



National Indian Brotherhood

ASSEMBLY OF FIRST NATIONS

222 QUEEN STREET, SUITE 500, CAPITOL SQUARE BUILDING
OTTAWA, ONTARIO K1P 5V9
(613) 238-0673 TELEX 053-3202

OPENING REMARKS

FOR

PRESENTATION BY

DR. DAVID AHENAKEW

NATIONAL CHIEF

ASSEMBLY OF FIRST NATIONS

TO

THE FIRST MINISTERS' CONFERENCE

ON ABORIGINAL RIGHTS

15 MARCH 1983

OTTAWA

THANK-YOU PRIME MINISTER

WE, AS THE FIRST NATIONS OF THIS LAND, ARE ASSEMBLED WITH YOU THIS MORNING TO BEGIN THE NEXT STEP - A PAINFULLY-OVERDUE AND LONG-NEGLECTED STEP - IN THE ON-GOING PROCESS OF NATION-BUILDING.

WE ARE HERE TO FORMALIZE THE UNIQUE AND HISTORIC RELATIONSHIP BETWEEN THE FIRST NATIONS AND CANADA. THE CONSTITUTION ACT 1867 MENTIONS THREE DISTINCT PEOPLES---THE INDIANS, THE FRENCH, AND THE ENGLISH. UNTIL NOW, HOWEVER, ONLY TWO OF THESE PEOPLES EVER PARTICIPATED DIRECTLY AT FIRST MINISTERS' CONSTITUTIONAL SESSIONS. IT IS, THEREFORE, NO ACCIDENT THAT CANADA'S CONSTITUTIONAL ORDER HAS EVOLVED TO THE DISADVANTAGE OF INDIANS.

HOWEVER, WE ARE ENTERING A NEW ERA IN CANADA. WE ENTER THAT ERA IN A SPIRIT OF GOOD WILL AND COOPERATION.

WE DO NOT INTEND TO JUDGE CANADA'S SINCERITY AND EXPRESSIONS OF GOOD WILL OTHER THAN BY CANADA'S ACTIONS - FROM THIS DAY FORWARD.

WE ARE THE FIRST NATIONS. OUR DISTINCTIVE ABORIGINAL RIGHT TO TITLE, AS RECOGNIZED BY THE ROYAL PROCLAMATION OF 1763, STILL EXISTS.

SECONDLY, WE NEED TO CLARIFY THE PRESENCE AND INVOLVEMENT, AT THIS CONFERENCE, OF THE PROVINCES IN RESPECT TO SECTION 91-24.

AS EARLY AS 1763 OUR NATIONHOOD AND RIGHTS WERE RECOGNIZED BY THE SINGLE, INDIVISIBLE CROWN. WE HAVE NEVER SURRENDERED OUR TITLE NOR OUR RIGHTS. NEITHER AGREEMENTS NOR TREATIES HAVE EXTINGUISHED OUR TITLE AND RIGHTS.

OUR RELATIONSHIPS CONTINUE TO BE WITH THE UNDIVIDED CROWN.

HOW YOU DIVIDE YOURSELVES UP INTERNALLY, FOR YOUR OWN PURPOSES, IS YOUR BUSINESS.

OUR RELATIONSHIP IS WITH CANADA RATHER THAN WITH ITS PARTS.

WE VIEW THIS CONFERENCE, AS FAR AS INDIAN ISSUES ARE CONCERNED, AS CONSULTATION BETWEEN THE INDIAN GOVERNMENTS AND CANADA.

IN RESPECT TO INDIAN ISSUES, IT IS CANADA'S BUSINESS TO DECIDE WHAT ADVICE IT REQUIRES FROM ITS VARIOUS PARTS.

HOWEVER, HISTORICALLY AND UNDER SECTION 91(24) OF THE CONSTITUTION OUR RELATIONSHIP IS DIRECTLY WITH CANADA.

CANADA MUST RECOGNIZE THAT WE HAVE ALWAYS BEEN HERE;

THIS IS OUR COUNTRY;

WE HAVE NEVER HAD, AND WILL NEVER HAVE, ANOTHER
COUNTRY;

AND INDIANS ARE NOT GOING TO DISAPPEAR OR "GO BACK TO
WHERE WE CAME FROM".

THIS IS WHERE WE COME FROM.

