

to our clearly defined historical acceptance of aboriginal rights. As I said, the government has elaborated on its stance in recent weeks but still has not clarified its position. If anything, it was further muddled by the appearance of the minister of Indian affairs on a national television show last Sunday. At that time he seemed to be seeking a definition of aboriginal rights. He made it clear he would like to hear from the other parties—and he is hearing from them today.

Some hon. Members: Hear, hear!

Miss MacDonald (Kingston and the Islands): I find it ludicrous that a man who has been minister of Indian affairs for five years should have to ask others for a definition of aboriginal rights. What has he been doing for the last five years, if he hasn't learned that? On the telecast to which I referred, the minister said we cannot have a national aboriginal rights policy because different legal situations exist. He might not be able to adopt a national aboriginal rights policy, but let me tell the minister that every government down through the years has recognized the existence of aboriginal rights. How else can we interpret what has gone on in the past?

Mr. Alexander: Right on.

Miss MacDonald (Kingston and the Islands): Some of the rights have been extinguished, others have been abrogated; but their existence was never before denied. However, the government, as the minister said on Sunday on television, is not prepared to present its current position, though it has abandoned the 1969 policy paper it tried to force on the Indian people. The minister told us he is devising a position which the government is now analysing. In the meantime the native peoples wait, and hope to be consulted. What we are seeing in the interim is a series of ad hoc arrangements with no over-all thrust. The government is content to hide behind a smokescreen of individual arrangements, ignoring the fact that Indians, through their brotherhoods and national councils, have repeatedly requested recognition of aboriginal rights.

I would like to mention briefly, Mr. Speaker, the minister's comments at that time in regard to the James Bay situation. He clearly stated in the TV broadcast that the rights of the James Bay Indians were "not based on the large concept of aboriginal rights". He did, however, state that they were basing their claims on the royal proclamation of 1763. Mr. Speaker, if the royal proclamation of 1763 is not a clear recognition of aboriginal rights as proven earlier—as stated by the Supreme Court of this country—what else is it? How can the minister say the James Bay Indians are not basing their claims on aboriginal rights when they point to the royal proclamation of 1763 as one of their guarantees?

Time and again throughout the television program the minister referred to the rights and responsibilities of the provincial government in the James Bay project. I would like to hear him refer just once to the constitutional responsibilities of the federal government to the James Bay Indians. He has not once commented on it or dealt with it. He has evaded the issue, avoided, abdicated, skirted around and brushed aside the fact that the government has constitutional responsibility for the James Bay Indi-

ans and their claims as aboriginal citizens. He retreats behind grants of money to pay court costs and the explanation that he might be regarded as paternalistic if the government tried to exercise its constitutional responsibility. Paternalistic—when you have a constitutional responsibility involving the way of life and continued existence of a people to uphold!

• (1540)

The minister has the audacity to say, and I quote: "If the Indians win, you know, the Quebec government will be in a very difficult position". Let me tell the minister that if the Indians win, it is because they and the courts recognize the federal constitutional position, something that the federal government of this country has refused to do. And let me further advise the minister not to spend his time worrying about the position of the provincial government; it is the federal government which will be in a tough spot trying to justify its action or, more importantly, its inaction.

The minister also used this TV appearance to lecture the standing committee about its attitudes. The minister claimed outside the House—not to the committee itself or to the House but outside the House to the national media—that the committee is irresponsible in its attitudes. How is it irresponsible? I suppose it is irresponsible because it seeks to reaffirm the concept accepted in this country since 1763—over 200 years ago—and recognized as a valid concept in this country until 1969. And for that he considers the committee irresponsible.

Has the minister really looked at the resolution? We have recommended the recognition of the concept of aboriginal rights as set out in the paper entitled "Aboriginal Title" presented by the National Indian Brotherhood, which says that where treaties have not extinguished aboriginal title, settlements be made; and that where fair and reasonable compensation has not been provided under the treaties, the original terms be relied on.

Is the minister not prepared to rely on fair treaties? Is that what he is saying? Because if it is, it is about time he considered his own responsibility as a minister of the Crown. The minister might consider the committee irresponsible, but was he not being irresponsible in some of his statements on television in dealing with this highly emotional and sensitive issue? What sort of game is the minister playing when he makes statements like, "If it means we have to renegotiate all the treaties in Canada, there are some cities that perhaps have been built on land that is perhaps not Canadian land"? Who is making such claims? None of the responsible Indian leaders I have been talking to. What is he seeking to do by such extreme statements? Is he trying to create fear and uncertainty among Canadians in order to produce an over-reaction in the country among people who are not sure of the concept themselves because the government refuses to make its position known? The minister must know how easy it is to inflame prejudice.

Further, he said on that program, "There are Indians in B.C. who say B.C. is all Indian land and there should not be a white man there". What kind of irresponsible comment is that? He does not document that statement. Has the minister looked—really looked—at the British