

N.A.

Indian Association of Alberta 1981
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ORIGINAL ARCHIVES OF ALBERTA	
ACC.	85.4017
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STATEMENT TO REPRESENTATIVES OF THE INDIAN ASSOCIATION OF ALBERTA

AT THE LEGISLATURE BUILDING STEPS, EDMONTON - NOVEMBER 19TH, 1981.

Mr. Steinhauer - I would appreciate an opportunity to repeat again the Alberta Government position on existing Indian treaty rights. Our government has always taken the position - and pressed forward the position - that your existing treaty rights be fully protected and guaranteed in any Revised Canadian Constitution - and they are! The resolution now introduced in Parliament provides for the protection of your existing treaty rights.

Let me read from section 25 of the Revised Canadian Constitution:

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the aboriginal peoples

of Canada including:

- a. any rights or freedoms that have been recognized by the Royal Proclamation of October 7th, 1763; and
- b. any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

If you have come many miles to this Legislature because you were told that your existing treaty rights and other rights were threatened or were going to be taken away from you - then you have come many miles for the wrong reasons. Your existing treaty and other rights are fully supported by the Government of Alberta. We completely concur they should be fully protected in any Revised Canadian Constitution. And they are.

Perhaps we don't understand the requests of The Indian Association of Alberta - perhaps they are seeking not just the protection and guarantee of existing treaty or other rights or freedoms - perhaps they are seeking

more rights or additional rights in the Revised Canadian Constitution.

If this is so, then obviously the Government of Alberta in fairness is entitled to understand what additional rights are specifically being sought by the Indian Association of Alberta, before agreeing to them forming part of a Revised Canadian Constitution binding upon Alberta.

The nine provinces who signed the Constitutional Accord on November 5th, 1981 in Ottawa were not involved in the discussions between Indian leaders and the federal government last winter and spring, that resulted in certain provisions respecting Indian rights being included in Ottawa's Constitutional proposals. Not being part of those discussions, the Premiers on November 5th, 1981 were not prepared to include any additional provisions without understanding fully what was being requested and the consequences of such requests.

When our government met with the Indian Association of Alberta last June

in Edmonton we were told that what the Association sought was Indian Government within our province or within Canada - in short, a nation within a nation - presumably not subject to the laws of the province - or the laws binding other Albertans. We told your representatives last June that such a request was not acceptable to the government and we believe to the vast majority of Albertans .

Perhaps we are wrong - perhaps we do not understand well enough what you wish included in the Revised Canadian Constitution for the Indian people. But I repeat it is wrong to suggest or to tell citizens that the Revised Canadian Constitution in any way takes away any treaty or other rights the Indian people of Alberta now have. Any suggestion that the Alberta Government doesn't fully support existing Indian treaty rights or freedoms being adequately protected in any Revised Canadian Constitution is wrong.

The Metis people of Alberta do not have treaty rights and they wish some recognition in the Revised Canadian Constitution of the concept of the

Metis people. We have been working closely with the Metis leaders in Alberta and will continue to work with them to see if we can reach any understanding or proposed amendment to give to the Canadian Parliament that would be satisfactory and fair to all concerned. These discussions are progressing very well and we will be meeting again tomorrow.

As far as the Indian Association of Alberta is concerned we wish to understand what it is you specifically want further in the Revised Canadian Constitution other than the protection and guarantees I have outlined and the support for the treaty rights that now are fully protected in the Revised Canadian Constitution. As the Prime Minister said yesterday about native rights in the Constitution "to this day I do not know what they want".

Nevertheless, we welcome these immediate discussions - if they can lead to an understanding and agreement - we would propose them quickly to the Federal Parliament by way of amendment and additional provisions. If in

the short time available we are unable to understand or agree then we will be prepared to discuss them further over the months ahead and provide the Association's representatives the opportunity to present them publicly at the next meeting of the Prime Minister and the Premiers on the Constitution for further consideration. Or if you can show us that our legal advice is wrong and that the resolution now before Federal Parliament does not adequately protect your existing Indian treaty and other rights we will alter our position!

Finally let me say this, it is not fair to suggest that Albertans are not fully supportive of protecting and guaranteeing your existing treaty and other rights. It is also not fair to ask us to include provision in the Revised Canadian Constitution that we are not clear or capable of reasonable understanding.

We welcome further discussions in the attempt to understand what it is you really want in the Revised Canadian Constitution.

STATEMENT TO REPRESENTATIVES OF THE
INDIAN ASSOCIATION OF ALBERTA
AT THE LEGISLATURE BUILDING STEPS,
EDMONTON - NOVEMBER 19TH, 1981.

