

FIRST MINISTERS' CONFERENCE
ON
ABORIGINAL CONSTITUTIONAL MATTERS

OPENING STATEMENT

BY THE

HONOURABLE BRIAN PECKFORD

PREMIER OF NEWFOUNDLAND

Ottawa
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MR. CHAIRMAN:

IT IS SIGNIFICANT THAT THE FIRST CONFERENCE ON CONSTITUTIONAL ISSUES SINCE PATRIATION IS FOCUSED ON ADDRESSING THE ASPIRATIONS OF CANADA'S ABORIGINAL PEOPLES. WHILE MANY OF THE OTHER MAJOR CONSTITUTIONAL ISSUES WE HAVE DISCUSSED IN PREVIOUS CONFERENCES REMAIN UNRESOLVED, THIS CONFERENCE IS, I BELIEVE, AN ACKNOWLEDGEMENT OF THE UNIQUE PLACE ABORIGINAL PEOPLES HAVE IN CANADIAN SOCIETY. I BELIEVE IT ALSO REFLECTS THE GENUINE DESIRE AND WILLINGNESS OF GOVERNMENTS TO GRAPPLE WITH THE COMPLEX ISSUES INVOLVED IN ATTEMPTING TO MEET THE ASPIRATIONS OF ABORIGINAL PEOPLES.

I AM SURE ALL CANADIANS UNDERSTAND THE DETERMINATION OF ABORIGINAL PEOPLES TO MAINTAIN THEIR IDENTITY, ENHANCE THEIR TRADITIONS AND CULTURE, AND SHARE IN THE ECONOMIC BENEFITS AND WEALTH OF THIS COUNTRY. AS I REFLECT ON THE ISSUES BEFORE US, I MUST REMIND MYSELF THAT THE HISTORY AND PRESENT SITUATION OF THE VARIOUS GROUPS COMPRISING THE NATIVE POPULATION DIFFERS SUBSTANTIALLY FROM PLACE TO PLACE.

IN NEWFOUNDLAND AND LABRADOR, THE NATIVE POPULATION IS RELATIVELY SMALL, REPRESENTING ONLY ABOUT ONE HALF OF ONE PERCENT OF THE PROVINCE'S TOTAL POPULATION. THERE ARE APPROXIMATELY 1600 INUIT - WHICH IS 6% OF CANADA'S TOTAL INUIT POPULATION - AND ABOUT 850 NASKAPI-MONTAGNAIS INDIANS, LOCATED IN A NUMBER OF COMMUNITIES IN LABRADOR. ON THE ISLAND PORTION OF THE PROVINCE, THE COMMUNITY AT CONNE RIVER ON THE SOUTH COAST HAS A POPULATION OF APPROXIMATELY 580 OF WHOM A LARGE PROPORTION ARE MICMAC INDIANS.

WHILE THE PROVINCE'S NATIVE POPULATION IS RELATIVELY SMALL COMPARED WITH OTHER PROVINCE'S, THIS DOES NOT DIMINISH OUR DESIRE TO ADDRESS THEIR ASPIRATIONS AND SPECIAL NEEDS. THE GOVERNMENT OF NEWFOUNDLAND IS COMMITTED TO THE PROCESS THAT HAS BEGUN HERE TODAY. WE APPROACH THESE DISCUSSIONS IN A POSITIVE AND RECEPTIVE MANNER AND WITH A WILLINGNESS TO SEARCH FOR EQUITABLE SOLUTIONS THAT WILL ENABLE OUR NATIVE PEOPLES TO MAINTAIN THEIR CULTURE AND LANGUAGE, TO PROTECT THEIR TRADITIONAL LIFE-STYLES, AND TO BENEFIT FROM AND PARTICIPATE FULLY IN THE ECONOMIC AND SOCIAL DEVELOPMENT OF OUR PROVINCE AND COUNTRY.

THE HISTORY OF RELATIONS BETWEEN NATIVE PEOPLE AND GOVERNMENT IN NEWFOUNDLAND HAS TAKEN A UNIQUE AND VERY DIFFERENT COURSE FROM DEVELOPMENTS IN OTHER PROVINCES.

