

FIRST MINISTERS' CONFERENCE
ON
ABORIGINAL CONSTITUTIONAL MATTERS

Proposed 1984 Constitutional Accord
on the Rights of the Aboriginal People of Canada

Assembly of First Nations
Inuit Committee on National Issues
Native Council of Canada

Ottawa
March 8 and 9, 1984

PROPOSED 1984 CONSTITUTIONAL ACCORD ON THE RIGHTS OF
THE ABORIGINAL PEOPLES OF CANADA

WHEREAS pursuant to the 1983 Constitutional Accord on Aboriginal Rights a constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces was held on March 8 and 9, 1984, to which representatives of the aboriginal peoples of Canada and elected representatives of the governments of the Yukon Territory and the Northwest Territories were invited;

AND WHEREAS it was agreed at that conference that certain amendments to the Constitution Act, 1982 would be sought in accordance with section 38 of that Act;

AND WHEREAS that conference had included in its agenda the following matters that directly affect the aboriginal peoples of Canada:

- Equality Rights
- Aboriginal Title, Aboriginal Rights, Treaties and Treaty Rights
- Land and Resources
- Aboriginal or Self Government

AND WHEREAS it was agreed in the 1983 Constitutional Accord on Aboriginal Rights that future conferences be held at which constitutional matters that directly affect the aboriginal peoples of Canada will be discussed;

AND WHEREAS the Senate and House of Commons of Canada and the legislatures of nine provinces that have, in the aggregate, more than fifty per cent of the population of all the provinces have passed resolutions supporting changes to the Constitution of Canada that were the subject of the 1983 Constitutional Accord on Aboriginal Rights;

NOW THEREFORE the government of Canada and the provincial governments hereby agree as follows:

1. The Prime Minister of Canada will lay or cause to be laid before the Senate and House of Commons, and the first ministers of the provinces will lay or cause to be laid before their legislative assemblies, prior to December 31, 1984, a resolution in the form set out in the Schedule to authorize a proclamation to be issued by the Governor General under the great Seal of Canada to amend the Constitution Act, 1982.

2. The Government of Canada and the provincial governments, to the extent that each has jurisdiction, are committed to negotiate treaties respecting self-government with representatives of the aboriginal peoples of Canada. Such negotiations will include the scope, jurisdiction and powers of self-government, and such related matters as fiscal relationships and lands and resources. Such treaties shall be treaties within the meaning of s.35(1).

2 (a) Clause 2 shall apply to First Nations with treaties only to the extent so elected by them.

3. The government of Canada and the provincial governments shall, together with the aboriginal peoples, undertake a review of the current policy requiring that aboriginal people surrender and extinguish their aboriginal title and right through land claims agreements, or as that policy relates to extinguishment of aboriginal title or rights as a result of being superceded by law, for the purpose of proposing alternatives to surrender and extinguishment, and shall report back to the next First Ministers' Conference with respect to such alternatives.

4. In preparation for the constitutional conferences contemplated by the changes to the Constitution of Canada that were the subject of the 1983 Constitutional Accord on Aboriginal Rights, meetings composed of ministers of the government of Canada and the provincial governments, together with representatives of the aboriginal peoples of Canada and representatives of the governments of the Yukon Territory and the Northwest Territories, shall be convened at least annually by the government of Canada.

5. Nothing in this Accord is intended to preclude, or substitute for, any bilateral or other discussions or agreements between governments and the various aboriginal peoples and, in particular, having regard to the authority of Parliament under Class 24 of section 91 of the Constitution Act, 1867, and to the special relationship that has existed and continues to exist between the Parliament and government of Canada and the peoples referred to in that Class, this Accord is made without prejudice to any bilateral process that has been or may be established between the government of Canada and those peoples.

6. Nothing in this Accord shall be construed so as to affect the interpretation of the Constitution of Canada.

7. Nothing in this Accord shall be construed so as to derogate or otherwise diminish the spirit or letter of the 1983 Constitutional Accord which will continue to have full force and effect.

Schedule

35.2(1) The government of Canada and the provincial governments, to the extent that each has jurisdiction, are committed to negotiating and concluding treaties with the aboriginal peoples for the specific implementation in the various regions of Canada of the rights of the aboriginal peoples, including self-government.

(2) Such treaties shall be treaties within the meaning of section 35(1).

(3) Subsections (1) and (2) shall apply to First Nations with treaties, only to the extent so elected by them.