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remain one of practical political discussion rather than one of the judicial interpretation. Eventually self-government emerged from the ministerial level preparatory process leading up to the 1984 First Ministers' Conference as the pivotal issue, although the items dealing with equality rights and Section 35 issues were also explored intensively.

At the 1984 First Ministers' Conference, it was evident that the aboriginal representatives considered self-government to be the only acceptable means by which all of their other aspirations could be dealt with. There emerged, from their statements and positions, a firm perception that the right to "self-government" would clear away the major impediments to a better life for aboriginal peoples. Various participants at the First Ministers' Conference proposed a range of options to deal with the self-government issue, from the constitutional recognition and entrenchment of an inherent and unqualified right to aboriginal self-government to recognition of the right only after its full definition. It was out of this range of options that the challenge emerged to find a workable consensus. For its part, the federal Government presented a draft resolution to the conference which was aimed at a constitutional amendment of a non-justifiable nature which would commit Governments to the establishment of institutions of aboriginal self-government.

The conference failed to resolve any issues. The aboriginal representatives sought immediate entrenchment of self-government as a right. A majority of the provinces refused to consider the entrenchment of an undefined right that they considered could have unknown consequences and that might eventually have to be interpreted by the courts.

When this Government assumed office, in the fall of 1984, our position on aboriginal self-government was already on the record and we moved immediately to place it high on the national agenda. Since assuming office we have worked diligently in our efforts to reach consensus on constitutional change for our aboriginal peoples. An intense preparatory process was undertaken leading to the 1985 First Ministers' Conference. Four ministerial meetings and four meetings of officials were held. It was clear to us that the wide diversity of aboriginal communities, coupled with the concerns of provinces about a general undefined right of self-government, called for a flexible process that could be tailored to reflect individual community aspirations while providing for substantive participation by the provinces.

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Accordingly, in December, 1984, among Governments and aboriginal leaders at a ministerial meeting, the federal Minister of Justice made a proposal which became the core of the federal proposal tabled at the 1985 First Ministers' Conference. Under this proposal the rights of the aboriginal peoples to self-government which were set out in agreements negotiated between Governments and the aboriginal peoples concerned would have received constitutional protection.

The proposal contemplated that these rights would not be justiciable in the absence of negotiated agreements but would receive constitutional protection, along with a possible list of elements to be negotiated, such as the nature of institutions and powers and jurisdiction. Under the proposal, each level of government would negotiate within its own authority under the Constitution and any resulting agreements with representatives of aboriginal communities and groups which would have had the same constitutional status and protection as land claims agreements.

In the federal Government's view, many different forms of government would be possible under this proposal and were indeed necessary. It had become clear that in most cases the appropriate unit of self-government would be the community or band, and this fact itself would likely lead to great diversity. Some communities, especially those that are very small, would wish to join with others in a regional, tribal treaty or other group. This, too, would be possible as long as all communities involved consent. Some forms of government would be based on aboriginal membership, some would not. Under its proposal the federal Government indicated a willingness to consider a wide range of possibilities in working with aboriginal peoples and other Governments.

At the meeting in December many Governments argued that the parties should be working on practical issues that would benefit the aboriginal peoples. The federal Government agreed with that but believed that a constitutional amendment recognizing self-government subject to definition through negotiations would lead to a measured approach and pave the way to practical community level discussions.

The Prime Minister (Mr. Mulroney) convened a First Ministers' Conference in April, 1985. The focus of the meeting was on aboriginal self-government and on a specific federal proposal for a constitutional amendment and accompanying political accord. The Prime Minister expressed the Government's view that "it is through self-government that a people can maintain the sense of pride and self-worth which is necessary for productive and happy lives".

He also stated that "constitutional protection for the principle of self-government is an over-riding objective because it is the constitutional manifestation of a relationship, an unbreakable social contract between aboriginal peoples and their Government.

There were moments in the course of the conference when agreement appeared close and, although such agreement was ultimately not achieved, an unprecedented level of consensus was reached. Seven provinces appeared ready to support a modification of the federal draft proposed by Saskatchewan if a majority of the aboriginal associations at the table agreed. Two did not.

The Assembly of First Nations stated that it could accept nothing less than recognition of an inherent and unqualified right to self-government. The Inuit Committee on National Issues withheld its approval because of its concern about