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OPENING STATEMENT BY
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TO THE
FIRST MINISTERS' CONFERENCE
ON ABORIGINAL CONSTITUTIONAL MATTERS

OTTAWA, ONTARIO.

MARCH 15, 1983

CHECK AGAINST DELIVERY

THIS IS THE FIRST OPPORTUNITY THAT CANADA'S FIRST MINISTERS HAVE HAD TO MEET UNDER OUR NEW, OUR OWN CANADIAN CONSTITUTION TO REALIZE BUT ONE OF THE MANY PROMISES CONTAINED WITHIN IT. IN THAT RESPECT, AND IN VIEW OF THE FACT THAT WE ARE JOINED AT THIS TABLE FOR THE FIRST TIME BY THE LEADERS OF CANADA'S NATIVE PEOPLES, THIS IS A VERY HISTORIC OCCASION.

I AM IMPRESSED BY THE MANNER IN WHICH THE MEETINGS WITH NATIVE LEADERS, IN WHICH MY MINISTERS AND MYSELF HAVE PARTICIPATED, HAVE SERVED TO ADVANCE OUR UNDERSTANDING OF THE ISSUES. I AM IMPRESSED, TOO, BY THE MANY HELPFUL PROPOSALS ALREADY ON THE TABLE.

A LENGTHY AND COMPLEX SET OF ISSUES LIE BEFORE US. THEIR SCOPE AND THEIR IMPACT ON THE EXISTING COMMITMENTS OF GOVERNMENT WILL REQUIRE CAREFUL DISCUSSION. AS A RESULT, A PREMIUM WILL HAVE TO BE PLACED ON MUTUAL TRUST, REALISM AND MODERATION.

IN MY VIEW, IT IS CRITICAL TO THE ULTIMATE EFFECTIVENESS OF THIS CONFERENCE -- AND THOSE WHICH FOLLOW -- THAT WE ALL RECOGNIZE JUST HOW FAR WE HAVE COME ON THE MATTER OF ABORIGINAL RIGHTS AND WHERE WE WANT TO GO. THERE CAN BE NO DEBATE AS TO WHETHER WE RECOGNIZE ABORIGINAL RIGHTS BUT ONLY HOW WE DO SO. THE CONSTITUTION OF CANADA RECOGNIZES AND PROTECTS ABORIGINAL RIGHTS IN SEVERAL OF ITS SECTIONS. THAT MATTER IS NOT AT ISSUE AND WE ARE NOT GOING BACK ON THOSE PROVISIONS.

IN ADDITION, I THINK IT IS IMPORTANT THAT AS WE CONSIDER THE CASE AND THE PERSPECTIVE OF THE ABORIGINAL PEOPLES OF CANADA WE MUST KEEP IN MIND THE CANADIANS WE SERVE WHO ARE NOT HER TODAY. IN PROCEEDING TO FULLER ABORIGINAL GUARANTEES, WE MUST TRY TO DO THIS WITH MODERATION AND UNDERSTANDING.

THE POINT OF THIS MEETING, AND THOSE FOLLOWING, IS FOR CANADA'S FIRST MINISTERS AND NATIVE LEADERS TO DECIDE WHETHER THE DEFINITION AND DEVELOPMENT OF THE CONSTITUTIONAL RIGHTS OF OUR ABORIGINAL PEOPLES REST WITH THE POLITICAL SYSTEM OR WITH THE COURTS. IF WE, AND INDEED, IF OUR SUCCESSORS FAIL OVER TIME TO FLESH OUT OUR BROAD COMMITMENTS, THE COURTS WILL DO SO, NOTWITHSTANDING OUR INACTIVITY.

I AM NOT PRESUMING TO FORESEE OR TO COMMENT UPON FUTURE COURT DECISIONS, BUT I DO BELIEVE WE WOULD ABDICATE OUR RESPONSIBILITY TO OURSELVES AND TO THE CONSTITUTION ITSELF IF WE FAIL TO TAKE A LEADERSHIP ROLE IN THESE MATTERS.

I RECOGNIZE THAT GOVERNMENTS ARE UNDERTAKING A LEGISLATIVE AS WELL AS PROGRAMME RESPONSE TO THE PROTECTION OF ABORIGINAL INTERESTS. ONTARIO, LIKE OTHER GOVERNMENTS, IS RESPONDING TO THE IMPLICATIONS OF THE EXISTING CONSTITUTIONAL PROVISIONS THROUGH SPECIFIC INITIATIVES DIRECTED AT THE NATIVE PEOPLES IN OUR JURISDICTION - TO OVERCOME LONG STANDING IRRITANTS AND TO SET A BASIS FOR A HEALTHIER RELATIONSHIP WITH THE NATIVE COMMUNITIES IN ONTARIO.

