

FIRST MINISTERS' CONFERENCE
ON
ABORIGINAL CONSTITUTIONAL MATTERS

Opening Statement

by

The Honourable Edmund L. Morris, M.L.A.
Minister Responsible for Native Affairs

Nova Scotia

Ottawa
March 15-16, 1983

NOVA SCOTIA, ONE OF THE "OLD SWEATS", THE ORIGINAL SIGNATORIES OF CONFEDERATION, WELCOMES THE FURTHER OPPORTUNITIES AT THIS CONFERENCE TO CONTRIBUTE TO THE MODERNIZATION OF CONSTITUTIONAL AND OTHER ARRANGEMENTS TO REFLECT AND ENHANCE THE RIGHTS AND ASPIRATIONS OF CANADA'S ABORIGINAL PEOPLE.

THE OFFICIAL POSITION OF NOVA SCOTIA WAS ITERATED AS RECENTLY AS 19 DAYS AGO, IN THE SPEECH FROM THE THRONE OPENING THE SECOND SESSION OF OUR FIFTY-THIRD GENERAL ASSEMBLY:

SIGNIFICANT STRIDES HAVE BEEN MADE BY MY GOVERNMENT TOWARDS A GREATER UNDERSTANDING OF THE UNIQUE PROBLEMS OF NATIVE PEOPLE. MY GOVERNMENT FULLY SUPPORTS THE VIEW OF NATIVE PEOPLE THAT THEIR LANDS ARE A TOTAL FEDERAL RESPONSIBILITY. MY GOVERNMENT WILL VIGOROUSLY SUPPORT THEIR DEMAND FOR IMPROVED FEDERAL PERFORMANCE OF ITS RESPONSIBILITIES TO THE NATIVE PEOPLE AT NEXT MONTH'S (THAT IS, THIS) CONSTITUTIONAL CONFERENCE."

WE WILL CONTINUE TO BE ATTENTIVE DURING THIS CONFERENCE AND HEREAFTER AS BEFORE IT, TO LISTEN TO THE REPRESENTATIVES OF THE ABORIGINAL PEOPLE, WE WILL RESPOND TO THEIR EXPRESSED CONCERNS AND DEMANDS AS SENSITIVELY AND AS RESPONSIBLY AS WE CAN, WITHIN OUR DUTY TO ALL THE PEOPLE OF OUR PROVINCE.

NOVA SCOTIANS ARE AGREEABLE AND MODERATE PEOPLE, INSTRUCTED BY PAST ADVERSITIES IN THE PRUDENCE AND WISDOM OF PRACTICAL REALITY. WE HAVE LEARNED TO BATTEN DOWN THE HATCHES WHEN THE WINDS ARE FOUL AND TO BEND ON SAIL WHEN THE WINDS ARE FAIR. WE THINK THE PROBABILITIES FOR TODAY AND TOMORROW ARE SUCH AS TO FAVOUR THE LATTER.

NONE OF US, ABORIGINAL, PROVINCIAL, TERRITORIAL OR FEDERAL REPRESENTTIVES, EXPECTS TO RESOLVE ALL THE ABORIGINAL PEOPLES' INTERESTS AND ASPIRATIONS IN THE NEXT TWO DAYS. NOVA SCOTIA EXPECTS, AND WILL MEAN TO CONTRIBUTE FULLY TO, WORTHWHILE PROGRESS AND TO PRACTICAL PROVISIONS FOR FURTHER RESPONSES.

IN THIS SPIRIT AND EXPECTATIONS, THERE ARE THREE ITEMS ON OUR AGENDA WHICH NOVA SCOTIA BELIEVES IT IS HONOURABLE AND HONEST TO ADDRESS IMMEDIATELY IN THESE BRIEF OPENING STATEMENTS.

NOVA SCOTIA BELIEVES THE MOST CRITICAL OF ALL THE MATTERS TO COME BEFORE US IS THAT WE AGREE AT THE END OF THIS CONFERENCE TO AN ASSURED ONGOING PROCESS. NOVA SCOTIA BELIEVES IT SHOULD BE TAKEN AS THE LAST, BUT GUARANTEED, ITEM ON OUR AGENDA IMMEDIATELY PRIOR TO ANY CLOSING STATEMENTS.

