

DOCUMENT: 830-126/017

FEDERAL-PROVINCIAL MEETING OF MINISTERS ON
ABORIGINAL CONSTITUTIONAL MATTERS

Comments made by the Honourable Mark MacGuigan

Federal

Ottawa, Ontario
February 28 &
March 1st, 1983



Communiqué News Release

OTTAWA -- FOR IMMEDIATE RELEASE

Comments made by the Honourable Mark MacGuigan at
the Federal-Provincial Meeting of Ministers on
Aboriginal Constitutional Matters

Perhaps I could open the discussions by stating briefly where the Federal Government stands with regard to the Ongoing Process and the Principles that should guide it.

There would be a First Ministers' Conference either every two years for four years or every year for the next three years. In addition to these meetings at the First Ministerial Level, we would foresee periodic meetings of officials and Ministers. This would not exclude bilateral discussions between the Federal Government and each of the Aboriginal Organizations. I would also hope that bilateral discussions would take place between provincial governments and provincial aboriginal organizations.

Given the importance of the discussions that will take place in the Ongoing Process, we would be prepared to support an amendment to the Constitution to provide for First Ministers' Conferences for this Ongoing Process.

In addition, we are prepared to support constitutional amendments to be considered by First Ministers at the March meeting, relating to the repeal of Sections 42(1)(e) and (f), the participation of Aboriginal Peoples in future constitutional changes and the clarification of the Rights of Native Women. We are open to consider further amendments if agreement can be reached.

With regard to Principles, I would first like to say that we have all recognized that there would still be unfinished business after the March meeting of First Ministers. We are prepared to consider the formulation of a set of objectives or principles that would guide the discussion in the Ongoing Process to address this unfinished business.

As was mentioned this morning, these objectives or principles could be expressed in two or three ways, that is by way of a solemn declaration, an accord or by way of entrenchment. We would be prepared to consider the entrenchment of these objectives in a preamble to a new section 37.

The entrenchment of those objectives while not enforceable in the Courts at this stage, would represent the highest level of political commitment that would bind us all in the pursuit of our work. By way of illustration, let me put forward a slightly modified version of the ICNI proposals contained in the ICNI letter of January 25, to the Prime Minister, which reads as follows:

That the Aboriginal Peoples be recognized as distinct Canadian peoples due to their occupation of the land since time immemorial with appropriate provisions to protect their aboriginal cultures, histories and lifestyles;

That the Aboriginal Peoples be entitled to various institutions of self-government within the Canadian Confederation;

That the Aboriginal Peoples be afforded the opportunity to benefit from the use of their lands and waters as a base for self-sufficiency and the development of native communities and families, including the protection of their traditional livelihoods.

Again I wish to say that the above three principles are examples only to assist in our discussions. There might be other matters which would lend themselves to the formulation of a statement of principles. For instance Manitoba and Ontario indicated this morning that they would be prepared to offer a number of suggestions and I would be pleased to hear from others.

Assuming that it would be possible to reach agreement on a statement of objectives, the Ongoing Process would then have as a primary task the development of specific provisions for future entrenchment in the Constitution or other measures which might be achieved through legislation as appropriate to give effect to the policy objectives being pursued within the Ongoing Process.