

Not being blessed with the wisdom of Solomon, I have been seeking the opinion of other senators as to what we should do in this case. I agreed with Senator Carstairs that the amendment put forward on aboriginal people did not go far enough, that it perhaps restated known law and known positions. I thought it was an honest compromise, a compromise that would have acknowledged that we have not done what we should in terms of consultations, and that would have demonstrated that we respect our fiduciary relationships by undertaking to ask the minister to conduct more consultations.

We would not then be put in the position of saying that the minister's consultations were adequate or not; and we would not put the aboriginal community in a position where we would disagree with them and say that we believe they were consulted, or that we accept their word in that regard. In other words, I do not believe we should be that adversarial. The amendment would allow us to have a compromise.

I will vote for the amendment because I think the minister can speedily call all the aboriginal people together and sit down at the table with them. As Minister Irwin has said, we must sit at the table with them and discuss this matter.

I have yet to find one aboriginal leader who does not want some form of gun control, who does not want firearms regulation. Their concern is that their rights are respected and that they have a say as to how this legislation will be implemented within their reserves, their territories. I do not believe that anything less is desirable.

I find myself in a conundrum, in that I believe in the fiduciary responsibility that consultation is a condition precedent, and that we should not pass this bill until such time as the consultation takes place. Nonetheless, I am still willing to vote for the amendment that in some way diminishes, perhaps, or puts aside for a time, aboriginal rights completely, but allows a form of compromise. We cannot do anything less than attempt a compromise respecting this bill.

I appeal to the minister, and I appeal to honourable senators, not to disregard this aspect in haste, because we will then be continuing the legacy of paternalism which has caused so many difficulties for aboriginal peoples.

We talk about victims of violence. There are many types of violence. I have not told my personal, emotional stories of how it has touched me, but I can assure you that it touches me as much as it touches anyone else. We cannot put our personal tragedies before the rights of the aboriginal peoples because, if you want to see death, if you want to see destruction, if you want to see disruption in its rawest, crudest form, you will find that it has happened to their people, and we have been, in part, responsible for their problems. Surely it is time that we became part of the solution.

We cannot force the aboriginal community to go to the courts so that, one more time, someone can ask, "What do they want

now?" If we do that, we encourage what is already a growing pocket of what I believe is discrimination between non-aboriginals and aboriginals in some areas, because some people believe the aboriginals are in court too often asking for too much. What they are now seeking is what they were entitled to at the start: nothing more, nothing less. We do them a disservice by forcing them to seek a judicial remedy. As Senator Forsey said, and I paraphrase him, that in a well-functioning democracy, citizens should not have to go to court to prove their rights. If there is any doubt, we must find some other way of dealing with it.

I also have a concern that, if we do not deal with this legislation now, the law will not be universal because the outcome of a win for the aboriginal people in the courts will be that the law does not apply to them. If the law does not apply to them, how do non-aboriginals and aboriginals live together in the communities in the North and in the West, in Ontario, in Quebec, and in Atlantic Canada? We must help the aboriginal community to contribute its full share to the destiny of Canada, and we cannot separate our people.

So little separates us now. What separates us is not the fact that we do not have a valid national objective that is justified; what separates us is not that there is one way or another way of legislating gun control; what separates us is that we have not taken into account people who have a right to be included.

Many of the things that I believe about aboriginal rights are not enshrined in rights, per se, and they are equally valid with regard to the minorities in Canada who must also be considered.

If we want to be judged as a fair and just society, we must bring them to the table, whether it is with regard to this piece of legislation or another piece of legislation. In this instance we have a fiduciary relationship. It is a legal requirement beyond a moral requirement.

The United Nations Human Rights Centre, in its study of indigenous people, said that many treaties carry a great symbolic meaning to indigenous peoples. In Canada, those treaties are more than symbolic, they are actual legal rights. They are seen as providing recognition of indigenous self-determination and a guarantee of the collective rights of the peoples concerned. An agreement which has the character of a solemn pledge by one people to another, when fully honoured by both parties, breeds mutual trust and respect, and has a potentially vital role in promoting and protecting human rights and fundamental freedoms of indigenous peoples.

Honourable senators, aboriginal rights in Canada are human rights. In our zeal to correct many of society's problems, let us not create even more tragic ones.

• (1550)

We can find a middle road. It is unfortunate that we have needlessly pitted one group of citizens against another. Let us not further compound the problem.