IN THE PRE-CONFEDERATION ERA, NO TREATIES WERE CONCLUDED NOR WERE RESERVES ESTABLISHED. NATIVE PEOPLE WERE NOT SEGREGATED FROM EUROPEAN SETTLERS EITHER BY POLICY OR LEGISLATION. NATIVES AND SETTLERS WERE TREATED EQUALLY BY THE NEWFOUNDLAND GOVERNMENT AND BY EACH OTHER.

NATIVE PEOPLES IN NEWFOUNDLAND AND LABRADOR WERE REGARDED AS CITIZENS WITH FULL AND EQUAL ACCESS TO PROVINCIAL PROGRAMMES AND SERVICES. THE FEDERAL GOVERNMENT, NOTWITHSTANDING ITS LEGISLATIVE AUTHORITY WITH RESPECT TO INDIGENEOUS PEOPLE IN OTHER PARTS OF CANADA, HAD NO DESIRE TO DISRUPT THE 'STATUS QUO' IN NEWFOUNDLAND. AS LATE AS 1965, THE PRIME MINISTER OF CANADA STATED:

"THE FEDERAL GOVERNMENT DOES NOT WANT TO DISTURB THE ESTABLISHED ARRANGEMENTS FOR PROVINCIAL ADMINISTRATION OF INDIAN AND ESKIMO AFFAIRS IN NEWFOUNDLAND".

BOTH THE PROVINCIAL AND FEDERAL GOVERNMENTS WERE PARTICULARLY CONCERNED THAT THE TRADITIONAL HOMOGENOUS FABRIC OF THE LABRADOR COMMUNITIES BE RESPECTED. THESE COMMUNITIES ARE CHARACTERIZED BY NATIVES AND SETTLERS LIVING SIDE BY SIDE AS EQUAL CITIZENS. A COMMON LIFESTYLE PERVADES THE ECONOMIC, SOCIAL AND CULTURAL ENVIRONMENT, AND, WITHIN THE COMMUNITY, THERE IS LITTLE DISTINCTION REGARDING ACCESS OF ALL PEOPLE TO SERVICES.

IT HAS BEEN THE CONSISTENT POLICY OF NEWFOUNDLAND GOVERNMENTS NOT TO DIFFERENTIATE BETWEEN ITS CITIZENS ON THE BASIS OF RACIAL OR ETHNIC ORIGIN. THIS DOES NOT MEAN, HOWEVER, THAT THE PROVINCE HAS NOT RECOGNIZED THE SPECIAL PROBLEMS FACED BY NATIVE PEOPLES, OR PREVENTED US FROM TAKING SPECIAL MEASURES TO ADDRESS THESE PROBLEMS.

BETWEEN 1954, AND 1981, A SERIES OF EXCHANGE-OF-LETTER ARRANGEMENTS WERE CONCLUDED, WHEREBY THE FEDERAL GOVERNMENT MADE A FINANCIAL CONTRIBUTION TO SERVICES PROVIDED BY THE PROVINCE IN A NUMBER OF LABRADOR COMMUNITIES. ADMINISTRATION WAS IN THE HANDS OF PROVINCIAL AUTHORITIES. A TRIPARTITE COMMITTEE WHICH INCLUDED COMMUNITY REPRESENTATIVES AS WELL AS REPRESENTATIVES OF THE TWO GOVERNMENTS, ADVISED THE PROVINCIAL MINISTER ON PROGRAMME

PLANNING AND FUNDING ALLOCATION. THESE ARRANGEMENTS ORIGINALLY APPLIED ONLY TO LABRADOR COMMUNITIES WITH INDIAN AND INUIT POPULATIONS.

