



PROVINCE OF

NOVA SCOTIA

NOTES  
FOR OPENING STATEMENT  
BY  
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PREMIER OF NOVA SCOTIA

AT  
THE FIRST MINISTERS' CONFERENCE  
ON ABORIGINAL CONSTITUTIONAL MATTERS

MARCH 3, 1984

OTTAWA, CANADA

MR. CHAIRMAN:

IN LIGHT OF THE STATEMENT BY YOUR MINISTER OF INDIAN AFFAIRS ON MONDAY OF THIS WEEK, AND IN LIGHT OF YOUR OPENING REMARKS HERE THIS MORNING AND THE STATEMENTS THAT HAVE JUST BEEN MADE BY ABORIGINAL REPRESENTATIVES, I BELIEVE IT COULD BE USEFUL IF I WERE TO RESPOND AT THIS FIRST OPPORTUNITY AND TO STATE NOVA SCOTIA'S POSITION.

MR. CHAIRMAN, WE ARE URGED TO CONSIDER HERE, TODAY AND TOMORROW, AMENDING THE CONSTITUTION OF CANADA, TO RECOGNIZE "SELF-GOVERNMENT" AS AN ABORIGINAL RIGHT IN LAW.

THE SERIES OF MEETINGS HELD OVER THE LAST SEVERAL MONTHS BY OUR MINISTERS AND OFFICIALS WITH ABORIGINAL REPRESENTATIVES, AND THE DETAILED REPORTS OF THE FOUR WORKING GROUPS OUR MINISTERS ESTABLISHED TO ASSIST WITH THE MATTERS ON OUR AGENDA, DEMONSTRATE THAT AGREEMENT HAS NOT BEEN ACHIEVED FOR THIS CONFERENCE ON A CLEAR AND AGREED DEFINITION OF THE WORDS "SELF-GOVERNMENT".

WOULD "SELF-GOVERNMENT", IN LAW, INCLUDE SELF-IDENTIFICATION, AND WHAT BENEFICIAL BENEFITS WOULD IT BE INTENDED WOULD FLOW FROM SELF-IDENTIFICATION? WE ARE URGED TO AGREE THAT SELF-IDENTIFICATION WOULD INCLUDE EXEMPTIONS FROM FEDERAL, PROVINCIAL OR TERRITORIAL, AND MUNICIPAL TAXATION. WE ARE URGED TO AGREE THAT ABORIGINAL SELF-GOVERNMENT REQUIRES A LAND BASE.

WHERE, PROVIDED BY WHOM? IT IS SAID THAT THE LAND BASE SHOULD INCLUDE SUB-SURFACE RIGHTS; THAT SELF-GOVERNMENT WOULD INCLUDE THE RIGHT TO MAKE LAWS AND THAT, IN THE EVENT OF CONFLICT WITH LAWS OF FEDERAL, PROVINCIAL OR TERRITORIAL, AND MUNICIPAL JURISDICTIONS, THE ABORIGINAL LAW SHOULD BE PARAMOUNT, AND WE ARE TOLD THAT SELF-GOVERNMENT WOULD REQUIRE EQUALIZATION GRANTS.

IN THE INTEREST OF PRODUCTIVE DIALOGUE, MAY I SAY THAT SOME OF THE DEMANDS ARE NOT REALISTIC AND THAT THEY STAND IN THE WAY OF EFFECTIVE MOVEMENT TOWARD AGREEMENT.

LET ME SAY AGAIN WHAT IT IS NOVA SCOTIA DOES SUPPORT.

WE BELIEVE THAT STEADY AND SURE PROGRESS IS BEING MADE IN OUR CONSTITUTIONAL MEETINGS. AS WE BEGIN THIS YEAR'S CONFERENCE, AND PREPARE TO CONTINUE EARNEST DISCUSSIONS LEADING UP TO NEXT YEAR'S CONFERENCE, WE DO NOT EXPECT THAT OUR WORK TO DATE WILL CULMINATE IN AGREEMENT ON SUBSTANTIAL AMENDMENTS TO THE CONSTITUTION ACT BY THE CLOSE OF OUR CONFERENCE TOMORROW.

IN THIS CIRCUMSTANCE, NOVA SCOTIA WISHES TO PROPOSE THAT A "STATEMENT OF OBJECTIVES" SHOULD ISSUE FROM THIS

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CONFERENCE, PERHAPS IN THE FORM OF A CODICIL TO THE ACCORD SIGNED MARCH 16, 1983, WHEREBY FIRST MINISTERS AND ABORIGINAL PEOPLES WOULD PUBLICLY AGREE AND COMMIT THEMSELVES TO PURSUE INTENSIVELY THE FOLLOWING OBJECTIVES:

1. THE DETERMINATION AND CLARIFICATION OF FEDERAL GOVERNMENT RESPONSIBILITY FOR ABORIGINAL PEOPLES, AND THEIR DEFINITION IN LAW -- INDIANS, INUIT AND METIS;
2. THE DEVELOPMENT OF SIGNIFICANTLY INCREASED AUTHORITY, AND COMENSURATE RESPONSIBILITY, OF THE ABORIGINAL PEOPLES FOR THEIR OWN INTERNAL AFFAIRS;
3. THE IDENTIFICATION AND DEFINITION OF THE RIGHTS AND FREEDOMS OF THE ABORIGINAL PEOPLES;
4. THE PRESERVATION AND CONTINUED DEVELOPMENT OF THE TRADITIONS AND CULTURES OF THE ABORIGINAL PEOPLES; AND
5. THE PROVISION OF PUBLIC SERVICES FOR ABORIGINAL PEOPLES COMPARABLE TO THOSE AVAILABLE TO OTHER CANADIANS AND THE IMPLEMENTATION OF APPROPRIATE INITIATIVES REQUIRED TO RESPOND TO THE SPECIAL SOCIAL AND ECONOMIC NEEDS OF THE ABORIGINAL PEOPLES.

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IN ADDITION TO THE "STATEMENT OF OBJECTIVES" I HAVE PROPOSED, NOVA SCOTIA HAS A SPECIFIC PROPOSAL TO MAKE TO AMEND FURTHER THE EQUALITY PROVISIONS IN SECTION 35 OF THE ACT. THE AMENDMENTS WOULD CONSTITUTIONALLY GUARANTEE EXISTING ABORIGINAL AND TREATY RIGHTS, BRING INTO SECTION 35, PART II OF THE ACT, THE IDENTICAL PROVISIONS OF SECTIONS 15(1) AND (2) OF PART I, THE CHARTER OF RIGHTS, CONCERNING EQUALITY BEFORE AND UNDER LAW, EQUAL PROTECTION AND BENEFIT OF LAW, AND AFFIRMATIVE ACTION PROGRAMS; AND WE PROPOSE IN SECTION 35 THE SAME ENFORCEMENT OF GUARANTEED RIGHTS AND FREEDOMS AS IS NOW PROVIDED IN THE CHARTER OF RIGHTS.

WE ARE DISTRIBUTING PROPOSED "STATEMENT OF OBJECTIVES" AND, AMENDMENTS TO SECTION 35 TO DELEGATES' PLACES FOR THEIR CONSIDERATION.

THANK YOU, MR. CHAIRMAN.