

*Indian Affairs*

on the question of aboriginal rights. When the minister and other government spokesmen say that this question has not been adequately considered, I suggest there is evidence piled upon evidence that the decision is long overdue.

I would also remind the minister that while it might be possible to establish some rights under the treaties, where treaties exist, this will not be a successful solution of the problems of the Inuit people because they never came under any treaties. Until this parliament and government establish and accept the principle of aboriginal rights, there is no possibility of justice so far as the Inuit people are concerned with respect to their outstanding claims. The alternate solution of the government is to perpetuate the program of paternalism that has caused the perpetuation of poverty and the continuation of degradation among the native people of this country.

• (1740)

I shall not speak any longer this afternoon because my position on this matter is well known. Also, I want to have the opportunity to vote on the motion and endorse the principle that has emerged from the parliamentary committee on Indian affairs, and give the government an opportunity to put into effect a statement of the Prime Minister (Mr. Trudeau) who said:

In a democracy it is all too easy for the majority to forget the rights of the minority and for a remote and powerful government to ignore its requests.

That is a statement made by the Prime Minister of Canada. That government, Mr. Speaker, is no longer a powerful majority; it is a very slim majority clinging, by expediency, to power. One of the reasons government members on the committee were reluctant to support this resolution is very obvious. It is that he who runs may read—and they have not received the word from this Prime Minister. I suggest to the government that they have the opportunity this afternoon to get themselves off the hook on this subject.

**Mr. Mark MacGuigan (Parliamentary Secretary to Minister of Manpower and Immigration):** Mr. Speaker, the legislative authority of the Parliament of Canada over native peoples rests on section 91(24) of the British North America Act, "Indians and lands reserved for the Indians." By judicial definition, Eskimos have been included in the category of Indians.

During its two-year study of the Canadian constitution, the Special Committee on the Constitution of Canada, of which I had the honour to be the chairman from this House, heard witnesses from Indian associations across the country. I think it is fair to say that interest among committee members on this subject was high. I understood the hon. member for Brandon-Souris (Mr. Dinsdale), who just sat down, to refer to the work of this committee. It is unfortunate that he adverted only to the number of witnesses who appeared across the country and not to what they said nor to the recommendations of the committee. In light of the hon. member's comments I think it is worth while recalling what the National Indian Brotherhood said through its official spokesman before that committee. As reported on page 16 of the official report of that committee, he said:

[Mr. Dinsdale.]

However, we are not yet in a position to recommend in its entirety the proper legal framework for our development as a people.

The issues at stake are far too important for unprepared or unwise action. Aware of the principle that they themselves must forge their destiny, the Indian people must be given the time to assess not only in legal terms but in social and modern terms who they are, what they have and where they want to go before any action which will dramatically affect these considerations, including the constitutional change, is taken.

And further on:

To require us to act in any definitive sense in regard to the constitution at this point, therefore, is premature and unfair. To act without decisions from the Indian people is unacceptable.

We need time and this is the central message of this brief.

In light of those comments by the National Indian Brotherhood's spokesman, the committee recommended that there should be no constitutional change with respect to section 91(24) of the British North America Act until such time as the native peoples' organizations have completed their research and study into the whole question of treaty and aboriginal rights in Canada.

I heard some of the remarks made by opposition members while I was reading this passage of the report, Mr. Speaker. Hon. members opposite were suggesting that the government was lax in not having answered the problem earlier. In the light of representations of the National Indian Brotherhood to a committee of this parliament when they asked us to wait until they were ready to make their proposals, and the fact that it has only been in the past two weeks that the proposals have come forth, we could not have dealt with this matter earlier. It is appropriate, now that they have had time to formulate their proposals, that we come back to this issue in parliament. I think it is a tribute to the hon. member for Kingston and the Islands (Miss MacDonald) that she has brought this matter forward, but I wish she had shown more understanding of the resolution she is presenting.

I had planned a considerably longer speech, Mr. Speaker, but in the few minutes remaining of the ten which are now allotted I should like to refer to the recommendations made in the National Indian Brotherhood document which has been endorsed in its entirety by the opposition members of the committee. There is a four-point proposal. The first point reads as follows:

(a) a recognition of the obligations to deal with Indian claims in non-treaty areas of the country. In the areas where Indian people have lost or are gradually losing the use of the land either the full use of the land must be protected or restored or the claims based on Indian title must be dealt with to the satisfaction of the Indian people involved.

You will note, Mr. Speaker, that this says "to the satisfaction of the Indian people involved". This can be interpreted benignly, and we all agree that the claims should be settled to the satisfaction of the Indians. But the Indians are in a bargaining position, and in a bargaining position there is a range of things that people will accept. That is the whole point which the opposition misses.

Do I have to remind hon. members opposite that this is our country too? Would it not be advisable, in a document which they are asking the Parliament of Canada to approve and accept and endorse, that we say what we mean? Do we mean it is only Indians that should approve, or do we mean also the government and Parliament of