

FIRST MINISTERS' CONFERENCE  
ON  
ABORIGINAL CONSTITUTIONAL MATTERS

NOTES FOR AN OPENING STATEMENT  
BY THE HONOURABLE HOWARD R. PAWLEY  
PREMIER OF MANITOBA

Ottawa  
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MR. PRIME MINISTER, NATIVE LEADERS, FELLOW PREMIERS AND HONOURABLE DELEGATES, I AM PLEASED TO BE HERE THIS MORNING FOR THE BEGINNING OF WHAT IS DESTINED TO BE A TRULY HISTORIC OCCASION FOR ALL THE PEOPLE OF CANADA, AND I AM PROUD THAT THE PEOPLES OF MANITOBA, THROUGH THE DELEGATES WHO ARE REPRESENTED HERE, WILL HAVE AN OPPORTUNITY TO PARTAKE IN A PROCESS WHICH IS LONG OVERDUE.

IT IS LONG OVERDUE BECAUSE THE AMENDMENTS DEALING WITH ABORIGINAL MATTERS IN OUR CONSTITUTION ARE ABSOLUTELY NECESSARY IF OUR CONSTITUTION IS TO TRULY GUARANTEE THE RIGHTS OF ALL CANADIANS.

THIS CONFERENCE IS HISTORIC FOR MANY REASONS. MOST IMPORTANTLY BECAUSE IT IS THE FIRST TIME REPRESENTATIVES OF CANADA'S ABORIGINAL PEOPLE AND TERRITORIAL GOVERNMENTS HAVE BEEN ABLE TO PARTICIPATE IN A FIRST MINISTERS' CONFERENCE.

I AM PARTICULARLY PLEASED THAT THE OFFICIAL MANITOBA DELEGATION INCLUDES REPRESENTATIVES FROM THE ASSEMBLY OF MANITOBA CHIEFS AND REPRESENTATIVES FROM THE MANITOBA METIS FEDERATION. IT SHOULD ALSO BE NOTED THAT THE MANITOBA DELEGATION HAS DEVELOPED A CONSENSUS AROUND MANY ISSUES. HOWEVER, WE HAVE AGREED TO CLEARLY IDENTIFY THOSE AREAS WHERE AGREEMENTS MAY YET NEED TO BE REACHED, AND ABORIGINAL REPRESENTATIVES WITHIN OUR DELEGATION MAY BRING OTHER DIFFERING PERSPECTIVES TO YOUR ATTENTION. ALTHOUGH WE HAVE REACHED AGREEMENT ON MANY ISSUES WE HAVE ALSO COME TO RESPECT THE DIFFERENT POINTS OF VIEW WE HOLD ON OTHER ISSUES.

MY GOVERNMENT WAS ELECTED TO OFFICE IN MANITOBA NOVEMBER 17TH, 1981. IT WAS ELECTED AMIDST THE NATIONAL DEBATE OVER HOW ABORIGINAL RIGHTS MIGHT BE ENTRENCHED IN OUR CONSTITUTION. WE COMMITTED OURSELVES TO THE ENTRENCHMENT AND DEFINITION OF ABORIGINAL RIGHTS AND WE ARE PROUD TO BE HERE TO WORK TOWARD THAT GOAL.

DURING THE PAST YEAR, THE GOVERNMENT OF MANITOBA AND THE ELECTED REPRESENTATIVES OF THE INDIAN AND METIS PEOPLE OF OUR PROVINCE HAVE BEEN WORKING TOGETHER IN DEFINING OUR POSITION. THE GOALS WHICH WE ARE STRIVING FOR ARE THE RESULT OF EXTENSIVE CONSULTATION AND DIALOGUE WITH OUR NATIVE LEADERS, AND A PROCESS WHICH LISTENED TO THE SENTIMENTS AND OPINIONS OF NATIVE PEOPLE AT THE GRASS ROOTS LEVEL.

THIS HAS NOT BEEN A PERFECT PROCESS, BUT FOR ALL ITS LIMITATIONS IT HAS BROUGHT US TO THIS TABLE WITH THE STRENGTH OF WELL-DEVELOPED CONCEPTS AND IDEAS.

OUR STATEMENT OF PRINCIPLES IS REFLECTIVE OF A COMMON WILL WHICH HAS RESULTED FROM WORKING ON A COMMON CAUSE. IT IS ALSO REFLECTIVE OF WHAT CAN BE ACHIEVED THROUGH A CONSULTATIVE, CO-OPERATIVE APPROACH.

