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FEDERAL-PROVINCIAL MEETING OF MINISTERS ON
ABORIGINAL CONSTITUTIONAL MATTERS

Notes for Address to Constitutional Ministers
Conference on Aboriginal Rights - Hon. G. Braden
Minister of Justice and Public Services, Govern-
ment of the Northwest Territories

OTTAWA
January 31 -
February 1, 1983

Mr. Chairman, Ministers and representatives of national, provincial and territorial native organizations, thank you for the opportunity to make a few brief remarks on the matter of aboriginal rights and how they are reflected in law, policy or programs in Canada.

Initially, I want to express on behalf of our government and legislature, sincere appreciation for the opportunity to participate in this significant forum. I am confident you will find our input useful and representative of a unique region of Canada - a region which my government feels should be represented at all federal-provincial forums on matters dealing with national policy. We take a major step to this objective by participating at the first Ministers Conference in March.

Mr. Chairman, I am pleased with the work that has been produced thus far by officials of government and native organizations. The agenda before us is representative of many of the issues and concerns facing the aboriginal citizens of Canada. As a representative of a junior member government in Confederation, I find all of the agenda items common to the Northwest Territories. After all, the majority of our population are aboriginal Canadians or Northerners of aboriginal descent. The majority of the members on our Legislature are Dene, Inuit or Metis. Four territorial native organizations are currently engaged in aboriginal rights and land claims negotiations which virtually cover the whole N.W.T. and that's 2.5 million square miles of land and water. Very simply, Mr. Chairman, the N.W.T. is in a unique position in Canada whereby addressing aboriginal issues is less a matter of developing special programs for a minority. Rather, aboriginal issues are more and more being embodied in the northern approach to its cultural, social, economic and political evolution.

By way of example, issues such as a charter of rights for aboriginal people, entrenchment of aboriginal title and consent, which are

being addressed now at the national level, are also being addressed at the territorial level by native organizations and the federal and territorial governments. Self government and guaranteed representation in a legislature are currently being addressed through a variety of northern forums representative of northern residents of all ethnic and racial backgrounds. During the past decade, both the federal and territorial governments have attempted to coordinate service delivery and more important, laws and programs which recognize aboriginal family law and the need to develop, preserve and implement aboriginal languages and culture are in place. Finally, through government programs and claims negotiation, we are seeking ways and means for harvesting and management regimes involving hunting, trapping and fishing of northern renewable resources.

Mr. Chairman, while Northerners have a great deal to work out in the future, I believe we are trying to achieve our objectives through a cooperative and consensus oriented effort on the part of native people, and governments at the federal, territorial and local levels.

Mr. Chairman, while there may be certain issues which are contentious and require further thought, I and my colleagues are sincere about seeing progress made at this meeting and the upcoming constitutional conference first ministers meeting. In an effort to categorize the sixteen issues raised at the officials meeting I would suggest that some, such as the charter of rights for aboriginal people have already been agreed to in principle by Canada's first ministers. Our task could be to ensure that sufficient direction and consensus can be developed in order that our officials can produce options for us to consider.

A second category deals with the matter of process. I urge all here today, whether they represent government or aboriginal Canadians to establish a meaningful ongoing process to which we can all be committed.

Finally, we must turn our attention to substance; that is, the defining of aboriginal rights and the means for protecting these rights through law, programs or policies of government, and initiatives by aboriginal Canadians and their organizations. From a territorial perspective we would recommend four substantive items. They include

- (a) language and culture
- (b) hunting, fishing and trapping rights with an emphasis on harvesting and the role of aboriginal Canadians in resource management.
- (c) consent on changes to the constitution and the relationship of this issue to guaranteed participation of aboriginal Canadians in our legislatures, and of major importance to the aboriginal people of the N.W.T.,
- (d) the repeal of Section 42(1)(e) and (F) of the Canadian Constitution. These two provisions provide for the extension of provincial boundaries into the N.W.T. and the creation of any new provincial jurisdictions being subject to the Section 43 amending formula.

Mr. Chairman, thank you for hearing the views of the N.W.T. Government. I am joined by my colleagues Mr. Wah-Shee and Mr. Patterson who have specific responsibilities in the aboriginal rights area. Finally, I am pleased to see your colleague, the Hon. John Munro, Minister of Indian Affairs and Northern Development. John and his department have worked hard with us during the past three years to achieve demonstrable progress in the North. I also see Senator Jack Austin who is playing a major role in our constitutional evolution, and many aboriginal leaders and provincial ministers I have come to know in the past three years.

I look forward to a productive two days on this subject of national importance.

Thank you.