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FIRST MINISTERS' CONFERENCE
ON
ABORIGINAL CONSTITUTIONAL MATTERS

OPENING STATEMENT
BY QUEBEC PREMIER RENE LEVESQUE

Ottawa
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CHAIRMAN: Thank you, Premier Davis. I now give the floor to Premier Lévesque of Quebec.

Honourable RENE LEVESQUE (Premier of Quebec): Mr Chairman, with all due respect, I am sure that you understand, it is not because you called this conference that we are here today. The one and only reason that we are here is out of respect for the native peoples, above all, obviously, those living in Quebec. Their elected representatives strongly insisted that we be present, and out of solidarity with them, but at our own risk somewhat, we decided to come.

Also, within certain limits that I will explain in a few moments, it seemed advisable for us to do our part to ensure that the native peoples would not be delivered the same treatment as that recently given to the French-speaking nation whose home and only homeland is Quebec.

From the very beginning, white Quebecers have, by and large, maintained better relations with native peoples than has anyone else on the continent. The actual ties between native peoples and Francophones from Quebec did the most to give birth to that distinct people, the Métis, who are represented today at this table. This was the situation in any case until the last century, after which our peoples were removed and cut off from one another when the federal administration, with its exclusive authority, was officially established. In the wake of this event came the isolation and alienation, which Chief Ahenakew, among others, described just now with such brutal eloquence.

Mr Diamond the Grand Chief of the Quebec Cree made a statement at the last preparatory conference a few days ago. He said: "For too long, secrecy, duplicity, and bad faith have characterized your governments' relations with our governments and peoples." This statement, unfortunately, sums up only too well what our native peoples have suffered and still deeply feel.

Mr Diamond's brief judgment is largely justified, and Quebec, like the others, must accept its share of the blame. Unless I am mistaken, however, we are among those who tried more quickly than others, albeit awkwardly at times, to improve and remedy this situation somewhat. In this respect, I would like to mention that in the early sixties, in another government, I was among the first, using solely provincial means, to try to help our native peoples free themselves a little from the straight jacket imposed by an antiquated system of government. It was then that we set up in the Quebec Department of Natural Resources, as it was called at the time, a Far North Branch, which was mainly involved in serving the Inuit.

And so Quebec over the years became one of the first provinces to try to provide the native peoples with services in the areas of education, health and the maintenance of law and order. And frequently, I would add, it did so even at its own expense. And in order to maintain a permanent dialogue with native peoples and to co-ordinate as effectively as possible these diversified activities, the present government, in 1978, set up a secretariat for Amerindian and Inuit Affairs, for which I personally assumed ministerial responsibility.

I would like to mention briefly a few other examples of what Quebec has done recently. It has acted at the request of the native people themselves, seeking to extend certain benefits to each one of them as much as possible. Specifically, it has tried to repair the injustice that Indian women have had to suffer because of an iniquitous law. Because of it, Indian women lost their status as soon as they had the unfortunate idea of marrying a white. The reverse was not true, however. An Indian man who married a white woman did not lose his status.

Since 1980, within the scope of its own legislation at least, Quebec has thus given back to Indian women the status they had lost. Moreover, all Amerindians in Quebec have recently been granted tax exemptions in the areas of communications and electricity. These represent an extension of exemptions that had already been granted under the James Bay and Northeastern Quebec agreements and were made freely on our part.

These last two agreements I have just mentioned, which were major firsts and have been unparalleled since in Canada, were initiated under the previous government. In 1975, the James Bay Agreement was signed with the Cree and Inuit the James Bay, and we later extended it to the Naskapi. The implementation of these agreements has required since then the adoption of more than twenty separate pieces of legislation and has involved the awarding of substantial sums for the development of the minorities concerned. We view these agreements as treaties and we would therefore not amend them without the agreement of our native partners.

I would also like to say that these agreements already cover about one quarter of all the native people living in Quebec. I would add - and I know some will not agree with me but perhaps one day we will get there - that, for our part, we are convinced that we will have a better chance of ensuring together the development to which all native communities aspire, if we take the path of such agreements as a permanent formula.

