

MONDAY, SEPTEMBER 28, 1992

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MEMBERS PRESENT

Hon. Titus Allooloo, Mr. Antoine, Mr. Arngha'naaq, Hon. James Arvaluk, Hon. Michael Ballantyne, Mr. Bernhard, Hon. Nellie Cournoyea, Mr. Dent, Mr. Gargan, Hon. Stephen Kakfwi, Mr. Koe, Mr. Lewis, Mrs. Marie-Jewell, Ms. Mike, Hon. Don Morin, Mr. Nerysoo, Mr. Ningark, Hon. Dennis Patterson, Hon. John Pollard, Mr. Pudlat, Mr. Pudluk, Hon. Tony Whitford, Mr. Zoe

ITEM 1: PRAYER

---Prayer

Speaker's Ruling On Sub judice

SPEAKER (Hon. Michael Ballantyne):

Good afternoon. Before we proceed today, I am going to give my decision on the point of privilege made by Mrs. Marie-Jewell on Thursday, September 24, 1992. Where she asked the Minister of Health, the Honourable Dennis Patterson, a question relating to the process surrounding an inquiry, established pursuant to the Medical Profession Act. A board of inquiry has been duly constituted pursuant to the Act, however, the inquiry is in its early stages, and to the Chair's knowledge, no evidence has yet been given in the inquiry. As the issue of sub judice has been raised with increasing frequency in this Assembly, I, therefore, allowed debate on this issue, and advised Members that I would take some time to consider their comments, and review our rules and various parliamentary authorities, before rendering my ruling.

Rule 35(g) provides that a Member will be called to order if the Member refers to any matter that is before any quasi-judicial administrative, or investigative, body constituted by the Assembly, by or under the authority of an Act of the Assembly, or where any such person may be prejudiced in such a matter by the reference. This rule is a "codification" of the long-standing parliamentary convention prohibiting Members from commenting on matters before judicial bodies.

The purpose of the sub judice convention is twofold: to protect the interested parties from prejudice, and to maintain a separation and mutual respect between the legislative and judicial branches of government.

The sub judice convention is straightforward as it applies to criminal matters. Parliamentary precedents are consistent in barring any reference to criminal matters pending before a court. Comments by Members of criminal matters being considered by a court may result in prejudice to the accused, and the development of a public perception that the Legislature is attempting to influence the judiciary. The independence of the judicial system, and the rights of the accused, are simply too important to allow this to happen.

The rule as it applies to civil matters, particularly those pending before a quasi-judicial tribunal, is less clear and, hence, the sub judice convention becomes more difficult to apply. Beauchesne's Parliamentary Rules & Forms, 6th edition, citation 507(1), notes "that no settled practice has been developed in relation to civil cases, as the convention has been applied in some cases but not in others". Thus, the application of this ill-defined convention, as it is applied to civil matters, is left to the relevant Speaker, and considerable discretion exists in determining when, and under what circumstances, a question will offend the convention.

The discretion allowed the Speaker is necessary, for it is not possible to devise a rule which would have a general and exact application to every factual scenario that Members may pose.

While it is not possible to define exactly when sub judice is applicable, discretion should not be exercised in a vacuum, and guidelines should be adopted which will govern the exercise of the Speaker's discretion. After reviewing the relevant authorities and principles, I feel that the following principles are applicable when determining whether a question violates Rule 35(g), and the general sub judice convention:

1. The freedom of speech accorded to Members in this House is vital to the Member's ability to perform their duties, and adequately represent the needs and interest of their constituents. Freedom of speech is the cornerstone of our democratic system. The application of the sub judice rule is a fetter on a Member's freedom of speech and, hence, the convention should be restrictively interpreted. The Speaker should interfere with that freedom of speech only in exceptional cases where it is clear that to do could be harmful to specific individuals. (Beauchesne's 511)

2. The rights of litigants to a fair trial, free from the possibility of prejudice occasioned by a public debate on the very issues before the trial judge, must also be protected. Generally, Speaker comments which seek to influence parties, witnesses, or decision-makers, will be inappropriate. In these circumstances, a Member's freedom of speech must give way to the importance of preserving the independence of the decision making process. It is not enough for justice to be done, it must also be seen to be done.

3. Questions, or debate, relating to the content of a matter before a separate decision making party will, generally speaking, be inappropriate, and will be disallowed. This would include, for example, questions relating to evidence given at an inquiry, or questions designed to comment on, or influence, the very matter before a decision maker. Questions relating to procedure, or process, particularly at the pre-hearing stage, will, generally speaking, be allowed, given that they do not seek to substitute this Legislature's opinions for that of the outside tribunal.

4. While the Chair has the ultimate responsibility of determining when a matter is sub judice, all Members should share in the responsibility of protecting the independence of decision making bodies, established under Acts of this Legislature.

A Member who feels that there could be a risk of causing prejudice in referring to a particular case, or inquiry, should refrain from raising the matter.

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5. Where a real doubt exists in the mind of the Chair, as to whether a question would prejudice the litigants, or the independence, of the decision making process, the Chair should exercise its discretion in favour of allowing debate on the issue, and against the application of the sub judice convention.

In applying the above principles to the question asked by the Member for Thebacha, I have not been persuaded that prejudice would result, or be seen to result, if the Member is permitted to ask a question concerning the process of establishing the inquiry. The process of giving evidence is not yet under way. Further, the Member's question concerns a procedural, process oriented issue, and is not related to the actual subject matter of the inquiry. Accordingly, should the Member wish, I will permit her to raise her question as posed on Thursday, September 24, 1992.

As indicated, this a lengthy ruling, but I felt that Members should be aware of the principles that the Chair will apply in debate when deciding on the use of the sub judice convention. I would also hope that Members would exercise their responsibility when asking questions, and to also be guided by these principles.

Thank you.

Item 2, Ministers' statements. Mr. Whitford.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 99-12(2): Lac La Martre Airport Opening

HON. TONY WHITFORD:

Thank you, Mr. Speaker. Mr. Speaker, it is with great pleasure that I inform the House, that later today, I, along with the Member for North Slave, Mr. Zoe will be flying to Lac La Martre to celebrate, with the community, the opening of its new airport.

The Department of Transportation was able to build the airport through a fifty-fifty cost sharing agreement, with Transport Canada, for the construction of seven new community airports in the Northwest Territories. The cost sharing construction agreement was negotiated as part and parcel of the Arctic airports transfer agreement in 1990.

The new airport brings several benefits to the community of Lac La Martre. The old airport was located inside the community, and was restricting the community's growth. The land taken up by the old airport is now available for community expansion.

The new airport is also better for the aircraft companies, and pilots, who serve Lac La Martre. With a length of 3,000 feet, the new runway gives the pilots an extra 800 feet of safety margin for their take-offs and landings. The new runway is also on a better alignment which should eliminate the problem the old airstrip had with cross-winds.