AS EXAMPLES, I CAN THINK OF OUR JOINT STUDY, ALONG WITH ABORIGINAL GROUPS, OF NATIVES IN AN URBAN SETTING, AS WELL AS OUR NEW NATIVE COUNCIL ON JUSTICE, OUR INDIAN POLICING AGREEMENT, OUR RESPONSE TO SPECIFIC LAND CLAIMS, AND THE NEW INDIAN FISHING AGREEMENT.

THESE ACTIONS ARE, HOWEVER, NO SUBSTITUTE FOR FURTHER CONSTITUTIONAL CLARIFICATION OF WHAT ABORIGINAL AND TREATY RIGHTS IMPLY.

ONTARIO, I BELIEVE, HAS A GOOD RECORD WHEN IT COMES TO SEEKING A CONSTITUTIONAL RESPONSE TO ABORIGINAL RIGHTS. WE WERE AMONG THE FIRST PROVINCES, AS I RECALL, TO PUT THE MATTER OF ABORIGINAL RIGHTS AND THE CONSTITUTION ON THE AGENDA FOR FIRST MINISTERS. WE HAVE FUNDED THE WORK OF NATIVE GROUPS IN THEIR PREPARATIONS FOR CONSTITUTIONAL DISCUSSIONS AND HAVE MET REGULARLY WITH THEM AT A POLITICAL AND STAFF LEVEL TO DISCUSS THEIR VIEWS.

DURING THE RECENT MINISTERIAL DISCUSSIONS LEADING TO TODAY'S MEETING, ONTARIO TABLED A NUMBER OF CONSTITUTIONAL AMENDMENTS, AS WELL AS A DRAFT PREAMBLE, ALL OF WHICH ARE INITIAL BUT NONETHELESS VERY POSITIVE, AND CONSTRUCTIVE PROPOSALS TO BE CONSIDERED AS WE ATTEMPT TO ACHIEVE OUR MUTUAL GOALS AS THEY RELATE TO THE CONSTITUTION.

TURNING NOW TO THE AGENDA BEFORE US, I BELIEVE IT REPRESENTS A CONSTRUCTIVE APPROACH TO A COMPLEX SET OF ISSUES THAT ARE SURROUNDED BY VERY DEEPLY HELD FEELINGS.

AS WE APPROACH THESE ISSUES, I DO NOT THINK WE CAN MERELY OPT FOR COMFORTABLE SOLUTIONS AND REJECT CHANGE OUT OF HAND.

EQUALLY, I AM AWARE THAT NATIVE LEADERS MAY FIND THAT OUR SENSE OF CAUTION AND OUR CONCERN FOR BALANCING WHAT WE PROPOSE TO DO ALONG WITH THE INTERESTS OF OTHERS, REPRESENTS A LACK OF INTEREST ON OUR PART IN SOLVING THE PROBLEMS FACED BY ABORIGINAL PEOPLES. THAT, OF COURSE, IS NOT THE CASE.

AT THE OUTSET, WE MUST DEAL WITH THE QUESTION OF WHAT IS MANAGEABLE AND ATTAINABLE IN A TWO-DAY CONFERENCE. AS I LOOK AT THE AGENDA AND CONSIDER DISCUSSIONS TO DATE, I WOULD THINK WE COULD AIM AT FOUR OBJECTIVES:

FIRST, BEFORE WE SET OUT TO DISCUSS SPECIFIC ISSUES, WE SHOULD AS A PRIORITY ENSURE THAT WE WILL BE MEETING LIKE THIS IN THE YEARS TO COME. TO DO SO, WILL MEAN AT LEAST AN AGREEMENT AND HOPEFULLY A CONSTITUTIONAL AMENDMENT TO EXTEND THESE DISCUSSIONS INTO AN ONGOING PROCESS. ONTARIO HAS ALREADY TABLED A DRAFT AMENDMENT THAT WILL EXTEND THESE CONSULTATIONS OVER A NUMBER OF YEARS AND INCLUDE REQUIRED MEETINGS OF FIRST MINISTERS AND NATIVE LEADERS.