OUR CO-OPERATIVE APPROACH TAUGHT US MANY LESSONS. IT TAUGHT US THAT WE SHARE DIFFERENCES, BUT MORE IMPORTANTLY, IT HAS TAUGHT US THAT WE SHARE MANY OF THE SAME GOALS. I ALSO BELIEVE THAT THE END RESULT OF THIS PROCESS HAS RESULTED IN A MODEL WHICH I SINCERELY BELIEVE IS ONE WHICH OTHERS CAN FOLLOW.

I KNOW THAT WE ALL HAVE HIGH EXPECTATIONS PLACED ON THE CONSTITUTIONAL CONFERENCE PROCESS. THE RESPONSIBILITIES BEFORE US ARE IMMENSE BUT THEY ARE NOT INSOLUBLE. WE MUST BE PATIENT, BUT WE SHOULD BE STRENGTHENED BY THE FACT THAT OUR COURSE IS JUST AND THE FUTURE WILL BE WHAT WE HAVE THE COURAGE TO MAKE IT.

WE SHOULD REALIZE THAT THE ENTRENCHMENT OF ABORIGINAL RIGHTS DOES NOT DIMINISH THE RIGHTS OF OTHER CANADIANS, IT STRENGTHENS OUR PEOPLE AND OUR SOCIETY.

THE SPECIAL STATUS OF ABORIGINAL PEOPLES IN CANADIAN SOCIETY STEMS FROM THEIR OCCUPATION AND COLLECTIVE OWNERSHIP OF LANDS PRIOR TO EUROPEAN SETTLEMENT AND THE APPLICATION OF EUROPEAN LAW.

AT THE TIME OF THE EUROPEAN SETTLEMENT OF WHAT IS NOW CANADA, OUR ANCESTORS ENCOUNTERED ABORIGINAL PEOPLES WHO EXISTED AND WHO HAD LONG EXISTED AS DISTINCT NATIONS. THESE ABORIGINAL PEOPLES EXERCISED THE POWER OF SELF GOVERNMENT OVER THEIR

RELIGIOUS, CULTURAL, ECONOMIC AND POLITICAL LIFE. THEY EXERCISED CONTROL OVER THEIR TERRITORY AND OVER THE LIVING AND NATURAL RESOURCES IN THE LAND THEY INHABITED. THIS IS TRUE FOR THE ABORIGINAL PEOPLE WHO LIVED IN WHAT WE NOW CALL MANITOBA, AS IT WAS FOR THOSE PARTS OF CANADA WHICH NOW COMPRISE THE CANADIAN PROVINCES AND TERRITORIES.

OVER THE SEVERAL CENTURIES WHICH FOLLOWED THE COMING OF WHITE SETTLEMENT MANY DEVELOPMENTS HAVE TAKEN PLACE IN THE CONSTRUCTION OF A CANADIAN POLITY. ACCOUNT MUST BE TAKEN OF THIS POLITICAL AND CONSTITUTIONAL STRUCTURE IN THE PROCESS OF IDENTIFYING AND DEFINING ABORIGINAL RIGHTS FOR INCLUSION IN THE CONSTITUTION OF CANADA.

FOR EXAMPLE, THE FISCAL AND TRUST RESPONSIBILITY OF THE FEDERAL GOVERNMENT STEMS FROM THE DEVOLUTION OF CROWN RESPONSIBILITY (DEFINED, IN PART, IN THE ROYAL PROCLAMATION OF 1763). IT CANNOT AND MUST NOT BE UNILATERALLY ABANDONED.

SIMILARLY THE RIGHT OF THE ABORIGINAL PEOPLES TO SELF-GOVERNMENT MUST NOW BE FURTHER DEVELOPED IN THE CONTEXT OF THE CANADIAN CONSTITUTION. ECONOMIC DEVELOPMENT WILL ALSO BE ESSENTIAL IF SELF-GOVERNMENT IS TO BE REALIZED.

