

Oral Questions

ABORIGINAL RIGHTS

Mr. Jim Fulton (Skeena): Madam Speaker, my question is directed to the Minister of Justice. Section 91(24) makes it clear that the jurisdiction over aboriginal and treaty rights is an exclusive federal power. It is my understanding that the September ruling of the Supreme Court of Canada only limited the federal government's ability to affect provincial jurisdiction directly. We all recognize the importance of last Thursday's consensus. However, I would like the minister to confirm to this House that it is, first, within the powers of this House to re-entrench Section 34 fully, which this party will support and, second, that this action would not conflict with the September ruling of the Supreme Court of Canada.

Hon. Jean Chrétien (Minister of Justice): Madam Speaker, we were very pleased to entrench these rights in the Constitution at the committee stage. As the Prime Minister indicated a few minutes ago, we agreed to a proposition that came from the provinces. It was a document presented to the conference by Premier Peckford. The aboriginal rights were not protected in that proposition. We asked whether it was a mistake that they were not there. The answer was no, they knew, that the provinces did not want to opt to entrench aboriginal rights both at the federal and provincial levels.

We remembered that the National Indian Brotherhood and the Metis had announced through the Indian association strong opposition to the way it was entrenched. Some of them were already campaigning in London trying to block our "demarches". What the Prime Minister did, when he realized it was being requested by the provinces not to be entrenched, was to reaffirm our commitment to entrench. He suggested to the provinces holding a constitutional conference on aboriginal rights so that the Indians, Inuit, Metis, provincial and federal governments could get together to find a solution that would be acceptable to everyone.

REQUEST THAT RIGHTS BE RESTORED IN CONSTITUTION

Mr. Jim Fulton (Skeena): Madam Speaker, the important point for the House and the Minister of Justice to get hold of is that none of the major groups in Canada oppose Section 34 as it stands. They want something more. They wanted a consent clause included. This party is clearly on record that we want Section 34 put back in, fully entrenched. It is my understanding that that is supported by all members of this House. Section 91(24) of the British North America Act makes it abundantly clear that it is a sole federal jurisdiction. It can be put back in. The Supreme Court of Canada agrees with that. Will the Minister of Justice rise in his place and tell the native people of Canada, 1.3 million Canadians, that Section 34 will be put back in fully, as all members of this House think it should be?

Hon. Jean Chrétien (Minister of Justice): I said, Madam Speaker, that we want to ensure that these rights are entrenched in the Constitution at all levels. We will do whatever is necessary to find words with which everyone can agree.

Everyone knows we took the initiative of putting that in the Constitution. We wanted it to be in the Constitution for all time. The Prime Minister asked the provinces to agree to a conference so that this would be entrenched in such a way that the native people, the provinces and the federal government, will be completely satisfied, and these people will be protected.

DISCUSSIONS BETWEEN PRIME MINISTER AND REPRESENTATIVES OF NATIVE PEOPLE

Hon. Warren Allmand (Notre-Dame-de-Grâce-Lachine East): Madam Speaker, I have a supplementary question for the Prime Minister. There have been reports that the Prime Minister would meet today with the Inuit and Indian leaders to discuss the constitutional accord of November 5 which dropped Section 34 entrenching aboriginal and treaty rights. Will the Prime Minister confirm whether such a meeting has already taken place? If so, what were the results? Has the Prime Minister agreed at least to entrench those aboriginal and treaty rights for all matters under federal jurisdiction?

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, I did meet with certain Inuit leaders in the presence and with the assistance of the Minister of Indian Affairs and Northern Development. We examined these questions. I expressed the federal point of view much as the Minister of Justice just did in his last answer. We were anxious to find a formula which would not only involve a recognition by the federal government of the existence of aboriginal rights, but a process which would hopefully lead the provinces to recognize those aboriginal rights.

The aboriginal people themselves know that their life, except in the case of the Territories, is lived out within the provinces and that they have many rights and programs which should apply to them at the provincial level. Once again, as the minister just said, we would prefer a solution which would not have the federal government go it alone and then perhaps leave the problem on the back burner forever, but try to involve the provinces as well as the federal government and the native peoples themselves in a solution which all could accept, as the minister just indicated.

STATUS OF NON-NATIVE RESIDENTS OF YUKON AND NORTHWEST TERRITORIES

Hon. Erik Nielsen (Yukon): Madam Speaker, I have a supplementary question for the Prime Minister. The Prime Minister has mentioned the people of the two Territories quite apart from the native peoples in those parts of Canada. In view of the existence of paragraph (5) of the accord where special arrangements have been made to hear the views and concerns of the aboriginal peoples of Canada, can the Prime Minister explain why all of those thousands of Canadian citizens who are non-native living in Yukon and Northwest Territories have been left out in the cold with respect of this accord?

Right Hon. P. E. Trudeau (Prime Minister): Madam Speaker, unless I understand the Constitution differently from