As the Minister of Transportation, I am especially proud of the way the department carefully managed the project, so that the people of Lac La Martre could make the most of the employment opportunities the project offered. As part of the opening ceremonies today, fifteen residents will receive the Arctic College Heavy Equipment Diplomas that they earned while on the job.

All in all, I am proud to say that the opening of the Lac La Martre airport later today will be a big success for everyone involved. Thank you, Mr. Speaker.

MR. SPEAKER:

Item 2, Ministers' statements. Item 3, Members' statements.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Board Of Inquiry On Fort Smith Health Centre

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Mr. Speaker, before giving my Member's statement, I want to take the time to thank you for your ruling on the matter of privilege, I brought before this House last Thursday. I believe that your direction, Mr. Speaker, on this will be useful for all honourable Members, in this House, when dealing with sub judice convention.

I would like to make a few comments today, however, because I am still concerned about the process used by the Minister of Health with respect to a Board of Inquiry, established under the Medical Profession Act, to deal with certain matters at the Fort Smith Health Centre. The Minister of Health, on September 9, was asked about the development of standards for a board of inquiry, of a report prepared by two doctors from Saskatchewan.

The Minister responded, and I refer to page 3075 of our unedited transcripts, of that particular date, regarding the board of inquiry, and I quote the Minister's response: "The board of inquiry is an independent procedure which I would describe as a peer review, the same way that doctors, pharmacists, and other professionals discipline themselves."

It is not something that is geared by the government, the Minister, or the department? Mr. Speaker, I do not know if the Minister can continue to take this position when the department's own lawyer is acting for the one who is issuing notices of summons, and acting for the board of inquiry. Who is giving her the instructions to do this? Clearly, it must be someone within the Department of Health, or the Department of Justice. I state that because, that is where the employee works.

Honourable Members should be as concerned as I am with this Minister, who may not be keeping an arms length distance from this, supposedly,

independent process. Honourable Members should be concerned that the Department of Health may be attempting to steer this process in the same way it attempts to run health and hospital boards across the territories, and overriding the wishes of our communities and regions in favour of its headquarters's perspectives.

I do intend to further my questioning on this important issue today because, as you had said...

MR. SPEAKER:

Mrs. Marie-Jewell, your allotted time has elapsed.

MRS. MARIE-JEWELL:

I seek unanimous consent to continue.

MR. SPEAKER:

The honourable Member is seeking unanimous consent. Are there any nays? There are no nays, please continue Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Mr. Speaker, as I stated, I will continue to pursue this line of questioning today. As you had stated,

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justice must not only be done, but it must also seem to be done. Thank you.

MR. SPEAKER:

Item 3, Members' statements. Item 4, returns to oral questions. Item 5, oral questions. Mr. Pudlat.

ITEM 5: ORAL QUESTIONS

Question O862-12(2): Reason For Increased Airfares In The Eastern Arctic

MR. PUDLAT:

(Translation) Thank you, Mr. Speaker. I have a question for the Minister of Transportation. As we all know, everything is going up in price, but I would like to ask the Minister of Transportation, in regards to airlines, I do not know if the airfares are going up in the west, but the airfares in the eastern Arctic are increasing. I am wondering if the Minister has ever been notified of the proposed increases in airfares, and if he knows anything about these proposed increases?

For those of us that have to travel back and forth on airlines in the eastern arctic, it has a significant impact on us. Airfare increases in the eastern Arctic are increasing every year practically. I am wondering if the Minister of Transportation has been notified of these proposed increases? Thank you, Mr. Speaker.

MR. SPEAKER:

Mr. Whitford.

Return To Question O862-12(2): Reason For Increased Airfares In The Eastern Arctic

HON. TONY WHITFORD:

Yes, thank you, Mr. Speaker. No, I have not been advised that there are airfare increases in the Member's region. I have not got any word from anyone.

MR. SPEAKER:

Item 5, oral questions. Mr. Dent.

Question O863-12(2): Progress With Moving Companies Regarding Proposed Tariff

MR. DENT:

Thank you, Mr. Speaker. My question is for the Minister of Personnel. Mr. Speaker, the Minister is aware of my concerns regarding the lack of consultation between his department, and the moving industry, about the development of a tariff for the movement of G.N.W.T. employees' goods. On September 17, 1992, the Minister advised the House that he was committed to making good use of the delay, in the institution of the tariff, making sure that officials will now speak to the people affected.

My question is, will the Minister advise the House as to what progress his department has now made, in conducting negotiations with moving industry representatives, towards a solution to this issue?

MR. SPEAKER:

Mr. Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Speaker, without notice of the question, I have no way to prepare a statement advising the House on progress today. I have to take it as notice. Thank you.

MR. SPEAKER:

Question has been taken as notice. Item 5, oral questions. Mr. Pudlat.

Question O864-12(2): Reason For Increased Airfares In The Eastern Arctic

MR. PUDLAT:

(Translation) Mr. Speaker, I am sorry, if I could only go back to my oral question? Thank you, Mr. Speaker. I will be asking another question to the Minister of Transportation. I wish to have further clarification on his response. I think that we, as individuals, have to be informed as soon as possible as to when there are going to be increases proposed, particularly on the airlines, and we all know that prices are forever going up in the north.

We had just heard that the increase will be about \$2.00 or more on airfares in the eastern Arctic. They just recently had increases on airfares. We all know that unemployment is extremely high in the north, and this is going to have a very big impact on individuals in the communities. I am asking if the Minister could be more informative on the proposed increases on airfares. I do not know what kind of procedures they have. When airlines are going to be increasing their airfares, I wish to ask the Minister if he can inform us, as soon as possible, when he hears of these increases. Thank you, Mr. Speaker.

MR. SPEAKER:

New question, Mr. Whitford.

Return To Question O864-12(2): Reason For Increase In Airfare In The Eastern Arctic

HON. TONY WHITFORD:

Thank you, Mr. Speaker. Yes, Mr. Speaker, in my first reply I stated that I had not heard of any increases. I will endeavour to find out from the airline companies that fly here, if there are to be any increases, and get that information to the Member. It is not something that our department becomes involved in, setting of the prices for commercial air travel. What I will do, Mr. Speaker, is find out from First Air, I think that is the company that is into Lake Harbour and area, if indeed, there has been price increases, and get that information to the Member. In addition to that, Mr. Speaker, I will ask them if they would be so kind as to provide that to the communities, in advance. Thank you.

MR. SPEAKER:

Oral questions. Mrs. Marie-Jewell.

Question O865-12(2): Departmental Officials To Meet With Moving Companies

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I would like to pose a question to the Minister of Personnel. Mr. Speaker, some time this month, I cannot recall the exact date, we asked the Minister if he would give his department direction to meet with the moving companies. I would like to ask him, in regards to the tariff that the G.N.W.T. is wanting to impose on moving companies, if this direction had been relayed to his department to meet with the moving companies? Thank you.

