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NOTES FOR OPENING REMARKS TO THE
DECEMBER 17 AND 18 MEETING
OF FEDERAL AND PROVINCIAL MINISTERS
WITH REPRESENTATIVES OF THE ABORIGINAL PEOPLES
FEDERAL-PROVINCIAL MEETING OF MINISTERS ON
ABORIGINAL CONSTITUTIONAL MATTERS

WE ARE APPROACHING THE HALFWAY POINT IN THE PROCESS SET
OUT IN THE CONSTITUTION ACT, 1982 FOR THE NEGOTIATION OF
MATTERS AFFECTING THE ABORIGINAL PEOPLES OF CANADA.

IN REVIEWING OUR ACTIVITIES TO DATE, IT IS CLEAR THAT
SUBSTANTIAL POLITICAL WILL HAS BEEN SHOWN IN AMENDING THE

Notes for Opening Remarks

by the Honourable Norman Sterling

Provincial Secretary for Resources Development

PROVIDING GREATER CERTAINTY IN THE PROTECTION OF LAND
CLAIM AGREEMENTS AND THE RIGHTS OF WOMEN;

ESTABLISHING THE NEED FOR CONSULTATION WITH ABORIGINAL
PEOPLES ON ANY AMENDMENTS THAT WOULD DIRECTLY AFFECT
THEM; AND

Ontario

EXTENDING THE PROCESS FOR NEGOTIATING MATTERS OF
CONCERN TO ABORIGINAL PEOPLE.

NOTWITHSTANDING, IT IS ALSO EVIDENT THAT THE DIMENSIONS AND
IMPLICATIONS OF MANY REMAINING ISSUES
UNDERSTOOD AND THAT COMMON UNDERSTANDINGS WHICH COULD
GUIDE THE NEGOTIATION OF THESE ISSUES HAVE BEEN BORN TO
EMERGE.

OTTAWA, Ontario

December 17 - 18, 1984

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NOTES FOR OPENING REMARKS TO THE
DECEMBER 17 AND 18 MEETING
OF FEDERAL AND PROVINCIAL MINISTERS
WITH REPRESENTATIVES OF THE ABORIGINAL PEOPLES

WE ARE APPROACHING THE HALFWAY POINT IN THE PROCESS SET OUT IN THE CONSTITUTION ACT, 1982 FOR THE NEGOTIATION OF MATTERS AFFECTING THE ABORIGINAL PEOPLES OF CANADA.

IN REVIEWING OUR ACTIVITIES TO DATE, IT IS CLEAR THAT SUBSTANTIAL POLITICAL WILL HAS BEEN SHOWN IN AMENDING THE CONSTITUTION FOR THE PURPOSES OF:

- PROVIDING GREATER CERTAINTY IN THE PROTECTION OF LAND CLAIM AGREEMENTS AND THE RIGHTS OF WOMEN;
- ESTABLISHING THE NEED FOR CONSULTATION WITH ABORIGINAL PEOPLES ON ANY AMENDMENTS THAT WOULD DIRECTLY AFFECT THEM; AND
- EXTENDING THE PROCESS FOR NEGOTIATING MATTERS OF CONCERN TO ABORIGINAL PEOPLE.

NONETHELESS, IT IS ALSO EVIDENT THAT THE DIMENSIONS AND IMPLICATIONS OF MANY REMAINING ISSUES ARE NOT WELL UNDERSTOOD AND THAT COMMON UNDERSTANDINGS WHICH COULD GUIDE THE NEGOTIATION OF THESE ISSUES HAVE BEEN SLOW TO EMERGE.

NOTES FOR OPENING REMARKS TO THE
DECEMBER 17 AND 18 MEETING

AS A RESULT, THE RESOLUTION OF SUBSTANTIVE ISSUES, WHICH
AFTER ALL, IS THE PURPOSE OF THESE DISCUSSIONS, IS
PROVING ELUSIVE.

WHILE WE RECOGNIZE THAT ON SUBSTANTIVE MATTERS THERE ARE
NO QUICK AND EASY SOLUTIONS, WE ALSO HAVE AN URGENT SENSE
THAT REAL PROGRESS MUST NOW BE MADE. WE BELIEVE THAT IN
THE '85 FMC WE HAVE AN OPPORTUNITY TO MEET THE NEEDS AND
EXPECTATIONS OF THE ABORIGINAL PEOPLES OF CANADA THAT
MUST NOT BE DISSIPATED.

IT IS OUR VIEW, HOWEVER, THAT IF SUBSTANTIVE ISSUES ARE
TO BE RESOLVED, WE MUST FIND A WAY TO EXPEDITE OUR
PROCESS. WE SEE OUR IMMEDIATE TASK, THEN, AS ONE OF
REFINING THE PROCESS AND FOCUSING THE AGENDA.

