

FIRST MINISTERS' CONFERENCE
ON
ABORIGINAL CONSTITUTIONAL MATTERS

OPENING REMARKS

BY

THE HON. GRANT DEVINE

SASKATCHEWAN

Ottawa
March 15-16, 1983

THE HON. GRANT DEVINE
OPENING REMARKS
FIRST MINISTERS' CONFERENCE ON THE CONSTITUTION
OTTAWA
MARCH 15, 1983

Many have spoken before me and have already expressed sentiments which I share. In particular I would like to echo the warm greetings extended to the representatives of the aboriginal peoples and territorial governments who are here to discuss with us issues of mutual concern.

This is the first time in the history of this country that such an assembly has been held. This coming together of governments and peoples may be unique in world experience. It is a tribute to the desire of Canadians to see us address squarely the issues raised by the native peoples of Canada as part of the constitutional revision process.

I appreciate the sincerity and strength with which the spokesmen for the aboriginal peoples presented their arguments. I cannot endorse all that has been stated or all the claims that have been put forward. But I do share your goals and aspirations, as I believe all people in Saskatchewan do. You are concerned with building, for the aboriginal peoples a future better than the past. You wish to overcome and remove many of the obstacles that you see in your path.

I suppose, in many ways, the people of my province have shared the experiences of the aboriginal people. I acknowledge, as I think all must, the special feeling which aboriginal people have for the land. The special relationship they have with the land. The people of Saskatchewan came to this land only a century ago to forge a province and a society. They succeeded in doing so by living in harmony with the land and by relying upon it just as the aboriginal peoples have done for centuries. We came from different traditions and histories. We have different cultures. But we both have strong ties to and a deep respect for the soil. In Saskatchewan all people, aboriginal and non-aboriginal alike, have learned to cope with the forces of nature which are sometimes with us and sometimes against us.

Consequently, we can identify with and appreciate, perhaps more than others, the concerns and frustrations of the aboriginal peoples of Canada. As well we are sympathetic to their concerns because Indians and Metis are an integral part of the Saskatchewan mosaic. There is no part of our province where one can remain indifferent to or unaware of their concerns. In terms of percentage of total population, there is no other province where the significance of the aboriginal population is greater.

So the concerns of the aboriginal people are our concerns and my concerns. And as a representative of all the people of Saskatchewan, one of my most pressing concerns is the

alarming statistics available to me concerning the aboriginal peoples: the low labour force participation rate; the relatively small number who complete high school; the unacceptable infant mortality rate; the number living below the poverty line.

It is painfully obvious that Canadians of aboriginal ancestry do not enjoy the same, or even similar standards of material and social well-being as do other Canadians. In my province, this is unacceptable and, on behalf of my government, I am committed to rectifying the situation. Last week I met with Chiefs from all parts of the province to discuss an economic development package for Indian people. This package may not solve all the problems facing us, but it will be a start.

In Saskatchewan we are taking positive and imaginative steps to foster economic development for all citizens, aboriginal and non-aboriginal alike. Everyone can and will share in our growth. The spirit of Saskatchewan, our spirit of self-reliance and self-sufficiency, will let us succeed.

I sincerely believe - and in this you and I are in agreement - that the development of self-reliance is the critical element in any effort to satisfy the ambitions of the aboriginal peoples. The paternalistic approach once used by Canadian governments has not worked in the past. That is clear. It merely fostered dependence and stifled individual initiative. That is no longer acceptable in Saskatchewan or in Canada.

We must move toward a situation in which Indians, Inuit and Metis are doing for themselves - a situation in which they have the means of doing for themselves and the means of defining and then shaping their own destinies.

In my mind, however, that does not mean sovereignty even though the case for it has been eloquently argued by aboriginal spokesmen. But arguments do not change the facts. There is one Crown in Canada and two orders of sovereign governments. And those two governments speak for all the people within their jurisdictions.

However to rule out sovereignty is not to rule out self-government. There is no reason why Indians, for example, cannot enjoy greater autonomy and greater powers on lands reserved for Indians. I think that some form of greater local control is not only desirable but inevitable. Like many others around this table, I am looking forward to seeing the report of the Parliamentary Sub-Committee on Indian Self-Government. I for one am willing to add my voice to that of the aboriginal representatives in encouraging the Government of Canada to foster greater self-reliance and self-sufficiency.

As we all know, the Government of Canada has special obligations, historical and legal obligations, to the aboriginal peoples. The Treaties and Land Claims settlements have established a relationship of trust between the aboriginal

peoples on the one hand and the Government of Canada on the other. But the past decade and more has witnessed an alarming trend. We all have heard Indian leaders describing how this trust has been eroded. Over the past few years, we Provincial Governments have seen the hard evidence of the Federal Government withdrawing from services to status Indians, especially those who happen to be living off-reserve. Prime Minister, formal trust obligations made to a people must not cease to exist simply because an individual leaves a reserve.

