and prosperous people.