THE POINT OF DEPARTURE FOR RESTRUCTURING DISCUSSIONS MUST
NECESSARILY BE OUR OWN PROCESS TO DATE. A BRIEF REVIEW OF
THAT PROCESS REVEALS THAT THERE ARE A NUMBER OF
FUNDAMENTAL PROBLEMS IN IT, NAMELY:

1) TOO MANY PARTIES AROUND A SINGLE TABLE FOR EFFECTIVE
NEGOTIATION;

II) TOO GREAT A DIVERGENCE IN EXPECTATIONS AND
CIRCUMSTANCES AMONG THE PARTICIPANTS FOR PRODUCTIVE
DIALOGUE;

III) TOO UNFOCUSED AN AGENDA FOR THE ADEQUATE CONSIDERATION OF ISSUES;

IV) TOO MANY UNRESOLVED ISSUES BETWEEN GOVERNMENTS WITH RESPECT TO RESPONSIBILITY AND FINANCING TO PERMIT CONSIDERATION OF THE TRADE-OFFS WHICH WILL EVENTUALLY BE NECESSARY.

IT IS OUR BELIEF THAT IF WE ARE TO OVERCOME THESE PROBLEMS, AND HENCE BE ABLE TO DEAL WITH SUBSTANTIVE ISSUES, WE NEED TO ESTABLISH BOTH AN IMPROVED PROCESS FOR THE DISCUSSION OF ABORIGINAL CONSTITUTIONAL ISSUES AND A FORUM FOR THE RESOLUTION OF INTERGOVERNMENTAL FINANCIAL AND LEGISLATIVE RESPONSIBILITIES.

CONSEQUENTLY, WE WOULD SEE THE OBJECTIVES OF THE '85 FMC AS BEING TWOFOLD, NAMELY:

1) TO SECURE A POLITICAL AGREEMENT WHICH WOULD ESTABLISH AND DEFINE A MANAGEABLE PROCESS FOR THE NEGOTIATION OF MATTERS TO BE CONSIDERED AT THE '87 FMC FOR ENTRENCHMENT IN THE CONSTITUTION; AND

11) TO OBTAIN A COMMITMENT BY GOVERNMENTS TO ATTEMPT TO RESOLVE FEDERAL-PROVINCIAL LEGISLATIVE AND FINANCIAL RESPONSIBILITIES FOR ABORIGINAL PEOPLES.

WITHOUT BEING TOO SPECIFIC AT THIS POINT, WE WOULD SEE THE POLITICAL AGREEMENT, OR ACCORD, AS ENCOMPASSING THE FOLLOWING ELEMENTS:

- I) A STATEMENT OF PRINCIPLES TO GUIDE THE PROCESS;
- II) A STATEMENT OF OBJECTIVES WHICH WOULD FOCUS THE DISCUSSIONS IN TERMS OF EXPECTED RESULTS ON SPECIFIC ISSUES;
- III) A WORKPLAN WHICH RECOGNIZES THE DESIRABILITY OF REGIONAL, TRIPARTITE DISCUSSIONS FOCUSING ON THE ISSUE OF INSTITUTIONS OF ABORIGINAL SELF-GOVERNMENT AS THEY RELATE TO EACH OF THE ABORIGINAL PEOPLES OF CANADA. SUCH DISCUSSIONS WOULD BE ORGANIZED SEPARATELY WITH EACH INDIVIDUAL GROUP. SOME ISSUES, PARTICULARLY THOSE INVOLVING METIS AND NON-STATUS INDIANS WOULD PROBABLY REQUIRE FURTHER WORK AT THE OUTSET AT THE NATIONAL LEVEL.

IN TERMS OF THE INTERGOVERNMENTAL FORUMS, WE FORESEE THE NEED FOR AN UNDERSTANDING THAT GOVERNMENTS MUST MEET PERIODICALLY TO CLARIFY RESPONSIBILITIES AND THAT THE OUTCOME OF THESE DISCUSSIONS WILL BE REPORTED BACK TO A FULL MEETING OF MINISTERS AND ABORIGINAL LEADERS PRIOR TO THE '87 FMC.

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. IN ONTARIO'S VIEW, IF THE '85 FMC CAN REACH AGREEMENT ON THESE TWO OBJECTIVES AND FINALIZE A WORKPLAN, THEN WE WILL BE WELL EQUIPPED TO TACKLE THE VERY COMPLEX AND DIFFICULT SUBSTANTIVE ISSUES THAT LIE BEFORE US.

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PSRD

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