IN 1973, HOWEVER, THE COMMUNITY OF CONNE RIVER WAS ALSO INCLUDED IN THE GENERAL AGREEMENT AND IN 1981, THE EXCHANGE-OF-LETTERS ARRANGEMENTS WERE REPLACED BY FORMAL NATIVE PEOPLES' AGREEMENTS. THROUGHOUT THE NEGOTIATIONS AND IMPLEMENTATION OF THESE AGREEMENTS, THERE HAS BEEN A CONCERTED EFFORT BY BOTH GOVERNMENTS TO AVOID ETHNIC DIVISIONS WITHIN THE COMMUNITIES.

THE SAME WILLINGNESS TO ACCOMMODATE THE GOALS OF NATIVE PEOPLE BY US IS ALSO EXPRESSED IN OUR APPROACH TO THE ISSUE OF LAND CLAIMS. IN OCTOBER, 1980, THE GOVERNMENT OF NEWFOUNDLAND AND LABRADOR ANNOUNCED THAT IT CONSIDERED THE INUIT AND THE NASKAPI-MONTAGNAIS IN LABRADOR HAD A BASIS FOR COMPREHENSIVE ABORIGINAL LAND CLAIM UNDER THE 1973 FEDERAL GOVERNMENT'S LAND CLAIM POLICY AND WE STATED WE WERE PREPARED, IN CONJUNCTION WITH THE FEDERAL GOVERNMENT AND THE NATIVE ORGANIZATIONS, TO ENTER INTO TRIPARITE

NEGOTIATION OF THESE CLAIMS.

MR. CHAIRMAN, THE GOVERNMENT OF NEWFOUNDLAND AND LABRADOR REAFFIRMS ITS PREVIOUS COMMITMENT TO NEGOTIATE AN EQUITABLE SETTLEMENT OF THE LABRADOR CLAIMS AND WE WILL APPROACH THESE NEGOTIATIONS IN A POSITIVE MANNER, COGNIZANT OF THE SPECIAL RELATIONSHIP OF OUR PEOPLE TO THE LAND AND THE ADJACENT SEA.

I AM ALSO PREPARED TODAY TO MAKE A FURTHER COMMITMENT WITH RESPECT TO LAND CLAIM SETTLEMENTS. WHEN LAND CLAIM NEGOTIATIONS ARE SUCCESSFULLY CONCLUDED AND AN AGREEMENT IS REACHED, THE PROVINCE OF NEWFOUNDLAND WOULD BE WILLING TO HAVE THESE SETTLEMENTS ENTRENCHED IN THE CONSTITUTION, AND TO AGREE ALSO THAT NO CHANGES WILL BE MADE IN THESE AGREEMENTS WITHOUT THE CONSENT OF ALL PARTIES CONCERNED.

MANY OF THE ITEMS ON THE AGENDA FOR DISCUSSION TODAY - TITLE TO LANDS, HUNTING, FISHING AND TRAPPING RIGHTS, THE PRESERVATION OF LANGUAGE AND CULTURE, DELIVERY OF GOVERNMENT SERVICES AND OTHERS - WILL BE SUBJECTS FOR NEGOTIATION

WITHIN THE CONTEXT OF LAND CLAIM SETTLEMENTS. THEREFORE, WHILE I UNDERSTAND THE DESIRE OF THE ABORIGINAL ORGANIZATIONS TO HAVE A CHARTER OF RIGHTS OF ABORIGINAL PEOPLES IN THE CONSTITUTION, A GREAT AMOUNT OF EFFORT MUST YET BE UNDERTAKEN TO DEFINE WHAT THESE RIGHTS ARE BEFORE THEY CAN BE ENTRENCHED. IT MAY WELL BE THAT A NUMBER OF SUCH ISSUES WILL BE DEALT WITH IN THE CONTEXT OF LAND CLAIMS SETTLEMENT.