I ASK, PRIME MINISTER, THAT NO ONE MISINTERPRET OUR
POSITIONS, STRONGLY HELD, OR OUR WORDS, NO MATTER HOW STRONGLY
SPOKEN, TO MEAN THAT WE ARE SEPARATISTS - SEEKING TO DIVIDE
CANADA AND ASSERT THE STATUS OF FOREIGN NATIONS.

TO THIS DAY, TENSIONS BETWEEN ENGLISH AND FRENCH HAVE
OFTEN LED GOVERNMENTS TO REFUSE TO EVEN LISTEN TO OUR
POSITIONS.

I EMPHASIZE THAT WE HAVE MORE INVESTED, AND MORE AT
STAKE, IN THE FUTURE OF THIS NATION THAN ANYONE ELSE. WE ARE
COMMITTED TO STRENGTHENING AND BUILDING CANADA - NOT TO
DISMANTLING IT.

IN THAT CONTEXT, WE SEEK RECOGNITION AND ENTRENCHMENT OF WHAT WE HAVE ALWAYS HAD - AND CONTINUE TO HAVE - AS A MATTER OF RIGHT.

OUR GOALS FOR THIS CONFERENCE ARE CLEAR, STRAIGHT-FORWARD AND SIMPLE:

- 1) WE WANT AGREEMENT TO FULLY RECOGNIZE AND ENTRENCH ABORIGINAL TITLE AND ABORIGINAL AND TREATY RIGHTS IN THE CONSTITUTION OF CANADA; AND TO ENSURE THAT THEY ARE FULLY IMPLEMENTED.

- 2) WE WANT AGREEMENT TO ENTRENCH AN ON-GOING PROCESS OF CONSTITUTIONAL CLARIFICATION TO DEFINE AND DIRECT THE DETAILS OF THE RELATIONSHIPS BETWEEN THE FIRST ORDER OF GOVERNMENT - INDIAN GOVERNMENTS - AND THE MORE RECENT ORDERS OF GOVERNMENT - FEDERAL AND PROVINCIAL - IN CANADA.

WE VIEW OUR PRESENCE AT THIS TABLE AS RECOGNIZING OUR ROLE IN THE BUILDING OF THIS FEDERATION, AND AS A SIGNIFICANT HISTORIC SIGNAL.

A SIGNAL THAT CANADA MAY FINALLY BE PREPARED TO RECOGNIZE, ACCEPT, AND ENTRENCH CONSTITUTIONALLY, ABORIGINAL RIGHTS, ABORIGINAL TITLE AND TREATY RIGHTS.

WHEN WE SAY "SOVEREIGNTY", WE ARE NOT TALKING ABOUT EXTREMES. WE ARE TALKING ABOUT RECOGNITION AND ENTRENCHMENT OF INDIAN SOVEREIGNTY AND JURISDICTION WITHIN CONFEDERATION.

WE ARE NOT SEEKING TO ESTABLISH OUR OWN ARMIES AND OUR OWN FOREIGN RELATIONS.

WE ARE, HOWEVER, ASSERTING THAT INDIAN GOVERNMENTS HAVE JURISDICTION OVER INDIANS, INDIAN LANDS AND RESOURCES.

WE ARE SIMPLY RE-ASSERTING THE JURISDICTION THAT HAS ALWAYS BEEN, AND CONTINUES TO BE, THE INHERENT RIGHT OF INDIAN PEOPLE.

SUCH CONCEPTS ARE NOT UNFAMILIAR TO MORE RECENT CANADIANS, WHO CLAIM VARYING DEGREES OF SOVEREIGNTY AND JURISDICTION FOR THEMSELVES AT THE SAME TIME AS THEY DENY OUR POSITION.