MR. SPEAKER:

Mr. Kakfwi.

Return To Question O865-12(2): Departmental Officials To Meet With Moving Companies

HON. STEPHEN KAKFWI:

Mr. Speaker, the direction was relayed to the Department of Personnel the same day. Beyond that, what they have done is met with the companies. Whether they can set a date, find suitable dates in everyone's hectic schedule, I am not advised of it. That is why I had taken the earlier question as notice. Thank you.

MR. SPEAKER:

Oral questions. Mr. Lewis.

Question O866-12(2): Progress On Paving Mackenzie Highway

MR. LEWIS:

Thank you, Mr. Speaker. My question is for the Minister of Transportation. I would like to ask the Minister, what progress has been made on paving the road from

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Providence to Yellowknife, as outlined in the government long-term plans for transportation?

MR. SPEAKER:

Mr. Whitford.

Return To Question O866-12(2): Progress On Paving Mackenzie Highway

HON. TONY WHITFORD:

Thank you, Mr. Speaker. I do not know where to begin. Mr. Speaker, great process has been made. The plans are well under way for a five year period to reconstruct the highway between the junction, which begins highway three, to the junction of highway four which is over by the power plant. This past year there has been quite a bit of work from the junction to about 45 kilometres east of the river on highway three, that has already received chip seal. It was reconstructed last year, and received chip seal this year. Over a period of five years, the road will be reconstructed up as far as the airport here in Yellowknife, completing the project.

MR. SPEAKER:

Supplementary, Mr. Lewis.

Supplementary To Question O866-12(2): Progress On Paving Mackenzie Highway

MR. LEWIS:

Thank you, Mr. Speaker. Does that mean that the last strip of this road will be the road that is built from Yellowknife back towards the Rae junction, which we all know is the most travelled road in the Northwest Territories. It includes not only traffic to and from the south, but also to and from Yellowknife to Fort Rae. Will you confirm that the last chunk of this road will be the road from Rae to Yellowknife?

MR. SPEAKER:

Mr. Whitford.

Further Return To Question O866-12(2): Progress On Paving Mackenzie Highway

HON. TONY WHITFORD:

Yes, Mr. Speaker, it is the most travelled.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Lewis.

Supplementary To Question O866-12(2): Progress On Paving Mackenzie Highway

MR. LEWIS:

The Minister has concurred with me that it is the most travelled road, Mr. Speaker. My question is, is there a plan within this five year plan, to include paving the road from the Yellowknife airport as far as Fort Rae? Will he confirm that, in fact, is going to be done within five years?

MR. SPEAKER:

Mr. Whitford.

Further Return To Question O866-12(2): Progress On Paving Mackenzie Highway

HON. TONY WHITFORD:

Thank you, Mr. Speaker. The short answer to that is yes.

MR. SPEAKER:

Oral questions. Mr. Gargan.

Question O867-12(2): W.C.B. Policy For Traditional Harvesters

MR. GARGAN:

Thank you. I would like to direct my question to the Minister of W.C.B. Mr. Speaker, I have a question, on September 23, I asked the Minister whether he had met his earlier commitment to develop a new policy for defining who is eligible to receive workers' compensation as a traditional harvester. He did indicate that he had not met that commitment, and that the new policy has still not been developed. In the absence of a new policy in this area, can the Minister advise the House what definition the Workers' Compensation Board is using to decide who is, and is not, eligible for compensation if they are injured while in the course of traditional hunting, trapping or fishing?

MR. SPEAKER:

Mr. Patterson.

Return To Question O867-12(2): W.C.B. Policy For Traditional Harvesters

HON. DENNIS PATTERSON:

Mr. Speaker, the Workers' Compensation Board is using the old definition of "principally engaged" for the purpose of defining who is eligible for W.C.B.

coverage when a hunter is injured. That is quite a restrictive definition. That is the one that is in use, at the moment, in the absence of a new definition. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Gargan.

Supplementary To Question O867-12(2): W.C.B. Policy For Traditional Harvesters

MR. GARGAN:

Thank you. The Minister is using the old policy right now. I would like to ask the Minister, he should be fully aware that the policy for defining who is "principally engaged" and hunting and trapping has been criticized by traditional harvesters across the Northwest Territories. That was criticized by the Standing Committee on Agencies, Boards and Commissions. Even the Workers' Compensation Board's own appeal committee has ruled that the policy is contrary to the spirit of the legislation. Recognizing those facts, can the Minister explain how he can possibly justify the continued use of this policy by the Workers' Compensation Board?

MR. SPEAKER:

Mr. Patterson.

Further Return To Question O867-12(2): W.C.B. Policy For Traditional Harvesters

HON. DENNIS PATTERSON:

Mr. Speaker, the Department of Renewable Resources pays all the bills for a claim by a hunter under the Workers' Compensation Board and its policies. The W.C.B. is simply a device for assessing the claim, and deciding the extent of disability. Once that is done, unlike the other claims that come to the W.C.B., the Department of Renewable Resources pays the bills. The Member has asked for a broader definition to include more hunters. It has been recommended by the Standing Committee on Agencies, Boards and Commissions in its review of the W.C.B. It has been criticized by the W.C.B.'s own appeal committee, I acknowledge that. Mr. Speaker, until the Department of Renewable Resources can accept the financial commitment that a broader definition will require and identify the funds, and approve what is in effect new guidelines for paying these claims, there will be no money to pay under a more generous definition. So, I am waiting for the

department, which is going to pay the bills, to accept the new definition, to budget the necessary monies, once that is done, and we are close to having that done, Mr. Speaker, then the board will be happy to apply the new policy. The board is not the problem. The problem is identifying the necessary funds. Thank you.

MR. SPEAKER:

Supplementary, Mr. Gargan.

Supplementary To Question O867-12(2): W.C.B. Policy For Traditional Harvesters

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MR. GARGAN:

Thank you, Mr. Speaker. Based on the definition under section 10-1 of the Workers' Compensation Board, can the Minister tell the House, if compensation has been denied since May of this year.

MR. SPEAKER:

Mr. Patterson.

Further Return To Question O867-12(2): W.C.B. Policy For Traditional Harvesters

HON. DENNIS PATTERSON:

Mr. Speaker, as I understand it, recently there have been few claims, and of those claims from hunters and trappers, there have been some that have been denied. So, if the Member is getting at the fact that claims are being held up by the process to redefine "principally engaged", then he is correct on that. Thank you.

MR. SPEAKER:

Oral questions. Mrs. Marie-Jewell.

