

FIRST MINISTERS' CONFERENCE
ON
ABORIGINAL CONSTITUTIONAL MATTERS

OPENING STATEMENT

BY

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ALBERTA

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CONFERENCE ON ABORIGINAL CONSTITUTIONAL MATTERS, OTTAWA,
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Mr. Chairman, fellow Premiers, territorial and aboriginal leaders:

I would like to review some of the background events leading up to this historic conference. Like most other provinces, Alberta had its first direct involvement with the aboriginal constitutional issue in November, 1981. The federal government had previously held discussions with aboriginal leaders, which led to an aboriginal rights provision in Section 34 of the federally proposed constitutional text. That provision recognized and affirmed treaty and aboriginal rights. As a party to the consensus on the Constitution in the fall of 1981, Alberta had to determine where it stood on the proposed rights provision.

Our difficulty, Mr. Chairman, was that the force of the aboriginal rights provision was unclear. The Government of Alberta supported and still does fully support, existing aboriginal and treaty rights. The proposed aboriginal rights provision was open to the interpretation, however, that it would create new aboriginal rights that were not previously recognized in law. Not having been part of the earlier discussion between the federal government and Indian leaders, 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.

Mr. Chairman, Alberta recognizes the importance of this issue to the aboriginal peoples of Canada. In November, 1981 we worked closely with Alberta Metis leaders and others to develop an alternate wording that would satisfy our respective concerns. The present recognition and affirmation of existing aboriginal and treaty rights in Section 35 of the Constitutional Act, 1982 is the result of that co-operation.

I wanted to outline this recent history today, Mr. Chairman, because I understand that the inclusion of the word existing in Section 35 has been a subject of considerable concern among aboriginal representatives at the preparatory meetings which have preceded this Conference. In response to the concern, I want to emphasize that the intent of the Alberta Government in agreeing to the present wording of Section 35 was neither to freeze the legal status quo of aboriginal and treaty rights for all time, nor to deny any modern treaty or agreements between governments and aboriginal peoples the protection of Section 35. In effect, it was a commitment by governments to protect those aboriginal rights which exist now and to recognize those which may come into existence as a result of this conference.

Considering the background and without wishing to debate specific agenda items at this time, Alberta is unwilling to remove the word existing from Section 35. Any consideration of the removal of

the word existing can only come about after an agreement has been reached not only on the definition of these rights, but also on a full understanding of their implications and consequences.

Through the present Section 37 of the Constitution Act, 1982, governments made a commitment to the aboriginal peoples to meet with their representatives at a constitutional conference to pursue this matter further. This historic Conference today and tomorrow and the meetings which have prepared the way for it have been convened in fulfillment of that commitment.

The time between November, 1981 and today has been well spent. To prepare for this Conference the aboriginal peoples have focussed their attention on what it means to be a Native person in Canada. They have also explained their views to governments and to the Canadian public. The awareness of the aboriginal constitutional issues is probably higher today in Canada than it has ever been. However, we still require a fuller understanding of the consequences and implications of many of the requests.

As a general framework for the First Ministers' Conference, the Government of Alberta recognizes the special place of the aboriginal peoples within the Constitution arising from the fact that they are descendents of the original peoples in Canada. Canada is the cultural homeland for the aboriginal peoples. In this context,

the concern of the aboriginal peoples to maintain their distinct cultural identities is understandable and, in our view, is something that governments should support.

In past representations to the Government of Alberta, treaty Indians have stressed the need to protect the Indian heritage and treaty rights. The Government of Alberta supports this objective of the Indian people of Canada to maintain their treaty rights and their special relationship with the Government of Canada. This special relationship must mean nothing less than the obligation of the federal government to adequately support the Indian and Inuit peoples in achieving their goals and aspirations.

As a provincial government, Alberta's focus is upon its responsibility for the Alberta Metis. We have already made significant progress in Alberta with the Metis. As many of you may be aware, Alberta has provided a unique land base for Metis in the Province in the form of Metis Settlements established under the auspices of the Metis Betterment Act. Together these settlements comprise approximately one million, two hundred and fifty thousand acres. In addition, we also have a Land Tenure Program designed to provide Metis and other Albertans residing on Crown lands in northern Alberta with secure land title, and we are in the process of discussing modifications of the program with the Metis leadership in Alberta.

Currently a joint committee under the chairmanship of the Honourable Dr. Grant McEwan, with Government and Metis members, is reviewing the Metis Betterment Act with a view to making recommendations directed at political, social, cultural and economic development on the Settlements. The Metis people of Alberta have a wide range of programs available to them. In addition, special funding in such areas as culture and education is also available. The Government intends to build on these initiatives and to intensify its efforts on behalf of the Alberta Metis in the future.

Since the summer of 1982 we have also been involved in discussions with the Alberta Metis to prepare for this Conference. Indeed, Mr. Chairman, representatives of the Metis Association of Alberta and the Federation of Metis Settlement Associations are represented on the Alberta delegation today and have been represented on the Alberta delegation at each preparatory meeting leading up to this Conference. In the course of the talks with the Metis within the Province, many practical concerns were raised which the Government of Alberta might be able to resolve through legislative action, new policies or modifications of existing programs. We have made a commitment to the Metis of Alberta to address with them their concerns and to develop solutions in Alberta. This ongoing process within the province is a priority for our government.

It is not our intention, however, to detract from the consideration of the aboriginal constitutional positions, which is a matter the Government of Alberta takes very seriously. What we have adopted are two complementary approaches. In our view, it is essential that every effort be made to arrive at mutually acceptable solutions, whether they be through constitutional amendments, legislative action, new policies or modifications of existing programs.

Mr. Chairman, this Conference is providing all Canadians with a unique opportunity to learn first hand the aspirations and concerns of the aboriginal peoples of Canada. We, as governments, have accepted a responsibility to search for ways to accommodate the goals of the aboriginal peoples. The Government of Alberta looks forward to participating actively over the next two days in these discussions. May our deliberations be guided by a spirit of goodwill and understanding.