FOR EXAMPLE, THE PROVINCE OF PRINCE EDWARD ISLAND, WITH FAR LESS LAND AREA, WITH 1/3 THE POPULATION THAT INDIANS HAVE, HAS SOVEREIGNTY AND JURISDICTION OVER CERTAIN AGREED UPON MATTERS AFFECTING THEIR CITIZENS. THEY ARE EMPOWERED TO LEGISLATE, TO MAKE ORIGINAL LAW, TO EXERCISE SOVEREIGNTY, WITHIN AN AGREED-UPON CONSTITUTIONAL FRAMEWORK, ON MATTERS

INSOFAR AS THE GOVERNMENT OF CANADA REGARDS ITSELF AS THE SUCCESSOR TO THE IMPERIAL CROWN, CANADA CANNOT UNILATERALLY RE-DEFINE OUR ABORIGINAL AND TREATY RIGHTS. IN OUR VIEW, ALL THAT SECTION 91(24) OF THE BRITISH NORTH AMERICA ACT, 1867 DID WAS TO TRANSFER ADMINISTRATIVE POWERS TO CANADA. THE CHALLENGE TODAY IS TO DETERMINE HOW CANADA WILL HONOUR AND IMPLEMENT THE SPIRIT AND INTENT OF THE CROWN'S OBLIGATIONS IN DEVELOPING A CONSTITUTIONAL RELATIONSHIP WITH THE FIRST NATIONS.

THERE IS A WIDE RANGE OF OPTIONS AS TO HOW WE CAN, WITHIN THE CANADIAN FEDERATION, EXERCISE OUR JURISDICTION AND ESTABLISH OUR OWN POLITICAL, SOCIAL AND ECONOMIC INSTITUTIONS. THE CANADIAN PARLIAMENT MUST AVOID THE TEMPTATION TO IMPOSE A UNIFORM "FORMULA" ON ALL INDIAN GOVERNMENTS IN CANADA.

WE ARE ASSERTING THE NEED TO INITIATE AND ENTRENCH AN ON-GOING PROCESS AND BEFORE WE GET SIDE-TRACKED ON A DEBATE AS TO THE "HOW?", WE MUST FIRST MAKE CERTAIN THAT THE CANADIAN PARLIAMENT UNDERSTANDS, ACCEPTS AND CONFIRMS THAT WE HAVE TERRITORIAL, POLITICAL, SOCIAL, CULTURAL, RELIGIOUS AND ECONOMIC SOVEREIGNTY AND JURISDICTION.

BEEN IN CHARGE. THEY HAVE BUILT MASSIVE BUREAUCRACIES, SPENT BILLIONS OF DOLLARS AND THE RESULT HAS BEEN THE POLITICAL, ECONOMIC, SOCIAL AND CULTURAL DEVASTATION OF INDIAN PEOPLE AND OUR COMMUNITIES.

I ASK YOU TO ADMIT THAT WHILE YOUR GOVERNMENT'S INTENTIONS MAY HAVE BEEN GOOD, THEY HAVE FAILED.

I ASK YOU TO ADMIT THAT INDIANS CAN DO THE JOB WHERE OTHERS HAVE FAILED.

I ASK YOU TO ADMIT THAT TO DO THE JOB, WE NEED RECOGNITION OF THE CLEAR JURISDICTION AND AUTHORITY TO SOLVE OUR OWN PROBLEMS. WE ACCEPT THAT RESPONSIBILITY.

THIS WILL NOT BE A NET COST; IT WILL NOT BE A LOSS TO THE PROVINCES OR TO ANYONE ELSE.

SURELY, EVERY CANADIAN WILL GAIN BY THE UNLEASHING OF INDIAN ENERGIES, CREATIVITY AND PRODUCTIVITY.

I SAID EARLIER THAT WE RECOGNIZE THAT, IN ORDER TO EXERCISE OUR JURISDICTION AND FULFILL OUR RESPONSIBILITIES TO OUR PEOPLE, WE MUST HAVE A LAND BASE AND OUR FAIR SHARE OF OUR NATURAL RESOURCES.

IN CONCLUSION, LET ME EMPHASIZE THAT WE WERE BORN WITH
OUR ABORIGINAL TITLE, OUR ABORIGINAL RIGHTS AND OUR TREATY
RIGHTS. WE PASS THESE RIGHTS ON TO OUR CHILDREN. THAT IS
WHAT IT MEANS TO BE INDIANS;

TO BE THE FIRST NATIONS;

TO BE THE FIRST ORDER OF GOVERNMENT IN CANADA.

CANADA IS NOW FACED WITH THE CHALLENGE AND THE
OPPORTUNITY TO RECOGNIZE THE INDIAN FACT OF THE CANADIAN
FEDERATION.

IF CANADA IS UP TO THE CHALLENGE,

IF CANADA WILL GRASP THE OPPORTUNITY,

CANADA WILL BE THE BETTER FOR IT.