

APR 01 1985

OPENING STATEMENT BY MANITOBA TO THE MINISTERIAL CONFERENCE FOR THE
ABORIGINAL CONSTITUTIONAL MATTERS, DECEMBER 17, 1984, OTTAWA DOCUMENT: 830-160/005

AS WE ENTER THE FEDERAL-PROVINCIAL MEETING OF MINISTERS ON THE OCCASION FOR THE
1985 FIRST MINISTERS' CONFERENCE ON ABORIGINAL CONSTITUTIONAL MATTERS, WE ARE AWARE OF THE
CONSTRAINTS, BOTH IN TERMS OF TIME AND IN TERMS OF THE NUMBER AND
COMPLEXITY OF ISSUES, THAT FACE US IN OUR EFFORTS TO ENSURE THE
CONSTITUTIONAL PROTECTION OF THE RIGHTS OF ABORIGINAL PEOPLES.
WE BELIEVE THAT THIS ROUND OF DISCUSSIONS IS CRITICAL. WE MUST
FORMALLY AGREE AT THE 1985 CONFERENCE ON THE CONSTITUTIONAL
AMENDMENTS THAT ARE CAPABLE OF BEING ENTRENCHED AT THIS STAGE.

WE MUST ALSO AGREE ON PROCEDURES FOR THE NEGOTIATIONS AND
CONFERENCES THAT FOLLOW, UP TO AND INCLUDING THE FINAL CONFERENCE
THAT IS CONSTITUTIONALLY BINDING.

Opening Remarks

by

Elijah Harper

M.L.A. for Rupertsland

WE HAVE ONLY TO REMIND OURSELVES
OF THE DANGERS OF LEAVING IT TO THE LAST MINUTES OF THE PROCESS
BEFORE CONCRETE PROPOSALS AND RECOMMENDATIONS ARE MADE. THE
EXPERIENCE OF LAST YEAR SHOULD INSTRUCT AS TO OUR EFFORTS TO
PREPARE FOR THE 1985 FIRST MINISTERS' CONFERENCE. WE SHOULD NOT
LEAVE THE APRIL '85 CONFERENCE WITHOUT SOME CONCRETE PROGRESS ON

Manitoba

THE EXPRESS CONSTITUTIONAL RECOGNITION OF THE RIGHTS OF
ABORIGINAL PEOPLES. NOR SHOULD WE LEAVE WITHOUT SOME AGREEMENT
ON A DETAILED FRAMEWORK TO GUIDE OUR FURTHER DISCUSSIONS.
THOUGH THE CHALLENGE IS GREATER, MANITOBA IS ENCOURAGED BY RECENT
DEVELOPMENTS AMONG GOVERNMENTS AND AMONG ABORIGINAL PEOPLES THAT
OFFER SOME PROMISE OF NEW PERSPECTIVES BEING BROUGHT

OTTAWA, Ontario
December 17 - 18, 1984

OPENING STATEMENT BY MANITOBA TO THE MINISTERIAL MEETING ON
ABORIGINAL CONSTITUTIONAL MATTERS, DECEMBER 17, 1984, OTTAWA

AS WE ENTER ANOTHER ROUND OF DISCUSSIONS IN PREPARATION FOR THE 1985 FIRST MINISTERS' CONFERENCE, MANITOBA IS CONSCIOUS OF THE CONSTRAINTS, BOTH IN TERMS OF TIME AND IN TERMS OF THE NUMBER AND COMPLEXITY OF ISSUES, THAT FACE US IN OUR EFFORTS TO ENSURE THE CONSTITUTIONAL PROTECTION OF THE RIGHTS OF ABORIGINAL PEOPLES. WE BELIEVE THAT THIS ROUND OF DISCUSSIONS IS CRITICAL. We must formally agree at the 1985 CONFERENCE ON THE CONSTITUTIONAL AMENDMENTS THAT ARE CAPABLE OF BEING ENTRENCHED AT THIS STAGE. WE MUST ALSO AGREE ON PROCEDURES FOR THE NEGOTIATIONS AND CONFERENCES THAT FOLLOW, UP TO AND INCLUDING THE FINAL CONFERENCE THAT IS CONSTITUTIONALLY REQUIRED, IN 1987.

WE HAVE ONLY TO RECALL LAST YEAR'S EXPERIENCE TO REMIND OURSELVES OF THE DANGERS OF LEAVING IT TO THE LAST STAGES OF THE PROCESS BEFORE CONCRETE PROPOSALS AND RECOMMENDATIONS ARE MADE. THE EXPERIENCE OF LAST YEAR SHOULD INSTRUCT AS IN OUR EFFORTS TO PREPARE FOR THE 1985 FIRST MINISTERS' CONFERENCE. WE SHOULD NOT LEAVE THE APRIL '85 CONFERENCE WITHOUT SOME CONCRETE PROGRESS ON THE EXPRESS CONSTITUTIONAL RECOGNITION OF THE RIGHTS OF ABORIGINAL PEOPLES. NOR SHOULD WE LEAVE WITHOUT SOME AGREEMENT ON A DETAILED FRAMEWORK TO GUIDE OUR FURTHER DISCUSSIONS.

