

*The Constitution*

Indian/non-Indian relations were characterized by a whole set of special, sometimes contradictory legal arrangements. It was a complex and difficult situation, some vestiges of which linger with us to this day. Yet out of that same process came certain provisions and protections for Indian people. Two hundred and twenty years later, contemporary Indian people still recite the recognition of their uniqueness in the Royal Proclamation of 1763 as a basis for new arrangements.

The Constitution Act of 1867 recognized a special relationship between Parliament and aboriginal people which they cherish to this day. Significantly this special relationship described in Section 91(24) of our first Constitution forms today an important element of the Accord signed at the close of the conference in March.

This open door to the federal Government is the basis for continuing discussions with my federal colleagues and myself in parallel with the ongoing constitutional process. Indian people have insisted on this form of insurance based on many decades of experience.

As I suggested earlier, the most fundamental arrangements we struck in the past, those which found expression in the Royal Proclamation and the Constitution Act as it was proclaimed in the last century, still serve us well in the present.

● (1640)

Once again, the future rests on Canadians doing the best they can in their time, only now, we all have more experience. In the 1980s there are still other priorities. We have explored the wilderness, we have built the railways and overcome most of the diseases that plagued the pioneers. The centuries have seen these challenges replaced by others.

But something happened as a result of the March Constitutional Conference that should inspire new hope. By establishing an ongoing process of three similar First Ministers' Conferences over the next four years, we have ensured that the concerns of the aboriginal people, Inuit and Indian, are at the top of the national agenda. That fact alone should make a world of difference to the way we proceed this time.

The focus for the special relationship has since 1867 been the Parliament of Canada. It has taken more than 100 years for the leaders of the aboriginal peoples and the elected leaders of Canada to sit down in one room together and talk openly face to face. In 115 years this has never happened. We have never responded in such a way to an agenda devised by native people. First Ministers and native leaders have never talked in a collective way across one table as common citizens of one country.

Those are but some of the reasons I feel this House must support the resolution that is before it in this debate. It is a momentous debate. When the Parliament of Canada and the provincial assemblies ratify this resolution under the Constitution, a new dialogue will begin. It will be one that is based on an attachment to this nation and all the people who live here. That is what the next three conferences will be about. With this resolution, we can begin to fashion a new sort of future.

The future will be based on how we Canadians, Inuit, Indian and non-Indian, perceive problems and possible resolutions. It begins with the Accord which ensures that native leaders will participate with the First Ministers in a constitutional conference before any amendments are made to those parts of the Constitution dealing exclusively with aboriginal peoples. This is not a formal consent clause but it gives aboriginal peoples a unique and permanent political say in constitutional change of special concern to them.

The Accord also gives past and future land claims settlements a new status and security by including them among the "treaty rights" recognized and affirmed in the Constitution. This should yield a greater incentive for early resolution of many of the outstanding land and related claims of aboriginal peoples. In addition, the Constitution will be amended to ensure that the aboriginal and treaty rights are affirmed equally for men and women.

Perhaps most important of all, we have established that negotiation on a national level is the way to decide on relationships and rights. This time discussions will be based on real negotiation, not just consultation; not mediation but a process of free and open discussion among parties, each of whom has something to offer and something to gain.

The Accord was signed because all the parties, including Quebec, even if that Province did not sign, found common ground. This happened because everyone said what they thought in a spirit of respect and with a genuine desire to understand and reach an accommodation. The Accord, then, represents not only agreement on certain specifics; it is a powerful symbol of a new mode of open negotiation between aboriginal peoples and Governments. Second, it has become a sketch of where we can expect future negotiations to take us.

One of those directions is the issue of aboriginal self-government. In his opening address at the First Ministers' Conference, the Prime Minister (Mr. Trudeau) stated that issues concerning aboriginal government are "the heart of the matter, the crux of our efforts to improve the conditions of aboriginal peoples". He also said that between the unacceptable extremes of assimilation or absolute sovereignty, there is a broad range of negotiable possibilities that could yield various forms of self-government.

I myself see this in my role as Minister of Indian Affairs and Northern Development on a daily basis. Between the extremes, most native groups are struggling to hammer out a form of local control based on economic and cultural independence. I see this on the level of social services where in Manitoba, New Brunswick and Alberta band councils are assuming control of child welfare. In these Provinces bands will receive child welfare services equal to those offered to other citizens in their respective Provinces for the first time.

I see this on the level of economic development where band councils are coming forward now and saying that they want the means with which to become economically self-sufficient. They are saying that they want the means with which to reduce welfare rolls. This involves difficult new bilateral and tripartite negotiations. But the difference between the old and