Question O868-12(2): Authority Responsible For Delivery Of Legal Documents To Board Of Inquiry

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. I have an oral question for the Minister of Justice. The question that I had posed on Thursday, I would like to repeat. Mr. Speaker, I want to indicate that it is not my intention to refer to the substance of any matter before the board. The question refers to the process.

Mr. Speaker, on September 9, the Minister assured the House that the board of inquiry was an independent procedure, and it is not something steered by the government, or the Minister of the department. I have been advised that certain documents have recently been served upon individuals by legal counsel for the Department of Justice.

I would like to ask the Minister, can the Minister advise the House who directed legal counsel to serve these documents? I am aware that Dr. Covert, the President of the board of inquiry, is presently unavailable on holidays up until today, and he has apparently been scheduled back to the territories, today, to address this board of inquiry. Thank you.

MR. SPEAKER:

Mr. Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Speaker, I would have to take that question as notice. I am sure that Members would understand that it is important to get to who is responsible for actions that are taken in a legal context, to be explicit and clear, and I will take it as notice. Thank you.

MR. SPEAKER:

Question has been taken as notice. Oral questions. New question Mrs. Marie-Jewell.

Question O869-12(2): Timeframe For Proceeding With Public Inquiry

MRS. MARIE-JEWELL:

Thank you, Mr. Speaker. Since that Minister could not answer, I will pose a new question to the Minister of Health.

Mr. Speaker, on Friday, September 25, I posed a question to the Government Leader, since the Minister of Health was not available, and I asked the Government Leader, in regards to the decision on the motion that we posed, brought forth, and debated, in this House, successfully passed on September 14, regarding the public inquiry, which is separate from the board of inquiry that the Minister has established.

I would like to ask the Minister of Health whether, or not, they will proceed with this public inquiry, and when? Thank you.

MR. SPEAKER:

That was two questions to the Minister, and we have dealt with one of them. Mr. Patterson.

Return To Question O869-12(2): Timeframe For Proceeding With Public Inquiry

HON. DENNIS PATTERSON:

Mr. Speaker, the Cabinet has agreed to proceed with a public inquiry into the Public Inquiries Act, and I will be making a more detailed statement to, perhaps, answer the Member's further questions tomorrow in the House. Thank you.

MR. SPEAKER:

Item 5, oral questions. Item 6, written questions. Mr. Nerysoo.

ITEM 6: WRITTEN QUESTIONS

Question 62-12(2): Moving And Hook-up Of Power Poles

MR. NERYSOO:

Thank you, Mr. Speaker. This is a written question to the Minister responsible for the Housing Corporation. Would the Minister responsible for the N.W.T. Power Corporation table, in this House, the policy of moving power poles, including hook-up, that accommodates private homeowners. Mr. Speaker, exactly how many power poles were moved throughout the N.W.T. to accommodate homeowners would the Minister break this down into regions, and further into communities. Would the Minister provide the following detailed information for power poles that were moved: did the N.W.T. Power Corporation assume the costs associated to moving power poles, and the hooking up of private homeowners; further, did the Power Corporation assume the costs associated to add special anti-vibration systems to homes; and would the Minister indicate if the N.W.T. Power Corporation assumed the responsibility for all costs associated with moving power poles?

Now, Mr. Speaker, if I could ask the honourable Member if she could provide the information before Thursday. Thank you.

MR. SPEAKER:

Written questions, Mr. Koe.

Question 63-12(2): Professional Development And Training Courses

MR. KOE:

Thank you, Mr. Speaker. I have a written question to the Minister of Social Services. I am aware that the Department sponsors employees, and some contract employees, for professional development and training. Will the Minister provide the following information:

a) What courses have staff, and contract employees, taken in the fiscal years 1989-90, 1990-91, and 1991-92;

b) Where were these courses held;

c) Who attended the courses which were held outside of the Northwest Territories; and

d) What were the total costs of sponsoring these employees to take these courses in the N.W.T., and outside the N.W.T.?

Thank you.

MR. SPEAKER:

Item 6, written questions. Item 7, returns to written questions. Item 8, replies to opening address. Item 9, petitions. Item 10, reports of standing and special committees. Item 11, reports of committees on the review of bills. Item 12, tabling of documents, Mr. Pollard.

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ITEM 12: TABLING OF DOCUMENTS

HON. JOHN POLLARD:

Thank you, Mr. Speaker. Mr. Speaker, I wish to table the following document, Tabled Document 98-12(2), the Baffin Region Sub-Committee on Fisheries, Exploratory Fishing Plan, 1991-1996, in English and Inuktitut. Thank you, Mr. Speaker.

MR. SPEAKER:

Item 12, tabling of documents. Item 13, notices of motion. Item 14, notices of motions for first reading of bills. Mr. Pollard.

ITEM 14: NOTICES OF MOTIONS FOR FIRST READING OF BILLS

Bill 34: Supplementary Appropriation Act No 2, 1992-93

HON. JOHN POLLARD:

Mr. Speaker, I give notice that on Wednesday, September 30, 1992, I shall move that Bill 34, Supplementary Appropriation Act No. 2, 1992-93 be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER:

Item 14, notices of motions for first reading of bills.
Item 15, motions. Mr. Kakfwi.

ITEM 15: MOTIONS

Motion 36-12(2): Tabled Document 66-12(2)
"Working Toward A Common Future"

HON. STEPHEN KAKFWI:

Mr. Speaker, I would like to move that,

WHEREAS the document, "Working Towards a Common Future", phase one report of the commission for constitutional development was tabled in the Legislative Assembly on June 29, 1992, tabled document 66-12(2);

AND WHEREAS this matter should be thoroughly discussed by the Legislative Assembly;

NOW THEREFORE I MOVE, seconded by the Honourable Member for Tu Nedhe, that tabled document 66-12(2), titled "Working Towards a Common Future", be moved into the Committee of the Whole for discussion;

AND FURTHER that the Legislative Assembly invite members from the Committee of Political Leaders to appear before the committee of the whole as witnesses when tabled document 66-12(2) is discussed.

Thank you.

MR. SPEAKER:

Mr. Kakfwi, your seconder is not in the House.

HON. STEPHEN KAKFWI:

Mr. Speaker, the seconder of the motion is the Member for Yellowknife South.

MR. SPEAKER:

Thank you, Mr. Kakfwi. Your motion is in order. To the motion. Mr. Kakfwi. Secunder, Mr. Whitford. To the motion. Mr. Kakfwi, you can conclude debate. Question has been called. All those in favour? All those opposed? Motion is carried.