THOUGH THE CHALLENGE IS GREATER, MANITOBA IS ENCOURAGED BY RECENT DEVELOPMENTS AMONG GOVERNMENTS AND AMONG ABORIGINAL PEOPLES THAT OFFER SOME PROMISE OF NEW PERSPECTIVES BEING BROUGHT TO THE

CONSTITUTIONAL TABLE. ABORIGINAL GROUPS ARE TO BE COMMENDED FOR THEIR INITIATIVE IN CONVENING A FORUM FOR CONSULTATION AMONG THEMSELVES. WE HOPE THAT THESE DEVELOPMENTS WILL FACILITATE A MORE FOCUSSED AGENDA AND, ULTIMATELY, A MORE WORKABLE PROCESS FOR REALIZING CONSTITUTIONAL GUARANTEES FOR THE RIGHTS OF ABORIGINAL PEOPLES.

WE ALSO SENSE FROM THE STATEMENTS OF THE NEW MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT A POSITIVE CHANGE IN THE ATTITUDE OF THE GOVERNMENT OF CANADA WITH RESPECT TO ITS POLICIES IN RELATION TO ABORIGINAL PEOPLES. WE ARE HOPEFUL THAT A MORE CONSTRUCTIVE ROLE WILL BE PLAYED IN THESE MEETINGS BY THE RESULTS. AT THIS MEETING, WE LOOK FORWARD TO LEARNING FROM THE FEDERAL GOVERNMENT MORE ABOUT ITS GENERAL APPROACH AND MORE ABOUT ITS VIEWS ON SOME SPECIFIC ISSUES.

MANITOBA'S OWN POSITION HAS BEEN MADE CLEAR IN A NUMBER OF DOCUMENTS TABLED SINCE THE PROCESS BEGAN. WE HAVE IDENTIFIED THE CLARIFICATION OF S. 35 AND THE CONSTITUTIONAL RECOGNITION OF ABORIGINAL SELF-GOVERNMENT AS BEING OF FIRST IMPORTANCE. AS ONE EARLY STEP TOWARDS THE CLARIFICATION OF S. 35, WE HAVE PROPOSED THAT THE WORDS "GUARANTEED AND PROTECTED" BE ADDED TO SUBSECTION 1. WE NOTE THAT NOVA SCOTIA SUPPORTED A SIMILAR AMENDMENT IN ITS PACKAGE OF PROPOSALS AT THE MARCH '84 FIRST MINISTERS' CONFERENCE, AND ARE HOPEFUL THAT THE FEDERAL GOVERNMENT, AS PART OF ITS DEMONSTRATION OF POLITICAL WILL TO ACHIEVE PROGRESS IN MAKING S. 35 MORE PRECISE, WILL SUPPORT THIS PROPOSAL. ANOTHER STEP IN THE CLARIFICATION OF S. 35 THAT WE

FOR

PROPOSED, LAST YEAR, AND WHICH NOVA SCOTIA ALSO ADVANCED, IS THE ADDITION OF A REMEDIES CLAUSE TO S. 35.

ON THE FUNDAMENTALLY IMPORTANT ISSUE OF SELF-GOVERNMENT, MANITOBA'S STATED POSITION HAS BEEN, AS HAS THAT OF SOME OTHER GOVERNMENTS, THAT THE RIGHTS OF ABORIGINAL PEOPLES TO SELF-GOVERNMENT SHOULD BE GIVEN EXPRESS CONSTITUTIONAL RECOGNITION. WE HAVE ACKNOWLEDGED THE DESIREABILITY OF REGIONAL NEGOTIATIONS TO ENSURE THAT THE PRACTICAL IMPLEMENTATION OF SELF-GOVERNMENT REFLECTS REGIONAL AND LOCAL NEEDS AND ASPIRATIONS. OUR STATEMENT ON SELF-GOVERNMENT CALLS FOR THE ESTABLISHMENT OF APPROPRIATE MECHANISMS FOR THE CONSTITUTIONAL PROTECTION OF THE RESULTS OF REGIONAL NEGOTIATIONS. AT THE MARCH '84 CONFERENCE, ABORIGINAL ORGANIZATIONS JOINTLY PROPOSED THAT A TREATY-MAKING PROCESS SERVE AS SUCH A MECHANISM. MANITOBA HAS SUGGESTED THAT WE AGREE ON SOME FUNDAMENTALS OF GENERAL APPLICATION. ONE OF THESE FUNDAMENTALS WOULD BE THE RIGHT OF ABORIGINAL GOVERNMENTS TO TRANSFER PAYMENTS TO ENSURE THAT THEIR PEOPLE RECEIVE LEVELS OF ESSENTIAL PUBLIC SERVICES THAT ARE COMPABLE, TAKING INTO ACCOUNT THE SPECIAL SOCIAL, CULTURAL AND ECONOMIC NEEDS OF ABORIGINAL PEOPLES, TO THOSE RECEIVED BY OTHER CANADIANS.

MANITOBA LOOKS FORWARD IN THESE TWO DAYS TO AN OPEN AND INFORMATIVE EXCHANGE OF VIEWS ON THE ISSUES OF PROCESS AND THE ISSUES OF SUBSTANCE THAT WE MUST RESOLVE IN THE NEXT FEW MONTHS.