

a set of amendments called the Meech Lake Accord. The Accord was designed to bring about Quebec's full participation in the constitutional development of Canada and effectively open the way to constitutional amendments sought by other Canadians. The Accord did not detract from aboriginal rights. Moreover, the Government of Canada made the commitment that indigenous constitutional matters would be a top priority in the next round of constitutional discussions provided for in the Accord.

In June 1990, a set of companion constitutional amendments were developed by the Prime Minister and other First Ministers to accommodate concerns respecting the Meech Lake Accord. These amendments would have guaranteed aboriginal peoples of Canada a First Ministers' Conference devoted exclusively to constitutional matters once every three years with the participation of territorial and aboriginal representatives. Additionally, the Prime Minister made significant, separate undertakings to ensure that aboriginal peoples' constitutional concerns would be addressed through related special processes.

Unfortunately, the Meech Lake Accord and companion amendments were not approved by all provincial legislatures as was required by Canada's constitutional amendment formula. In addition, many indigenous leaders rejected both the Meech Lake Accord and companion amendments.

The failure of the Meech Lake amendments means that Canada's constitutional agenda is effectively stalled. Meanwhile, however, the existing aboriginal and treaty rights of the indigenous people of Canada remain protected in Canada's constitution, and every effort is being made by the Government of Canada to address the concerns of indigenous people - including the realization of self-government for indigenous people - within the existing constitutional arrangements.

Canadian institutions continue to contribute to the advancement of indigenous rights. For example, several important decisions have been handed down recently by the Supreme Court of Canada. The highest court in the country has clarified the nature of aboriginal and treaty rights which are currently protected under the Constitution of Canada. In the Sparrow case, the Court clarified the meaning and application of section 35 of the Constitution Act, 1982, which recognizes existing aboriginal and treaty rights. This case gives a liberal interpretation of "existing aboriginal rights" and appears to broaden the fiduciary duty of the Crown towards indigenous people. In the case of fisheries, it also means that once conservation and management concerns have been addressed, priority must be given to indigenous food fishing and fishing for ceremonial purposes. In the Sioui case, the Court directed that a broad and generous approach be taken in determining whether a document is a treaty.