Having said this, I cannot take the floor here without mentioning the events that occurred at the last constitutional conference in November 1981. I will be brief, since these are not the most pleasant of memories. But I should say a word about those events, because they have imposed serious limitations on our participation at this conference, I must say something out of simple respect for ourselves and our own nation, since it too exists. The events at the last conference have put us in a position that some have termed ambiguous, and no doubt, rightly so. Very simply, Quebec does not recognize the legitimacy of the Canada Bill that now serves as the Constitution of Canada. It is the result of an act of force that was consummated in our absence and behind our back. As far as we are concerned, the Canada Bill creates only a de-facto situation and is far from being legitimate. So long as Quebec's rights are not fully restored, it will refuse to recognize this new constitution.

The terms under which we could eventually recognize the constitution were clearly defined by our National Assembly. If we have not attempted to make acceptance of these terms a precondition for attending this conference, it is solely, I repeat, out of a concern for equity and solidarity with Quebec's native peoples. It is essential that I briefly review now the terms under which Quebec could recognize Canada's constitution.

First of all, instead of a veto, which, it seems, we never had and which obviously, no one wants to hear tell of, any more (or until further notice, which we are still waiting for), why not allow us the possibility of opting out? Some of you around this table undoubtedly remember this formula, one that would guarantee full and complete compensation in all cases.

Secondly, we would like the restoration of our rights and jurisdiction in the area of language. I understand our Inuit and Amerindian friends when they talk about the preservation of their culture and identity. These are concerns of ours too. Our rights and jurisdiction in the area of language, which were taken away, we would therefore like restored. Without them, I maintain, Quebec would never have entered the Canadian federation.

Thirdly, and this is rather a supreme irony, at a time when we are considering the recognition of rights in the constitution - not only individual rights, but collective rights, and national rights, as it were, of native peoples (and God only knows that they have toiled long and hard to merit this recognition) - in the same way, the specific existence or identity of another nation, as distinct as any other, whose homeland is Quebec, should have been and must be acknowledged. The Canada Bill has totally ignored our nation, as if it were a simple collection of individuals. We know to what extent individuals are fundamental, but they also belong to a community. The Bill treated us as if we were a collection of individuals without a distinct character, whereas in reality, our society has a specifically national character.

Now, I know that our native friends may, as they have said, be disappointed by the fact that our presence here, at their request, does not change our attitude regarding the Canada Bill. Whatever results this conference produces, Quebec will not agree to do anything that implies even an implicit recognition of this constitutional document. I had the opportunity to explain this position to the native leaders I met, and they of course found it unsatisfactory. But we share the same concern: we want to protect our rights. As I explained to them, Quebec will not object to any constitutional change that does not once again affect the rights and powers of the Quebec National Assembly or any constitutional change that can be implemented without Quebec's full participation. And there are a good number of those. If we wish to make any real headway, then we must take Quebec's

position into account, or else admit that we are not serious about making progress. Unfortunately, then, we are unable to participate fully in the efforts to attain this progress, because we cannot, in all conscience, sanction the theft of our rights.

I heard from the native people I spoke with, and it was repeated here this morning, that they are sick and tired of all this fighting between Whites, especially between Quebec on the one hand and the federal government and English Canada on the other. But that is just one of those realities which were mentioned at the opening of this session, and which we cannot get away from. In conclusion, I would like to warn the native representatives, whether they trust in Quebec's years of experience or not, of the many pitfalls which this constitutional discussion process can conceal. We too have learned at our own expense how easily the recognition, or even the simple protection, of our rights can be dispensed with once this narrow and treacherous path has been embarked upon.

As I said earlier, we believe that agreements concluded in good faith with the provincial governments would be infinitely faster and much more promising, because they make possible an evolution which the constitutional process tends to block. That is, at least, our experience in Quebec, where our government just recently agreed to negotiate an agreement of this kind with the coalition that represents most of Quebec's native people, regardless of their status. We have even agreed that these negotiations take place in the light of statements made in response to fifteen specific requests presented to us by the native coalition. It is my pleasure to submit the text of these fifteen responses to you today. Excuse me if I am wrong, but I believe that Quebec is the only one sitting around this table to have taken the risk of showing some of its hand. I use the word "risk" because, although we think it is a legitimate starting point, we are aware that it is far from perfect. It is nonetheless better than some other attitudes, whose sole purpose is to shuffle the cards.

The course we have taken may soon lead us to a formal agreement between our government and the native peoples of Quebec which defines, as precisely and irrevocably as any constitutional amendment, the basic rights, conditions for development and extent of self-government of these national communities which live among us. Thank you, Mr Chairman.

THE CHAIRMAN:

Thank you, Mr Lévesque. I now give the floor to Nova Scotia.