THE SECOND OBJECTIVE CONCERNS THE MANNER IN WHICH WE CAN ENSURE GUARANTEED CONSULTATION WITH ABORIGINAL LEADERS WITH RESPECT TO FUTURE CONSTITUTIONAL AMENDMENTS WHICH COULD AFFECT NATIVE PEOPLE.

WE CAN SUPPORT AN AMENDMENT TO THE CONSTITUTION WHICH REQUIRES CONSULTATION WITH NATIVE LEADERS BEFORE A CONSTITUTIONAL AMENDMENT AFFECTING THEM CAN BECOME EFFECTIVE.

THIRDLY, ONTARIO SUGGESTS THAT TWO OTHER MATTERS MUST BE CONSIDERED IN ORDER TO GUIDE US IN OUR FUTURE DECISION-MAKING. WE SUPPORT THE CORRECTION OF ANY CONFUSION RESPECTING THE EQUALITY OF STATUS BETWEEN ABORIGINAL MEN AND WOMEN, AND WOULD SUGGEST A CONSTITUTIONAL AMENDMENT TO PROVIDE FOR CLARIFICATION WHERE THERE IS ANY DOUBT.

THIS BRINGS ME TO MY FOURTH OBJECTIVE - TO INDICATE THOSE AREAS OF COMMON COMMITMENT IN ANY ONGOING PROCESS, AND TO PRESERVE A CLIMATE OF MUTUAL TRUST AND UNDERSTANDING, ONTARIO SUGGESTS THAT A SET OF PRINCIPLES COULD BE ENTRENCHED TO GUIDE FUTURE NEGOTIATIONS.

THESE PRINCIPLES WOULD BECOME AN INTEGRAL PART OF THE NEW SECTION OF THE CONSTITUTION I PROPOSED EARLIER REGARDING THE ONGOING PROCESS. THEY COULD IDENTIFY, AND THESE ARE NOT TOTALLY DEFINITIVE, THE LEADING ABORIGINAL ISSUES TO BE ADDRESSED: THE UNIQUE CULTURE, LANGUAGE AND FAMILY LIFE OF NATIVE PEOPLES, THE MATTER OF SELF-GOVERNING INSTITUTIONS WITHIN THE CANADIAN FEDERATION, PARTICIPATION IN THE BENEFITS OF RESOURCE DEVELOPMENT, AND THE ECONOMIC USE OF THEIR LANDS.

THESE KINDS OF PRINCIPLES STRIKE A BALANCE BETWEEN ATTEMPTING TO DEFINE RIGHTS NOW, WHICH COULD IN SOME OF THESE INSTANCES BE PREMATURE, OR IGNORING THE ISSUE FOR SOME FURTHER PERIOD OF TIME, WHICH FAILS TO GUIDE US IN ANY ONGOING PROCESS. THEY COULD BE A STARTING POINT NOT ONLY FOR OUR MULTILATERAL MEETINGS HERE, BUT ALSO, AND I CAN ONLY SPEAK FOR OUR OWN PROVINCE, THEY COULD FORM THE FRAMEWORK FOR SPECIFIC AGREEMENTS BETWEEN INDIVIDUAL GOVERNMENTS AND THEIR NATIVE PEOPLES.

ONTARIO WILL HAVE MORE TO SAY ON THESE ISSUES WHEN THEY ARE RAISED LATER IN THESE MEETINGS. THE IMPRESSION I WANT TO LEAVE FOR THE PRESENT, HOWEVER, IS THAT WE CANNOT STAND STILL IN TERMS OF OUR EXISTING CONSTITUTIONAL COMMITMENT TO ABORIGINAL RIGHTS.

TODAY, WE MEET ONCE AGAIN TO SEEK OUT LANDMARK AGREEMENTS, THIS TIME IN RESPECT OF CANADA'S FIRST INHABITANTS. THERE ARE, ADMITTEDLY, GAPS IN THE UNDERSTANDING BETWEEN US WHICH MUST BE BRIDGED.

THROUGH A PATIENT AND CO-OPERATIVE APPROACH IN OUR MEETINGS TOGETHER I BELIEVE WE CAN IN FACT BRIDGE THESE GAPS OVER TIME. I LOOK FORWARD TO WORKING WITH ALL OF YOU THESE NEXT TWO DAYS AS WE ATTEMPT TO MEET THAT CHALLENGE.

THANK YOU.