---Carried

Tabled document 66-12(2), put into committee of the whole. Item 16, first reading of bills. Item 17, second reading of bills. Item 18, consideration in committee of the whole of bills and other matters: tabled document 9-12(2), Strength at Two Levels; tabled document 10-12(2), Reshaping Northern Government; tabled document 62-12(2), Report on Northwest Territories Operations at Expo '92 as at May 31, 1992; tabled document 70-12(2), "The Justice House" Report of the Special Advisor on Gender Equality; motion 6, Discussion on "Sobriety Clause in Contribution Agreements"; committee report 10-12(2), Special Committee on Constitutional Reform Report on the Multilateral Conferences on the Constitution; committee report 17-12(2), Report on the Review of the 1992-93 Main Estimates; committee report 18-12(2), Multilateral Meetings on the Constitution and First Ministers' - Aboriginal Leaders' Conferences on the Constitution; Bill 9, An Act to Amend the Insurance Act; Bill 31, An Act to Amend the Student Financial Assistance Act; Bill 32, An Act to Amend the Young Offenders Act, No. 2; Bill 33, Appropriation Act No. 2, 1992-93; Minister's statement 82-12(2), Update on the National Constitutional Reform Negotiations; and, tabled document 66-12(2), "Working Towards a Common Future", with Mr. Ningark in the Chair.

ITEM 18: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

CHAIRMAN (Mr. Ningark):

Thank you for your attention. The committee will now come to order. Yesterday when we concluded in the committee of the whole, we were discussing the Department of Justice. What is the wish of the committee? Mr. Nerysoo.

MR. NERYSOO:

Mr. Chairman, I believe that we should deal with committee report 18-12(2), committee report 10-12(2) and Minister's statement 82-12(2).

CHAIRMAN (Mr. Ningark):

Thank you. Does the committee agree that we deal with these items?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Ningark):

Thank you. We are now dealing with committee report 18-12(2). Mr. Kakfwi, do you have any opening remarks that you would like to present to this committee?

Introductory Remarks, Committee Report 18-12(2)

HON. STEPHEN KAKFWI:

(Translation begins) Mr. Chairman, when the special committee presented its June 16 report on the state of national constitutional reform negotiations, there was uncertainty at the time about ever achieving a "best efforts" package which all participants could support.

There was concern that the federal government may proceed with its own unilateral proposal which might have compromised the delicate balance and some of the hard fought achievements negotiated by each participant in the multilateral round.

Finally, there was concern that a unilateral federal approach would risk further alienating individual provinces and territories, regions, aboriginal first nations and others who had placed their faith in reaching a true consensus through the multilateral process.

However, ongoing negotiations over the summer months involving Ministers, first Ministers, and aboriginal leaders, eventually succeeded in convincing Quebec to formally join the constitutional talks which culminated on August 28 with the Charlottetown Consensus Report.

Mr. Chairman, when the special committee tabled its most recent report last week, the House was provided with a detailed accounting of the events of the last two months and recommendations from the Charlottetown

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Consensus Agreement. We do not propose to cover all of this material again.

Rather, the special committee suggests that our objectives for today's proceedings should be:

- To hear from our distinguished guests, who played such a crucial role in developing this historic reform package;

- To have Members debate and question the Consensus Report and the broader issue of national constitutional reform;

- To reflect upon recent criticism of the agreement, including those outstanding and unresolved issues that are not adequately addressed in reform package;

- To provide the special committee with further direction during this crucial period as Canadians prepare to vote on the consensus package in the national referendum; and

- To recommend that the Legislative Assembly of the Northwest Territories consider a motion during this Session which formally expresses its support for the consensus agreement.

(Translation ends)

To set the context for part of this afternoon's debate, it is important that Members are reminded of the terms of reference, which this House approved on April 1, 1992, which guided the special committee's work and the participation of the Northwest Territories government and Legislature in the constitutional negotiations. Briefly, we were directed:

- To enshrine the inherent right to aboriginal self-government in the Canadian Constitution;

- To achieve full and meaningful participation for territories at all future national level meetings and conferences on economic, aboriginal and constitutional matters;

- To change the Constitution's amending formula to return the exclusive authority for creating new provinces to the government and Parliament of Canada;

- To protect territorial interests in constitutional amendments relating to the division of powers and the Canadian economic union; and

- To ensure territorial representation in a reformed Senate and the right to nominate of qualified Northwest Territories residents for vacancies on the Supreme Court of Canada.

Mr. Chairman, the special committee's report and September 16 presentation to the house provides the

substance on how the Charlottetown Consensus Report reflects each of the terms of reference.

While I will comment in a moment on outstanding and unresolved issues which remain of concern to the special committee, I want to simply state on behalf of my colleagues that the consensus agreement represents an achievement of historic significance for the Northwest Territories and for Canada.

From our perspective, first, the inherent right to aboriginal self-government will be entrenched. Political accords and constitutional amendments will guarantee territorial participation in future talks at the national level. The Constitution's amending formula will be changed so that parliament alone can create new provinces. The amending formula will also be changed to require the federal government to obtain the consent of our Legislative Assembly before making changes to the Northwest Territories.

New division of powers arrangements will allow protection of federal-territorial agreements from unilateral change by the federal government. Territories will be able to nominate qualified northern residents to sit as judges in Canada's Supreme Court, and representation for the Northwest Territories in a reformed Senate will be guaranteed.

Mr. Chairman, these achievements for the north are not just the result of hard work during the last six months by the Premier, special committee members, territorial officials and other northern and aboriginal leaders, like Mary Simon, Rosemarie Kuptana, Gary Bohnet, Roger Gruben, Ethel Blondin and Jack Anawak.

(Translation begins) These achievements represent the culmination of dedicated hard work over the past two decades by territorial aboriginal organizations and leaders like Georges Erasmus and John Amagoalik, who have consistently assumed a prominent and influential role at the national level.

They also reflect the determination of past and current Members of this House, including Mr. Braden, Mr. Nerysoo, Mr. Sibbeston, Mr. Patterson, Mr. Ballantyne, Premier Cournoyea, and others who have laid the groundwork for our success in this round through strong, persistent leadership, lobbying those who would listen, court challenges, and numerous appearances over the past decade before federal and provincial committees and task forces on national constitutional reform. (Translation ends)

The support for northern constitutional issues and encouragement, which our delegation received from Constitutional Affairs Minister Clark, the Premiers of the provinces, and the Ministers during the past six months, have also resulted in the achievements to date.

Mr. Chairman, while well deserved compliments are in order, the reality is that the constitutional reform package does not address a number of outstanding, and unresolved, constitutional issues to the satisfaction of some Canadians and the organizations which represent their interests. Furthermore, there are elements of the package which could have significant implications for the Northwest Territories.

For example, the Native Women's Association of Canada objects to their being excluded from the constitutional negotiation process and the provisions of the reform package which, they believe, do not sufficiently guarantee equality of aboriginal men and women, and protection for aboriginal women under the Charter of Rights and Freedoms.