MR. CHAIRMAN, THE GOVERNMENT OF NEWFOUNDLAND AND LABRADOR IS PREPARED, HOWEVER, TO CONSIDER ENTRENCHMENT OF A STATEMENT OF GENERAL PRINCIPLES WHICH COULD SERVE AS A GUIDE IN THE ON-GOING PROCESS AND COULD FORM THE BASIS FOR DEVELOPMENT OF MORE SPECIFIC PROVISIONS FOR EITHER INCLUSION AT SOME FUTURE DATE IN THE CONSTITUTION, OR IN LEGISLATION OR IN A LAND CLAIM SETTLEMENT. THIS APPROACH WOULD, I BELIEVE, REPRESENT A MAJOR STEP FORWARD AND COULD PROVIDE A BASE TO BUILD ON IN THE FUTURE.

THE GOVERNMENT OF NEWFOUNDLAND IS FIRMLY COMMITTED TO THE PRINCIPLE OF EQUALITY OF PEOPLE, REGARDLESS OF ORIGIN,

CREED, BELIEF OR SEX. WE FULLY ENDORSED THE PROVISIONS IN THE PRESENT CHARTER OF RIGHTS AND FREEDOMS THAT GUARANTEE EQUALITY OF RIGHTS FOR MEN AND WOMEN AND WOULD SUPPORT AN EXPLICIT PROVISION THAT WOULD ENSURE ABORIGINAL RIGHTS APPLY EQUALLY TO MEN AND WOMEN.

THE PROPOSAL FOR A CONSTITUTIONAL PROVISION FOR CONSULTATION OF FIRST MINISTERS WITH REPRESENTATIVES OF THE ABORIGINAL PEOPLES BEFORE ANY FUTURE AMENDMENTS ARE MADE THAT DIRECTLY AFFECT ABORIGINAL RIGHTS, WILL ENSURE, I FEEL, THAT ABORIGINAL PEOPLES WILL BE FULLY INVOLVED IN ANY CHANGES THAT ARE PROPOSED. THE PROVINCE OF NEWFOUNDLAND, THEREFORE, WOULD SUPPORT MEASURES TO PROVIDE FOR CONSULTATION WITH ABORIGINAL PEOPLES IN CONSTITUTIONAL CHANGES DIRECTLY AFFECTING THEIR RIGHTS.

MR. CHAIRMAN, THE LIST OF AGENDA ITEMS BEFORE US IN THIS CONFERENCE IS LONG. ALL ARE IMPORTANT AND COMPLEX AND ARE NOT SUSCEPTIBLE TO EASY RESOLUTION. THE DISCUSSIONS THAT HAVE TAKEN PLACE IN PREPARATION FOR THIS CONFERENCE HAVE HELPED TO CLARIFY THESE ISSUES AND CONTRIBUTE TO A BETTER

UNDERSTANDING OF THE CONCERNS AND ASPIRATIONS OF ABORIGINAL PEOPLES. A GOOD BEGINNING HAS BEEN MADE BUT IT WILL NOT BE POSSIBLE TO DEAL SATISFACTORILY WITH ALL THESE ISSUES WITHIN THE NEXT DAY AND A HALF. THIS PROCESS MUST NOT, THEREFORE, END WITH THIS CONFERENCE. IT IS CLEAR THAT OTHER MEETINGS - OF OFFICIALS, MINISTERS, AND FIRST MINISTERS - WILL BE NECESSARY.

NEWFOUNDLAND SUPPORTS CONTINUATION OF THE PROCESS THAT HAS BEGUN, RECOGNIZING THAT IT IS ONLY THROUGH ON-GOING DIALOGUE AND NEGOTIATION CAN THE CONCERNS OF OUR ABORIGINAL PEOPLES BE PROPERLY ADDRESSED.

I BELIEVE THE POSITION WE HAVE TAKEN ON THE ISSUES BEFORE US TODAY REFLECTS OUR SERIOUS COMMITMENT TO THIS PROCESS AND LAYS A FOUNDATION THAT, WITH REASONABLENESS, COOPERATION AND THE POLITICAL WILL OF ALL PARTICIPANTS, WILL ENABLE ABORIGINAL PEOPLES TO MAINTAIN THEIR CULTURE, TRADITIONS AND IDENTITY AND TO PARTICIPATE FULLY IN CANADIAN SOCIETY.

