

but, instead, at the centre of Canadian life. In this way they will be a part of Canadian life, something about which everyone can be proud, rather than perpetuating the system that was typified by the phrase "a century of dishonour". Let us instead have a century of pride and dignity for our aboriginal peoples.

Mr. Hnatyshyn: Madam Speaker, I would first like to thank the Hon. Member for a very thoughtful speech. It was another demonstration of his continuing interest in this area. Before asking my question I want to say at the outset that I share the same concerns, as does the Government, with respect to the history of injustice to aboriginal peoples in our country.

Having said that, I want to make a very important correction to the interpretation the Hon. Member gives to my remarks. I want to reiterate the fact that nowhere have I said, or what I have said could be interpreted to mean, that I think that the aboriginal peoples of Canada should be restricted, denied or refused access to the courts. Indeed, in response to the Hon. Member for Cochrane—Superior (Mr. Penner) I tried to make the point that what I am trying to do is to assist the aboriginal peoples in some of the suggestions being put forward to give them even more compelling legal remedies in the event that the negotiation process is not successful.

So that I can be clear in my own mind I ask the Hon. Member if he would not agree with the proposition that I have been putting forward, that is, it is far more preferable to have a process under which there is a negotiated political agreement which is constitutionalized than it is to have a document which simply states that the courts will decide what constitutes self-government. Does the Hon. Member not agree with the proposition that under the present circumstances, in terms of their excellence and in terms of their membership, knowledge and so on, the courts are simply not the appropriate forum within which self-government should be determined and that the Canadian way would be to have a system or process which involves negotiation between the aboriginal peoples and the Governments of our country?

Mr. Manly: Madam Speaker, certainly all parties in this matter, especially the aboriginal peoples, would like to see a negotiated approach to this question. They know how difficult it is to move through the courts. There has already been too great a need for aboriginal peoples to go to the courts. There are a number of court cases pending now in British Columbia because the whole system of land claims is moving so terribly slow. What I am saying is that we cannot use the desire for a negotiated settlement to deny to the aboriginal peoples the right that they have inherited to self-government. It is incumbent upon us to recognize that that is a right that has always existed. It is a right that has never been extinguished. We must recognize that that should be the basis for negotiation. If we recognize it as a basis for negotiation, I do not think it will lead to increased appeals to the courts. If we are not prepared to recognize that basic right, then I think there are a number of aboriginal groups which will indeed go to the courts

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because they believe that they have a very good legal case and they will want to test it in the courts.

Mr. Penner: Madam Speaker, I would like to ask the Hon. Member for Cowichan—Malahat—The Islands (Mr. Manly) if he agrees that what the Minister of Justice (Mr. Hnatyshyn) has just proposed, that is, an either/or situation, is not at all fair to the concept of having an inherent right entrenched in the Constitution. In his question the Minister left the impression with the House that we had to go one way or the other, either we fight it out in the courts, if it is believed that there is a freestanding inherent right in the Constitution, or we move to negotiated settlements. In fact, what has been proposed by the Assembly of First Nations, which has been supported by other aboriginal leaders, and what has been proposed by Nova Scotia, incorporates both. It is not a case of either/or. Nova Scotia sets the right out, as the Hon. Member wants and as the motion we are debating today wants, and then goes on to say that the scope of the right shall be set out through negotiated agreements. Will the Hon. Member not agree that the Minister is not being fair in stating the two approaches by making it an either/or proposition?

Mr. Manly: Madam Speaker, absolutely. As I said earlier, I do not think that the aboriginal people generally want to have to rely upon the courts. They are looking for this recognition. Following that recognition they are looking for a negotiated settlement. They realize that there has to be give and take on both sides. But with respect to the basic fundamental question of justice, they have a right which they are not prepared to negotiate away. They believe that it is a right which they have inherited from their ancestors. It is something which they have to be able to pass on to their children. It is not something which is negotiable.

Mr. Tupper: Madam Speaker, I wish to compliment my colleague, the Hon. Member for Cowichan—Malahat—The Islands (Mr. Manly), on his thoughtful presentation this afternoon and on the sincerity with which he presented his case before us. Something I have been interested in for quite some time as we move toward self-government and in the resolution of the land claims aspect for our native peoples is the ownership of the subsurface rights in the lands that are in question. If we look at our Constitution relative to this matter we will see that these subsurface rights are inherently owned by the provinces. Will the Hon. Member clarify for us the position of his Party with respect to this issue of whether subsurface rights, that is, mineral, hydrocarbon and water rights, are in fact contingent with surface rights?

Mr. Manly: Madam Speaker, the people who signed the historic treaties in Alberta understood at that time that they were signing a treaty for the use of the land, a treaty that extended to the depth of a plow furrow. They were not signing away the land itself.

If we are looking at the question of aboriginal self-government then we have to take seriously the need of aboriginal