BY VIRTUE OF SECTION 54 OF THE CONSTITUTION ACT, 1982, THE PRESENT SECTION 37 WILL BE AUTOMATICALLY REPEALED "ON THE DAY THAT IS ONE YEAR AFTER THIS PART COMES INTO FORCE" - THAT IS, APRIL 18, JUST 34 DAYS FROM NOW. THERE IS NO PRACTICAL WAY A CONSTITUTIONAL AMENDMENT CAN BE SECURED IN ALL FEDERAL AND PROVINCIAL LEGISLATURES IN 34 DAYS. FOR THAT PRACTICAL REASON, NOVA SCOTIA SUPPORTS AN ACCORD.

WE RECOGNIZE THAT ABORIGINAL REPRESENTATIVES DO NOT PLACE UNBOUNDED FAITH IN THE POLITICAL COMMITMENTS OF NON-ABORIGINALS - OF COURSE, THEY HAVE IN MIND OTHERS THAN NOVA SCOTIA - BUT WE BELIEVE THAT AN ACCORD AMONG THE PARTIES, AT THE CLOSE OF OUR CONFERENCE TOMORROW, WITH THE ONGOING PROCESS ITSELF EMPOWERED TO CONSIDER FUTURE CONSTITUTIONAL AMENDMENT AS ONE OF ITS AGENDA ITEMS, IS A PRACTICAL, EFFECTIVE AND HONOURABLE WAY TO AVOID A SITUATION IN WHICH THERE WOULD BE NO PROVISION FOR ONGOING PROCESS AT ALL. NOVA SCOTIA WOULD BE WILLING TO ASSENT IN PUBLIC, BY SIGNATURE HERE, TO AN APPROPRIATE ACCORD PROVIDING FOR AN ONGOING PROCESS, INCLUDING CONSTITUTIONAL AMENDMENT AND OTHER MATTERS AFFECTING THE ABORIGINAL PEOPLE.

SECTION 28 OF THE CONSTITUTION GUARANTEES RIGHTS AND FREEDOMS EQUALLY TO MALE AND FEMALE PERSONS. NOVA SCOTIA HAS UNDERSTOOD THIS TO INCLUDE ALL CANADIANS, ABORIGINAL AS WELL AS NON-ABORIGINAL. NATIVE WOMEN HAVE URGED EACH OF US, ESPECIALLY THE FEDERAL GOVERNMENT, TO ASSURE THAT THAT IS SO. NOVA SCOTIA IS PREPARED FOR ITS PART TO AGREE TO ADD IN PART II, SECTION 35 A PROVISION TO GUARANTEE THAT THE RIGHTS AND FREEDOMS REFERRED TO IN SECTION 28 APPLY EQUALLY TO MALE AND FEMALE ABORIGINAL PERSONS.

ON A THIRD AGENDA ITEM, NOVA SCOTIA IS NOT PERSUADED TO A LIKE AGREEABILITY.

IT HAS BEEN STRESSED BY ABORIGINAL REPRESENTATIVES, IN THE CONVERSATIONS AND MEETINGS LEADING UP TO THIS CONFERENCE, THAT PROVISIONS OF THE CONSTITUTION AFFECTING WHAT THEY PERCEIVE AS ABORIGINAL RIGHTS SHOULD NOT BE AMENDED WITHOUT THEIR CONSENT. NOVA SCOTIA CANNOT ACCEPT THIS VIEW IF BY "CONSENT" IS MEANT VETO. THE FEDERAL PARLIAMENT ALREADY HAS A VETO; ITS AGREEMENT IS NECESSARY FOR ANY CONSTITUTIONAL AMENDMENT. WE WILL AGREE TO CONSULTATION WITH AND PARTICIPATION OF ABORIGINAL REPRESENTATIVES IN DISCUSSIONS OF ANY PROPOSED AMENDMENTS THAT WOULD DIRECTLY

AFFECT THEM, BUT WE ENCOURAGE THEM TO REFLECT AGAIN AND TO PROPOSE AN ACCEPTABLE ALTERNATIVE TO FORMAL CONSENT AND VETO.

OVER THE DOORS OF THE CENTRE BLOCK ON PARLIAMENT HILL ARE INSCRIBED THE WORDS:

"THE WHOLESOME SEA IS AT HER GATES, HER GATES BOTH EAST AND WEST."

NOVA SCOTIA IS AT THE RIM OF THE EASTERN SEA. WESTWARD AND NORTHWARD STRETCH THE LAND AND THE HISTORY OF CANADA. NOVA SCOTIANS ARE HERE WITH GOODWILL AND THE INTENT SO TO CONDUCT OURSELVES AS TO ASSURE JUSTICE AND EQUITY TO THE ABORIGINAL PEOPLE AND TO ALL PEOPLE OF OUR BELOVED PROVINCE AND CANADA.