THERE ARE SEVERAL KEY POSITIONS MANITOBA WOULD LIKE TO ADDRESS BRIEFLY IN THESE OPENING REMARKS. WE BELIEVE THESE TO BE

OF SUCH SIGNIFICANCE TO WARRANT SPECIAL ATTENTION AT THIS TIME. IN MANY WAYS THIS HISTORIC CONFERENCE PROVIDES A WINDOW BETWEEN THAT PAST AND THE FUTURE WE ALL SEEK. FOR THAT REASON IT SHOULD ONLY BE CONSIDERED A BEGINNING. THE DIFFICULT PROCESS OF IDENTIFYING AND DEFINING ABORIGINAL RIGHTS WHICH HAVE EXISTED FOR CENTURIES MUST TAKE PLACE OVER A CONSIDERABLE PERIOD OF TIME. THEREFORE, THE CONSTITUTIONAL RECOGNITION WHICH HAS BEEN GIVEN IN SECTION 37 TO THIS TASK MUST BE CONTINUED. MANITOBA STRONGLY BELIEVES IN A CONSTITUTIONALIZED ONGOING PROCESS. WHILE WE SUPPORT THOSE PROVINCES AND THE FEDERAL GOVERNMENT WHO ARE PROPOSING AN AMENDMENT TO THE CONSTITUTION ACT TO REPLACE SECTION 37, AT THE SAME TIME WE FEEL THAT THIS ACTION ALONE MAY BE INSUFFICIENT. THE AMENDING PROCESS CAN BE LENGTHY AND UNCERTAIN.

IT IS FUNDAMENTAL THAT THE PRESENT CONFERENCE NOT BE TERMINATED BUT BE ADJOURNED TO A SET DATE IN ONE YEAR'S TIME. WE CANNOT AND DO NOT ACCEPT THE NOTION THAT THERE IS A LEGAL IMPEDIMENT TO SUCH A PROCESS. WE WILL BE CLARIFYING THESE VIEWS AT THE APPROPRIATE TIME IN THIS CONFERENCE.

MANITOBA ALSO BELIEVES THAT IT IS OF THE UTMOST IMPORTANCE THAT THIS CONFERENCE ADOPT A STATEMENT OF PRINCIPLES. WE UNDERSTAND THAT THERE WILL BE SOME PROPOSALS TO ENTRENCH A STATEMENT OF PRINCIPLES ALONG WITH A NEW SECTION 37. WHILE THE GOVERNMENT OF MANITOBA DOES NOT OPPOSE THIS POSITION, WE BELIEVE

THAT A MUCH BROADER STATEMENT OF PRINCIPLES THAN CAN POSSIBLY BE INCLUDED IN AN AMENDMENT TO THE CONSTITUTION AT THIS TIME MUST BE DECLARED AT THIS CONFERENCE. SUCH A STATEMENT CAN EXPRESS THE POLITICAL WILL OF THE VARIOUS GOVERNMENT OF THIS COUNTRY CONCERNING ABORIGINAL RIGHTS.

IT IS THE VIEW OF MANITOBA THAT A CONSTITUTIONAL CHARTER OF RIGHTS FOR THE ABORIGINAL PEOPLE WOULD BE SUBSTANTIALLY INCOMPLETE WITHOUT A MEANINGFUL ROLE FOR THE ABORIGINAL PEOPLES IN BEING ABLE TO INITIATE AMENDMENTS AND IN BEING ABLE TO APPLY THEIR CONSENT TO CONSTITUTIONAL AMENDMENTS WHICH EXCLUSIVELY AND DIRECTLY AFFECT THEM.

THE OBJECTION WHICH SOME ABORIGINAL GROUPS HAVE TO THIS CONFERENCE AND THIS PROCESS IS BASED IN CONSIDERABLE PART ON THE VALID NOTION THAT WITHOUT AN AMENDING FORMULA WHICH INCLUDES THEM IN A MATERIAL WAY, THEN "TO ENTRENCH IS TO ENTOMB". THE GOVERNMENT OF MANITOBA WILL PROPOSE TO THIS CONFERENCE THAT IN ADDITION TO ADOPTING AN ONGOING PROCESS, A STATEMENT OF PRINCIPLES, AND A STATEMENT WITH RESPECT TO THE CONSENT ISSUE, THE CONFERENCE SHOULD ADOPT A FRAMEWORK AGREEMENT FOR THE PROPOSED CHARTER OF ABORIGINAL RIGHTS. THE GOVERNMENT OF MANITOBA WILL BE TABLING A PROPOSAL AT THAT POINT IN THE AGENDA WHEN THE CONFERENCE IS DEALING WITH THE PARTICULAR RIGHTS OF ABORIGINAL PEOPLE.

WE IN MANITOBA VIEW CONSTITUTIONAL DEVELOPMENTS INVOLVING ABORIGINAL PEOPLES AS A HOPEFUL PROSPECT. WE VIEW THEM AS BENEFICIAL FOR ALL THE PARTICIPANTS, ABORIGINAL AND NON-ABORIGINAL. THE POTENTIAL WINNERS OF THE PROCESS WE ARE NOW EMBARKED UPON ARE NOT JUST ABORIGINAL PEOPLES OF CANADA, BUT ALL CANADIANS.