The National Action Committee on the Status of Women has come out against the reform package because they believe it does not adequately protect the rights of women and other equality seeking groups, and does not guarantee seats for women in the Senate. The Action Committee is also concerned about the erosion of government commitments to national social programs resulting from limitations on the federal spending power.

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The One Voice Seniors Network is critical of the reform package because the provisions respecting social services, like housing, health care, and social services, are guiding principles that are not intended to be enforceable through the courts. Organizations representing the handicapped have made a credible argument to ensure that references be included in the Canada clause to protect their interests.

Environmentalists are concerned that the package does not take into account the need for constitutional measures to protect the environment, given recognition of exclusive provincial jurisdiction in mining, forestry, tourism, and urban affairs. Members of this House have questioned the impact, the commitment to future talks on the Canadian common market, which could affect our government's role in developing the Northwest Territories economy and

business sector through preference policies and programs.

We must also examine the implications that federal restraint measures, such as the recent decision to reduce contributions for social housing programs, will have upon the new division of powers arrangements, and bilateral safeguard agreements to maintain federal spending in the Northwest Territories.

Any federal decisions to significantly reduce expenditures prior to the negotiation of bilateral safeguard agreements on spending in the Northwest Territories for housing, tourism, culture, recreation, labour market training, regional economic development, mining, and forestry, will obviously generate uncertainty about our ability to secure adequate federal funding through the intergovernmental agreement mechanism.

We are genuinely interested, and concerned, about a stampede amongst provincial and territorial governments to negotiate bilateral agreements as quickly as possible for declining federal expenditures in these areas. The Metis Nation Accord could mean a significant departure from our current approach to settlement of claims if adopted in the Northwest Territories. It could lead to separate Dene and Metis claims and self-government agreements which could end our tradition of joint settlement of these issues.

With regret, I would note that chiefs representing Six and Seven First Nations have concluded that the reform package represents an unacceptable compromise.

(Translation) I say to you that these and other outstanding, or unresolved, issues should be addressed in the course of our debate this afternoon, and during the remainder of this session. Directions from the House on these matters is crucial for the committee's ongoing participation in the reform process leading up to, and following, the national referendum.

Mr. Speaker, the special committee, along with all of the other participants in the process, which has taken place over the last six months, agree that the reform package is not perfect. (Translation ends)

Restructuring of our institutions of government, and the laws which further define how we relate to each other, will correct mistakes from the past and prepare Canada for the future. A "no" vote, or a "yes" vote, in the upcoming referendum will not immediately

translate into constitutional peace and harmony for Canada or aboriginal First Nations in the Northwest Territories, nor will it resolve financial issues and help housing or resource control. It will surely provide the basis for all of us to work positively towards our greater goal of a united Canada, and a just society that we can all begin to feel a part of.

If the package is approved by Canadians, there will be further work required to implement the far reaching changes which an amended Constitution will require. Fortunately, this work will take place within a constitutional framework, which guides the change and reform. If the package is rejected it means more constitutional talks, either to improve upon the Charlottetown consensus or to prepare, we believe, for Quebec's separation from Canada.

My prediction is that it will be the latter. Party Quebec leader, Jacques Parizeau, has finally publicly stated that a "no" vote, is a vote for Quebec independence. A "no" vote will most definitely fragment this country, and cause further alienation. On the other hand, Preston Manning and the Reform Party, suggest a "no" vote in the upcoming referendum will mean a return to the constitutional status quo. This is, at best, I believe, wishful thinking, and Canadians must be very cautious about such interpretation of the consequences of a "no" vote.

Mr. Chairman, our constituents will be looking to us as they go to the poles in just 29 days. They will look to us and other leaders for information, advice, and direction, in deciding how they should vote on October 26. They will also want to know our position on the reform package. The special committee's position, and its recommendation to this Legislature is that we adopt a motion, in support of the reform package, during this session.

The Charlottetown Consensus Report builds upon the accomplishments of the 125 years of confederation, as well as correcting some of the mistakes, particularly as they affect aboriginal people. Whether, or not, northern residents support or reject the package, our first priority is to encourage them to vote. Our second priority, over the next four weeks, is to respond to their questions, provide information, and explain its implications for the Northwest Territories. Our third priority, is to encourage them to vote "yes" in the referendum. I believe that it is a good deal for aboriginal people, for the people of the north, and for the people of Canada. Mr. Chairman, with the permission of the committee, I would like to invite

witnesses to appear before the committee? Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Kakfwi. Proceed do we have the concurrence of the committee?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Ningark):

Thank you. Proceed, Mr. Kakfwi.

HON. STEPHEN KAKFWI:

Mr. Chairman, I wish to invite from the Assembly of First Nations, Mr. Ovide Mercredi, the National Chief; the President of the Inuit Tapirisat of Canada, Rosemarie Kuptana; Phil Fraser, Vice-President of the Native Council of Canada; and representing the Metis National Council, Tony Belcourt.

CHAIRMAN (Mr. Ningark):

On behalf of the committee of the whole, of the N.W.T. Legislative Assembly, I would like to welcome each and every one of you, first of all to Yellowknife, and secondly, to the committee of the whole. I would now like to ask the witness, Mr. Ovide Mercredi, the Grand National Chief of the Assembly of First Nations, to make a presentation, please.

Presentation By Assembly Of First Nations

MR. MERCREDI:

Thank you very much, Mr. Speaker. First, I want to begin by acknowledging the Government Leader, Nellie Cournoyea, and thank her and the Honourable Stephen Kakfwi, for inviting us, the Assembly of First Nations, to appear before your Assembly.

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Before I proceed, I want to convey, on behalf of the people I represent, our deepest sympathies to the family members of the miners who died in the unfortunate accident that occurred in your territory, to wish upon your government, and the people of this community, our best hopes that you will quickly find a resolution that will be respectful of the rights of the workers, and will be done in the spirit of eliminating the potential for conflict and confrontation.

I say those comments for this important reason, when it comes to First Nations, and the Government of Canada relations, the recent past has highlighted the strong potential for conflict and confrontation. When people's rights, such as your people's rights, are rejected, and routinely denied, they resort to acts of civil disobedience, as a means for drawing attention to the problems that need resolution in this country.

This is contrary to the values and the traditions of the people that I represent, that historically, in terms of white/Indian relations in Canada, the best efforts on both sides have been to try to find peaceful solutions to troubling problems. That is the context that we should look at when we assess the gains that were made at the constitutional table at this time. It offers a road to peace. It provides a path where two governments, two nations, two distinct peoples, can sit down to begin to harmonize their common experience in this part of North America.

For the First Nations, it means the end of dominance, the end of dominance of one society over another for too long, particularly since the formation of Canada as a nation state. Our people have been subjected to the political will of parliament without our involvement, and without our consent. The Indian Act, which is a law passed by parliament, is the political will of the dominant society, not the political will of the people I represent. That is not who they are, that is not how they choose to live, and that is not how they choose to govern themselves.

