

*Indian Act*

think we have stripped away the disguise. Part of that was done by the work of the special committee on Indian Self-government and many Members who are present in the House today who worked in that special committee will know what I am talking about. We stripped away the disguise of the policy of termination or cultural genocide and we said that we have to restore that original right which was never relinquished, the right to be self-determining within the context of the Canadian Confederation.

It does not need to be repeated here again that there is nothing threatening about this to anybody. There is no question here of separating the First Nations from Canada. There is no question here of setting up some kind of Canadian apartheid system, none of that. That is what we have now. That is exactly what we have now. We have people who are segregated now, who are dominated by an Act of Parliament called the Indian Act which dominates no other group of people in Canada. Can you tell me of another group of people in this country who would allow themselves to be controlled and regulated in every aspect of their lives by an Act of Parliament? No other group of people in this country would tolerate it for one single day. They would be here on Parliament Hill in vigorous demonstration asking for the repeal of the whole Act, because you cannot take a group of people and put them under a totalitarian regime such as we have done with the Indian Act when, disguised within that totalitarian scheme, is a scheme or plan or, if I may say so, a plot eventually not to need the Indian Act any more because there will no longer be any Indian people.

All of that has been resisted and the Indian people have gained allies in the Parliament of Canada. They have gained allies among some of the provincial Premiers, unfortunately not a sufficient number. But they will win; history is on their side; they will win. They will become self-governing entities within this country and they will be out from under the domination and the control of the Indian Act.

This policy of termination is now at long last coming to an end. The amendments that the Minister has proposed, the amendments that the committee recommended, go in that direction of saying, stop; stop taking away from people who call themselves Indian people, through some clause of an Act of Parliament saying that someone is no longer an Indian, however, if someone wants to call themselves something else such as non-status, we will accept that.

● (1200)

The Indian Act had a large number of ways of taking away the status of an Indian person. Sometimes this was done voluntarily and sometimes it was done involuntarily. During the committee hearings, we recognized that the distinction between voluntary and involuntary was a very false one because there were so many social, psychological, economic and cultural pressures that might cause a person to so-called voluntarily disenfranchise. Was that voluntary enfranchisement really voluntary? Did the person really know what he was doing? If the person was married and had children, did he

sit down with his family to discuss the implications of this decision? We heard testimony that indicated that that did not occur.

While Bill C-31 says that we will allow Indian people to have their status restored, I do not think that we can be as selective about who will be able to have this opportunity as we were in the first version of Bill C-31. The committee indicated we should extend the privilege to other persons who were disenfranchised or lost their Indian status so they may apply to the Registrar to have their status restored.

I would like to conclude by drawing the distinction that the Minister drew between status and band membership because we do not want this to be interpreted as imposing persons upon First Nations without their consent. In the course of the committee hearings, the Minister was asked to define status, and the definition that he offered was a relationship between the Government of Canada and an individual Indian person. Recognizing that relationship and giving it legitimacy also means that there are certain benefits that flow from it.

In these amendments, we are saying that a large range of categories of Indian persons will have the opportunity to have their lost status as Indians restored. However, the matter of membership will then be up to the bands, provided, as the Minister pointed out, that after a period of two years, they have put in place a band membership code. If the bands have this code, people will be able to apply to them for band membership. If the First Nations fail to put together a band membership code, then these persons will be imposed upon them by having their names placed on the band membership list.

Once again, Mr. Speaker, you can see that we are moving in the right direction. However, we are moving cautiously in the right direction and we have not yet totally and completely relinquished the right of the Parliament of Canada to deal in such minute detail with something that is so absolutely central to the autonomy and ability of First Nations to define their own membership and citizenship. We are caught right in the middle of this maelstrom. The Chairman of the committee described very well the agony and sense of frustration that every single Member feels.

In the name of justice, if we are going to extend the right to have status restored to some, we cannot make these artificial distinctions between those who relinquish their status voluntarily and those who relinquish their status involuntarily. I think we must open the gates much wider. This will mean additional costs and obligations for the Government of Canada, but I think that they are costs and obligations that we should willingly bear.

We must face up to the fact that the imposition of persons on First Nations without their consultation and without them having their own membership or citizenship code continues in a way that none of us really want to see. However, we are in an evolutionary process. I think we are making slow progress. I am convinced that much of this problem will be swept away when we take the large step.