

so. Far more important than that, we do not even have the jurisdiction. The jurisdiction belongs to the Indian First Nations themselves, and that is what Indian self-government is all about. It is about putting the problem-solving in the hands of the people who know how to solve the problems and who have never relinquished the right to deal with their own problems in their own way. We are not arguing about the principle contained within Motion No. 13 nor the ideas behind it. We are simply saying that the jurisdiction or the forum is wrong and it is the Indian First Nations themselves which should be dealing with matters of this kind.

Mr. Jim Manly (Cowichan-Malahat-The Islands): Mr. Speaker, there seems to be some problems within the Liberal Party regarding where Liberal Members really stand on this issue. I was listening to the Hon. Member for Cochrane-Superior (Mr. Penner) who said that it is the right of each Indian First Nation to determine its own membership criteria. I think that that is certainly a principle that we in the New Democratic Party would support 100 per cent. The question, however, is what constitutes a First Nation? Bill C-31 attempts to reinstate people to their proper membership in a First Nation, a membership which was unjustly denied and taken away through the action of the infamous Section 12(1)(b) of the Act.

At the beginning, I might point out that we are in support of the motion put by the Hon. Member for Mount Royal (Mrs. Finestone). We believe that people who lost memberships unjustly should still be regarded as members of First Nations. It was an unjust Act by the Parliament of Canada that took their membership in First Nations away from them. Certainly those people who are trying to get together to reconstitute their own authority to determine their own membership, those people who were wrongly denied membership by the Parliament of Canada, should have the right to participate in this entire debate.

We must realize that we have, over the past 150 years, destroyed the institutions of the Indian people to a very great extent. The fact that they have survived is due to their persistence and durability rather than to the good intention of the Parliament of Canada. We have destroyed the accountability systems within Indian Governments. For us simply to abdicate and walk away from the situation by saying that we will grant Indian self-government is a farce. It is to act as did King Leopold of Belgium who walked away from Katanga. The example set in the Belgian Congo was one of the worst instances of colonialism that existed in the 19th and 20th centuries, and the example of Katanga was one of the worst instances of decolonialization that we have seen. We cannot decolonialize by simply walking away from the situation. I think we have a responsibility to the Indian people to make sure that when vacating the field, we leave some proper mechanism in place to ensure that the rights of ordinary people are protected. That is what the motion put by the Hon. Member for Mount Royal, Motion No. 13, attempts to do.

Motion No. 14 is similar to Motion No. 13. It suggests that when Indian peoples develop their membership criteria, there

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shall be an appeal mechanism. The present legislation indicates that there may be an appeal mechanism. We say that such an appeal mechanism is necessary. This is not because we are dealing with Indian people but because we are dealing with human beings. It is important that we recognize that while we have a positive view of Government and believe that Government can and should be doing positive things for people, we also believe that Government should be bound by certain checks and balances. We believe there should be certain processes that give people the right of appeal.

Certainly, if people feel that they have not been properly dealt with in terms of applications for membership, they can go before the courts. However, we know that going before the courts is a very expensive and time-consuming process. It would serve the interests of all parties if, before appeals to the courts were made necessary, people who felt a sense of grievance could go before an appeal board that would be devised by the Indian First Nations. In committee, the suggestion was made by several witnesses that it could be some kind of a council of elders. This appeal mechanism would make it less necessary to go before the courts in many instances and would save time and money. I think it would work in the best interests of all concerned.

It has been pointed out that in many cases Indian bands will build in their own appeal mechanisms. I know that that is so and I have full confidence that they will do so. However, there are other situations in which this might not happen. I think it is important that there should be an appeal mechanism in place for all membership criteria so that if people feel a sense of grievance, they know what first step they can take.

I urge all Hon. Members to consider the arguments that were presented by the Hon. Member for Mount Royal in support of Motion No. 13 and to consider the arguments I presented in support of Motion No. 14 so that we may make sure that when we talk about an Indian First Nation developing membership criteria, we mean to include all members of that First Nation. On that basis, I urge the support of both Motions Nos. 13 and 14.

Mr. Girve Fretz (Parliamentary Secretary to Minister of Indian Affairs and Northern Development): Mr. Speaker, Motion No. 13 proposed by the Hon. Member for Mount Royal (Mrs. Finestone) would make all band members over the age of 18 eligible to vote on membership issues. This would be a uniform provision applying to all bands irrespective of their current practices with regard to voting on important band matters. We heard very forceful arguments put forward by the Hon. Member for Athabasca (Mr. Shields) and the Hon. Member for Cochrane-Superior (Mr. Penner), and I support most if not all of the views put forward by those Hon. Members.

The over-all issue of eligibility for voting was debated at some length yesterday. Unfortunately, as was disclosed this morning, the Hon. Member for Mount Royal was not able to be present in the House for that very lively debate. Other Hon. Members will recall that the House debated and passed Motion No. 14A standing in my name. This motion enables