For some reason, parliament took it upon themselves shortly after its establishment, to create a department solely dedicated to eradicating from the Indian Nation what is uniquely Indian. The sole objective of these laws of dominance have been to assimilate the Indian people, so that they will abandon their own distinct identity, this part of North America.

Those days were never welcomed by our people 100 years ago, and they are not welcome in 1992. So, the constitutional amendments, if they survive the test of the people, will not only end dominance, but for people who have spent all their lives fighting for the recognition of their rights, it means that they can now concentrate on the future, not in fighting for recognition, but ensuring the implementation of these rights. There are many people, far too many Indian people in this room, who have spent their entire adult life in the struggle for the collective rights of the people that I represent. It would be far better for them, far better for our people, if they were free from that fight, so that they could concentrate on rebuilding

our economies, on strengthening our cultures, on healing our people, in a recovery of our nations. It is far better that we get involved using our limited energies and resources in the healing of our people, than wasting our time like we do ad nauseam, fighting other governments, so they can recognize our rights.

The constitutional promise in the future is that we have the potential now to put that fight behind us, and to move into a new era where we jointly sit down to devise ways of ensuring that the rights of the people I represent are respected in Canada, and are implemented according to the values and the priorities of the people that I represent. The inherent right, and its recognition in the Constitution, is very important for many reasons, including psychological reasons. For the Indian children who now go to school to learn about not their place in history, but the place of the colonials in history, they will in the future learn about something called the third order of government. They will know that the Constitution recognizes their inherent right to govern themselves, and that the whole purpose for those provisions is to ensure that our people can maintain a distinct way of life, that they are not forced to assimilate, that being different is not being inferior, and that our people have a right to be different. It will mean that the young children, when they open the books to study history, social studies, or political science, they will know that they are equals, that their collective rights are second to none in Canada.

They will see themselves in a different way. They will know that this country respects their people, respects their people's rights. For young people, this is extremely important for their self-esteem, for their self-respect. In relation to us as a collective, as First Nations, it is also very significant in our relations with Canada as a nation state, in our dealing with government, because the Constitution will require the federal, and the provincial governments to recognize that we have an inherent right to govern ourselves, that this right does not come from the Indian Act, that it does not come from an Act of Parliament, and that the source is not the Constitution. We are using the recognition in the Constitution as a way of ensuring that the rule of law, something that Canadians respect, is not, in the future, used against the interest of the people that we represent. So, the inherent right, by its recognition, will force governments to look upon other governments on an equal basis. This will bring about different relations.

Here, in this particular territory, the federal government pretends the First Nations do not exist,

because the entire devolution program in relation to services, and public services for people, is from the federal government to this government. For some reason, Indian government has not managed to fit into that equation, and why is that?

There is no justifiable reason why the Indian people here, the First Nations in the Northwest Territories, cannot have access to the same public services that their brothers and sisters have south of the 60th parallel. That will change. With the constitutional amendments, that will change.

With respect to treaties, our people have waited too long for their treaties to be honoured by the Government of Canada, but if the Constitution survives the test of the people, there will be two provisions that treaty people can rely on to ensure that the federal Crown honours the treaties.

The first provision tells the courts and the governments, that in the future when they interpret treaty rights, such things like education, health, and economic assistance. They must give a just, broad and liberal interpretation, taking into consideration, into account, the spirit and intent of the treaties, and the context of negotiations. This is an extremely important provision for the treaty people, because it gives them an opportunity that they do not have right now to say to governments, "you are obligated to interpret the treaty consistent with the Indian perspective." More than that, they can also rely on another provision in the Constitution that will ensure that they have nation to nation bilateral discussions with the federal government, so that they can implement their treaties consistent with the spirit and intent of those treaties.

This means that after 125 years, what our people negotiated will have to be respected by the federal government. It means that what happened to our treaties must be remedied, and across this country, right now as I am talking, Indian people are still waiting for their treaty land entitlement, 100 years or

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more after the signing of the treaty. There is absolutely no justification for that delay in terms of the enjoyment of that right. None. No one can justify that, and yet it happened, not in South Africa, but in Canada.

The Constitution, if it survives the test of the people, will ensure that the treaties are respected, and that

the honour of Canada is maintained in relation to those treaties. No one can say, no one can, that these are small achievements, these are major accomplishments. They are not, of course, an answer to all the demands, but we must not forget that this is only a step forward, and that we will have opportunities to build on this, to improve upon it, to make it even better for our people in the future, because part of the solution, if the Constitution is amended, is that our people will have at least four further First Ministers' conferences to look forward to, where they can deal with outstanding issues that might not have resulted to their satisfaction this time around.

It may be, and I hope it is true, that in 1996, when our people sit down with the governments again to talk about constitutional matters, that they will be dealing with a more enlightened leadership in Canada than there has been, although, you must admit, we made major progress, in that context, in the context of progress. We have many people to thank for the achievements that we have made. This government, the Northwest Territories government, under the leadership of Nellie Cournoyea and Stephen Kakfwi, have always been there to back the aboriginal leaders in their demands. They never wavered one moment, and we thank them for their commitment, to the people of this territory.

---Applause

I just want to conclude my remarks, sirs and madams, by making some references to the potential for the future, in terms of improving race relations in Canada. Indian people live under the limelight of stereotypes, stereotypes we did not create, and these stereotypes have been impediments to our humanity, they have been impediments to our human progress in North America.

The constitutional amendments will bring about a new thinking in Canada. A thinking based on respect for collective rights, respect for First Nations, and respect for others. The ultimate promise of the constitutional amendments, if they survive, is to improve racial attitudes in Canada, to make it easier for us to be accepted as equals, because after all, the supreme law, the Constitution of Canada will read, that treaty and aboriginal rights are recognized, the inherent right to self-government is recognized and protected, the treaty rights are recognized, and are to be honoured, and that the Indian people will have, not an inferior level of government, but a third order of government in Canada. Canadians across this country will be

required by their own educational institutions, to re-examine the stereotypes of the Indian people, to begin to see us for what we are, as equal human beings who have collective rights, that need to be guaranteed by the nations state, and this is what we have achieved. For that, I am thankful.

---Applause

CHAIRMAN (Mr. Ningark):

Thank you, the Grand National Chief Mercredi. On my order paper for the speakers, I have Ms. Rosemarie Kuptana, President of the Inuit Tapirisat of Canada, as the next speaker. Ms. Kuptana.

Presentation By Inuit Tapirisat Of Canada

MS. KUPTANA:

(Translation) Thank you, Mr. Chairman. First of all, I would like to recognize the Government Leader, Nellie Cournoyea, further I appreciate her invitation for us to come, and I want to thank the Minister of Constitutional Affairs, Stephen Kakfwi. I am happy today to participate, however, I will have to speak in English from now on. (Translation ends)

On October 26, the people of Canada will participate in a national referendum, in which they will be asked to accept or reject the agreement for constitutional renewals, signed in Charlottetown on August 28, 1992.