I need not remind you, Sir, of the arguments used during the last round of constitutional negotiations. At that time, the federal government argued against the existence of too rigid provincial boundaries and barriers. It was suggested that the provinces were discriminating against those who may have crossed such a boundary to live, work or invest. With respect, I suggest that departments of your government are doing the same thing to the Indian peoples of Canada. Once they leave their reserves, it is claimed that they are different than those who remain. Are they different because they are less in need or less deserving of federal support? Are they any less Indian, perhaps?

We have heard all the legal arguments. We are fully aware that, as your lawyers put it, the section 91(24) federal power over "Indians and lands reserved for Indians" need not be exercised. But this is no time for legal arguments. Not when Indian students in northern Saskatchewan are facing the closure of their schools because of the withdrawal of federal funding. Not when special programs are required for Indians, both on and off reserves, and for the Metis. Not when Indians suffer because of senseless jurisdictional wrangles. Canada must respect its full obligation to Indians. Otherwise the future will be merely a perpetuation of the past.

I intend to discuss this issue through the course of this conference because it is important - perhaps the most important issue since it addresses the real problems of real people on an everyday basis. Constitutions are important documents. But constitutional rights, as we have seen, cannot by themselves resolve all our problems. We cannot constitutionally or legislatively eradicate poverty and unemployment. Today and tomorrow, and even beyond, we must look for practical solutions to these problems and not rely upon some constitutional panacea.

This is not to deny the importance of the constitutional issues on our agenda, such as the ongoing process. My government has already made clear to aboriginal leaders in Saskatchewan that it is willing to agree to and participate in such a process.

We view it as necessary if we are ever to resolve, one way or another, the issues raised by the aboriginal groups. I believe that most of the items in today's agenda will require further study and the ongoing process is the proper forum for that. For example the "Charter of Rights for the Aboriginal Peoples" and the "Statement of Particular Rights". I say these are too complex to settle today and will have to be worked out over time before they can be cast in rigid constitutional form.

Saskatchewan will participate in this ongoing process. We will commit the necessary resources to it. We will be serious about it and look for positive results from it. But today we should examine the nature of that process, the principles that will define the objectives, the guidelines we will give to Ministers and the best means of ensuring that the momentum which now exists will not be lost.

As well we have indicated our willingness to accept a consultation clause to ensure the participation of aboriginal peoples in any future amendment directly affecting them. But as we have stated before, we cannot agree to a veto. That would be inconsistent with our province's view on the nature of this country. Even though the aboriginal groups wish that veto, or a consent clause, they should not underrate the importance of a commitment to consult. That is a great improvement over what existed in the past.

There are many more issues that are to be discussed today and tomorrow. We have to discuss the equality clause for aboriginal women, and some rewording of s. 42 which would allay the concerns of the northern territories and northern Indians. We should look seriously at a set of general principles to guide the ongoing process.

Saskatchewan will of course participate in the discussions and work toward a consensus acceptable to all. However a consensus, by its very nature, cannot be perfect. It cannot completely satisfy everyone. But it is a start. And Saskatchewan will try to be part of that consensus. We have our own views on the best means of proceeding on each issue. But we are willing, if others are, to participate in the give and take of this sort of meeting.

The Government of Saskatchewan is sincere in its hope that this First Ministers' Conference will contribute to an improved life for the aboriginal peoples of Canada. For its part, Saskatchewan will emphasize that there is a national responsibility exercisable by the federal government on behalf of the aboriginal peoples of Canada. There is no need for constitutional change to assert this fact. What is required is the political will. Indeed I would caution against any obsessive concern for constitutional change. There may be easier and more sure ways of achieving the same goal.

I believe our meeting today can contribute to a more stable and solid set of relationships between the aboriginal and non-aboriginal peoples of Canada. Saskatchewan is willing to go forward from here to discuss further all issues of concern with the aboriginal peoples of the province.

Prime Minister, the governments of Canada exist and exercise their sovereignty solely for the purpose of ensuring, protecting, and enhancing the good, the well-being of all Canadians.

It is because of this very fact that we are here today - to ensure, to protect, to enhance the good, the well-being of some particular Canadians - Canada's aboriginal citizens, the descendants of the first peoples. If we do so, all Canadians will be better off.

There is much to do, Prime Minister, and one way or another we must make a start on doing it. Saskatchewan is ready and we believe others are as well. Future generations will expect no less of us.