MR. STEINHAUER - I WOULD APPRECIATE AN
OPPORTUNITY TO REPEAT AGAIN THE
ALBERTA GOVERNMENT POSITION ON
EXISTING INDIAN TREATY RIGHTS. OUR
GOVERNMENT HAS ALWAYS TAKEN THE
POSITION - AND PRESSED FORWARD THE
POSITION - THAT YOUR EXISTING TREATY
RIGHTS BE FULLY PROTECTED AND
GUARANTEED IN ANY REVISED CANADIAN
CONSTITUTION - AND THEY ARE! THE
RESOLUTION NOW INTRODUCED IN
PARLIAMENT PROVIDES FOR THE PROTECTION
OF YOUR EXISTING TREATY RIGHTS.

LET ME READ FROM SECTION 25 OF THE 2.
REVISED CANADIAN CONSTITUTION:

25. THE GUARANTEE IN THIS
CHARTER OF CERTAIN RIGHTS AND FREEDOMS
SHALL NOT BE CONSTRUED SO AS TO
ABROGATE OR DEROGATE FROM ANY
ABORIGINAL TREATY OR OTHER RIGHTS OR
FREEDOMS THAT PERTAIN TO THE
ABORINGIAL PEOPLES OF CANADA INCLUDING:

A. ANY RIGHTS OR FREEDOMS
THAT HAVE BEEN RECOGNIZED BY THE ROYAL

PROCLAMATION OF OCTOBER
7TH, 1763; AND

B. ANY RIGHTS OR FREEDOMS
THAT MAY BE ACQUIRED BY THE

ABORIGINAL PEOPLES OF
CANADA BY WAY OF LAND CLAIMS SETTLEMENT.

IF YOU HAVE COME MANY MILES TO THIS
LEGISLATURE BECAUSE YOU WERE TOLD THAT
YOUR EXISTING TREATY RIGHTS AND OTHER
RIGHTS WERE THREATENED OR WERE GOING
TO BE TAKEN AWAY FROM YOU - THEN YOU
HAVE COME MANY MILES FOR THE WRONG
REASONS. YOUR EXISTING TREATY AND
OTHER RIGHTS ARE FULLY SUPPORTED BY
THE GOVERNMENT OF ALBERTA. WE
COMPLETELY CONCUR THEY SHOULD BE FULLY
PROTECTED IN ANY REVISED CANADIAN
CONSTITUTION. AND THEY ARE.

Treaty Rights - Fed Govt - Sept/80

PERHAPS WE DON'T UNDERSTAND THE
REQUESTS OF THE INDIAN ASSOCIATION OF
ALBERTA - PERHAPS THEY ARE SEEKING NOT
JUST THE PROTECTION AND GUARANTEE OF
EXISTING TREATY OR OTHER RIGHTS OR
FREEDOMS - PERHAPS THEY ARE SEEKING

MORE RIGHTS OR ADDITIONAL RIGHTS IN 4.
THE REVISED CANADIAN CONSTITUTION.

IF THIS IS SO, THEN OBVIOUSLY THE
GOVERNMENT OF ALBERTA IN FAIRNESS IS
ENTITLED TO UNDERSTAND WHAT ADDITIONAL
RIGHTS ARE SPECIFICALLY BEING SOUGHT
BY THE INDIAN ASSOCIATION OF ALBERTA,
BEFORE AGREEING TO THEM FORMING PART
OF A REVISED CANADIAN CONSTITUTION
BINDING UPON ALBERTA.

THE NINE PROVINCES WHO SIGNED THE
CONSTITUTIONAL ACCORD ON NOVEMBER 5TH,
1981 IN OTTAWA WERE NOT INVOLVED IN
THE DISCUSSIONS BETWEEN INDIAN LEADERS
AND THE FEDERAL GOVERNMENT LAST WINTER
AND SPRING, THAT RESULTED IN
CERTAIN PROVISIONS RESPECTING INDIAN
RIGHTS BEING INCLUDED IN OTTAWA'S
CONSTITUTIONAL PROPOSALS.

5.
NOT BEING PART OF THOSE DISCUSSIONS,
THE PREMIERS ON NOVEMBER 5TH, 1981
WERE NOT PREPARED TO INCLUDE ANY
ADDITIONAL PROVISIONS WITHOUT
UNDERSTANDING FULLY WHAT WAS BEING
REQUESTED AND THE CONSEQUENCES OF SUCH
REQUESTS.

WHEN OUR GOVERNMENT MET WITH THE
INDIAN ASSOCIATION OF ALBERTA LAST
JUNE IN EDMONTON WE WERE TOLD THAT WHAT
THE ASSOCIATION SOUGHT WAS INDIAN
GOVERNMENT WITHIN OUR PROVINCE OR
WITHIN CANADA - IN SHORT, A NATION
WITHIN A NATION - PRESUMABLY NOT
SUBJECT TO THE LAWS OF THE PROVINCE -
OR THE LAWS BINDING OTHER ALBERTANS.
WE TOLD YOUR REPRESENTATIVES LAST JUNE
THAT SUCH A REQUEST WAS NOT ACCEPTABLE
TO THE GOVERNMENT AND WE BELIEVE TO
THE VAST MAJORITY OF ALBERTANS .

