

Mercredi describes his "path of least resistance"

by Riccardo Sala

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Osgoode Hall's Moot Court was filled last Wednesday as Ovide Mercredi, national chief of the Assembly of First Nations, outlined his constitutional program to a rapt audience.

The hour-long presentation was sponsored by the John White Society and Osgoode's First Nations Law Club.

On the Mulrone constitutional proposal, which promotes a gradual

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move to aboriginal self-government, Mercredi was blunt.

"We find it insulting that the federal government offers self-government to us," he said. "They cannot offer it. [It is] an inherent right that has to be recognized. We don't want to be put into the position of being patronised."

Instead, Mercredi proposed that the ongoing round of constitutional negotiations be used to offer Natives collective rights that would give them status as a nation equal to the French and English in Canada.

Collective rights for aboriginal peoples were a constant theme throughout Mercredi's presentation. He also drew comparisons between Quebec's desire for a "distinct society" and Native aspirations. He warned, though, that "Quebec cannot make progress on their collective rights by trouncing on the collective right of others."

The threat of assimilation by English Canada was one of many concerns held by French Quebecois that Mercredi marked as similar to Native fears.

Mercredi's support for Quebec's cause was tempered by a dramatic



plea for unity between the two solitudes.

"Our elders tell us that we have an obligation, a sacred duty to this land and to protect it for future generations. Because of this we cannot contribute to anything that will lead to the division of this country. This is what drives our goal for constitutional renewal."

Consensus was another major theme in Mercredi's argument. He noted that the 1982 repatriation of the Constitution failed because without the agreement of Quebec there was not a consensus.

"In the absence of consensus we will not be able to have a country that will stay together," he said.

Consensus was one of four con-

cepts Mercredi said are necessary for constitutional renewal.

He also said the reform process should be inclusive and involve all groups. Third, it should not limit itself to one particular area, such as senate reform, aboriginal issues or francophone issues, but deal with them as a collective entity.

The fourth point in the agenda was the enshrinement of collective rights — as opposed to traditional individual

rights — within the constitution.

Mercredi then outlined a plan where the current constitutional debate would be a springboard for self-government. Even then, Mercredi acknowledged that many features of Native self-government, such as currency and many provincial and federal laws, would remain Canadian.

"We cannot ignore the fact that we are a numerical minority," he explained, pointing out that any Native

self-government would have to rely upon the rest of Canada to improve the standard of living for Native communities.

An audience member asked Mercredi how collective rights would relate to the individual rights enshrined in the Charter of Rights.

"Maybe we can do better [than the Charter of Rights] and maybe we should be given the right to," he answered.

Mercredi said the Assembly of First Nations is following the "path of least resistance" in order to achieve their aims. That path, through the constitutional reform process, will succeed if the constitution is amended to create a "blanket" against federal and provincial intervention, Mercredi explained.

"We are not looking for a tinkering of the Canadian system, but a radical transformation," he added.

Referring to Quebec, Mercredi noted that Premier Robert Bourassa and minister Gil Remillard had earlier the same week rejected the constitutional proposal put forward by the federal government. Mercredi said he had rejected a similar proposal only hours after he first saw it.

For Native Canadians, much depends upon the success of this round of constitutional reforms. In response to the last question of the day, he said a resort to an international forum could be a possibility if the Assembly's aims could not be met through national constitutional talks.

Mercredi ended by remarking on the upcoming celebrations honouring the 1492 Columbus voyages. Responding to a question from a Black audience member, he spoke of a common bond.

"You and I have a common heritage. The Blacks were brought over as slaves; we were dispossessed of our land," Mercredi said.

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