PERHAPS WE ARE WRONG - PERHAPS WE DO 6.
NOT UNDERSTAND WELL ENOUGH WHAT YOU
WISH INCLUDED IN THE REVISED CANADIAN
CONSTITUTION FOR THE INDIAN PEOPLE.
BUT I REPEAT IT IS WRONG TO SUGGEST OR
TO TELL CITIZENS THAT THE REVISED
CANADIAN CONSTITUTION IN ANY WAY TAKES
AWAY ANY TREATY OR OTHER RIGHTS THE
INDIAN PEOPLE OF ALBERTA NOW HAVE.
ANY SUGGESTION THAT THE ALBERTA
GOVERNMENT DOESN'T FULLY SUPPORT
EXISTING INDIAN TREATY RIGHTS OR
FREEDOMS BEING ADEQUATELY PROTECTED IN
ANY REVISED CANADIAN CONSTITUTION IS
WRONG.

THE METIS PEOPLE OF ALBERTA DO NOT
HAVE TREATY RIGHTS AND THEY WISH SOME
RECOGNITION IN THE REVISED CANADIAN
CONSTITUTION OF THE CONCEPT OF
THE METIS PEOPLE.

7.
WE HAVE BEEN WORKING CLOSELY WITH THE ~~THIS PAST WEEK~~
METIS LEADERS IN ALBERTA AND WILL
CONTINUE TO WORK WITH THEM TO SEE IF
WE CAN REACH ANY UNDERSTANDING OR
PROPOSED AMENDMENT TO GIVE TO THE
CANADIAN PARLIAMENT THAT WOULD BE
SATISFACTORY AND FAIR TO ALL
CONCERNED. THESE DISCUSSIONS ARE
PROGRESSING VERY WELL AND WE WILL BE
MEETING AGAIN TOMORROW.

AS FAR AS THE INDIAN ASSOCIATION OF
ALBERTA IS CONCERNED WE WISH TO
UNDERSTAND WHAT IT IS YOU SPECIFICALLY
WANT FURTHER IN THE REVISED CANADIAN
CONSTITUTION OTHER THAN THE PROTECTION
AND GUARANTEES I HAVE OUTLINED AND
THE SUPPORT FOR THE TREATY RIGHTS THAT
NOW ARE FULLY PROTECTED IN THE REVISED
CANADIAN CONSTITUTION.

AS THE PRIME MINISTER SAID YESTERDAY 8.
ABOUT NATIVE RIGHTS IN THE
CONSTITUTION "TO THIS DAY I DO NOT
KNOW WHAT THEY WANT".

NEVERTHELESS, WE WELCOME THESE
IMMEDIATE DISCUSSIONS - IF THEY CAN
LEAD TO AN UNDERSTANDING AND AGREEMENT
- WE WOULD PROPOSE THEM QUICKLY TO THE
FEDERAL PARLIAMENT BY WAY OF AMENDMENT
AND ADDITIONAL PROVISIONS. IF IN THE
SHORT TIME AVAILABLE WE ARE UNABLE TO
UNDERSTAND OR AGREE THEN WE WILL BE
PREPARED TO DISCUSS THEM FURTHER OVER
THE MONTHS AHEAD AND PROVIDE THE
ASSOCIATION'S REPRESENTATIVES THE
OPPORTUNITY TO PRESENT THEM PUBLICLY
AT THE NEXT MEETING OF THE PRIME
MINISTER AND THE PREMIERS ON THE
CONSTITUTION FOR FURTHER CONSIDERATION.

OR IF YOU CAN SHOW US THAT OUR LEGAL
ADVICE IS WRONG AND THAT THE
RESOLUTION NOW BEFORE FEDERAL
PARLIAMENT DOES NOT ADEQUATELY PROTECT
YOUR EXSITING INDIAN TREATY AND OTHER
RIGHTS WE WILL ALTER OUR POSITION!

FINALLY LET ME SAY THIS, IT IS NOT
FAIR TO SUGGEST THAT ALBERTANS NOT
~~ARE~~ ^{ARE} ~~ARE~~ ~~AND IS~~ ~~THE~~ ~~TODAY~~ FULLY
SUPPORTIVE OF PROTECTING AND
GUARANTEEING YOUR EXISTING TREATY AND
OTHER RIGHTS. IT IS ALSO NOT FAIR TO
ASK US TO INCLUDE PROVISION^S IN THE
REVISED CANADIAN CONSTITUTION THAT ~~WE~~
ARE NOT CLEAR OR CAPABLE OF REASONABLE
UNDERSTANDING.

WE WELCOME FURTHER DISCUSSIONS IN THE
ATTEMPT TO UNDERSTAND WHAT IT IS YOU
REALLY WANT IN THE REVISED CANADIAN
CONSTITUTION.