Inuit have been involved in constitutional discussions for many years, and have not hesitated to reject government proposals that were not in the best interests of Inuit and other aboriginal peoples.

We decided to support the Charlottetown Accord because it includes features which recognize our rights as aboriginal people, and because it is a part of an overall package that is good for Canada and good for all Canadians.

Although there are aspects of the accord that are difficult for us to accept on balance, we believe that this is a good agreement. The proposed constitutional amendments entrench our inherent right to self-government, and constitutionally recognize our governments as one of three orders of government in Canada. These are historic breakthroughs.

In the Canada clause and the context clause, our right to protect and promote our languages, cultures and

the integrity of our society is affirmed. This is an historic achievement for aboriginal peoples.

Inuit worked hard to ensure that the accord clearly recognized aboriginal governments as one of three orders of government. We are pleased that this statement is included, both in the Canada clause, and in a proposed amendment to part two of the Constitution.

Let me explain the importance of this amendment by referring to self-government developments within the government of the Northwest Territories. Inuit acknowledge the G.N.W.T.'s initiatives and policies on the transfer of government services and programs to local communities. However, these undertakings will be limited by the constitutional and legal status of the territorial and municipal governments.

At the present time, as described in section 91 and 92 of the Constitution, it is only the federal government and the provinces which have recognized powers and authorities. The G.N.W.T. does not have the constitutionally recognized jurisdictions, and has only those powers delegated to it by parliament. Therefore, no protection exists for agreements on program transfers to the local level. These can be unilaterally modified or changed by government at a later date.

If Inuit conclude self-government agreements, as contemplated by the Charlottetown Accord, then all aspects of these agreements will be constitutionally protected. Furthermore, as a third order government, our powers and authorities could not be unilaterally changed by either the federal or the territorial governments.

Within our jurisdiction, our laws would be paramount to and override laws of general application. Unlike the G.N.W.T., our governmental powers would be constitutionally based, and not delegated from a higher level of government. This is the meaning of the term third order of government.

Therefore, although Inuit encourage the G.N.W.T. to continue transferring greater control to the local levels, we must be prepared to adapt, so that

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opportunities created by these constitutional amendments, can be fully realized.

Inuit were also pleased that the Charlottetown Accord includes significant achievements for the territorial

government. Inuit maintained a cooperative relationship with the G.N.W.T. throughout the multilateral process, and assisted the G.N.W.T. during discussions of very important issues, such as the creation of new provinces.

I will now turn to an issue that has gained considerable public attention, the effect of the accord on the rights of aboriginal women. First of all, let me emphasize the important role Inuit women played in developing the present package. As most of you know, Mary Simon, of northern Quebec, and I, represented Inuit throughout these negotiations along with another Inuk woman, Premier Cournoyea.

We were the only women at the table during the First Ministers' meetings. Furthermore, Inuit women through Pauktuutit, our national womens' organization, have participated in developing Inuit constitutional positions and retain a seat on the I.T.C. board, and on all our I.T.C. constitutional committees.

At the very beginning of these constitutional discussions, I.T.C. proposed a simple, direct, and explicit statement requiring aboriginal governments to recognize gender equality rights. To understand why this proposal did not get included in the accord, we must examine the Native Women's Association of Canada, or N.W.A.C.'s position during the constitutional discussions.

At one point during the negotiations, N.W.A.C. agreed to a gender equality clause unacceptable to Inuit, because it significantly qualified gender equality rights by making these rights subject to traditional aboriginal cultural practices. Inuit have always believed that gender equality is a basic human right, and should not be subject to modifications, whatsoever. Although N.W.A.C. later withdrew its support for the amendment, the Inuit position had been undermined.

After N.W.A.C. put forward these contradictory positions, we were not able to get the Inuit amendments back onto the table. Despite this, it is our view that womens' gender equality rights are not prejudiced by the accord. In particular, we believe that sections 28 and 35(4) of the 1982 Constitution Act continue to protect Inuit and other women. We are confident that the proposed constitutional amendments will not, in any way, diminish section 28 and 35(4) gender equality rights.

The significance of the accord for aboriginal peoples cannot be overstated. If passed, it will be the first time in our history that we are admitted into Canada

as full and equal partners. Inuit have waited a long time for this opportunity; we have struggled for many years to be recognized as equals in Canada. We greatly appreciate the distances many governments have travelled on aboriginal issues during this process. As Inuit, we are encouraged, and we are revitalized.

However, nothing has been handed to us, we have fully participated. We have persuaded and we have argued, we have listened, we have exchanged views, we have drafted legal texts, and we have attended an exhausting series of ministerial and officials meetings. We have built on the hard work of the Inuit leadership over the years, and we have them to thank for the agreement that we have today.

The achievements of the last months seem so remarkable because we have waited so long. Equality and justice are just within our reach. With the October 26 vote on the horizon, our hopes have never been higher.

---Applause

CHAIRMAN (Mr. Ningark):

Thank you, President Rosemarie Kuptana, for your presentation. I would now like to ask Mr. Philip Fraser, Vice-President of the Native Council of Canada. Mr. Fraser.

Presentation By Native Council Of Canada

MR. FRASER:

Thank you. On behalf of my board, and President Ron George, I would like to thank the Members of the Legislative Assembly and Mr. Kakfwi, for inviting us here to share some our thoughts on the current constitutional document that we soon will be voting on, later in October.

I think that it is important that the people who played a part in this process get out and explain the package to, not only to our people, but to all Canadians and to Members, such as yourself, who will have to deal with this at some point in time. So, again, thank you for the invitation, and I look forward to possibly exchanging some views through this process.

We have all been part of an historic process. We have all played a role in its success. I would particularly like to compliment your leaders, especially your Premier Nellie Cournoyea, and your Minister of Aboriginal Affairs Stephen Kakfwi, for the constructive

role they played in the process, which led to the Charlottetown Accord.

I am happy to report that we enjoyed a close and positive working relationship with them, and their officials, throughout. It was rare for us not to be in agreement with each other at the table or in the corridors. That was because many of our goals, going into the talks, were synonymous. In our presentation today we would like to call attention to some of the gains that we feel have been made in the Charlottetown Agreement, gains for aboriginal peoples in general, and gains for off-reserve, non-status and Metis peoples, in particular. In both cases, the impact of these gains will be felt directly in your part of the country.

We would also like to share some of what we feel are the important lessons that can be learned from the process. Before getting into this, however, I would like to clarify a bit about the Native Council, itself, so that everyone around the table will have a clear sense of where we fit in, and what our priorities have been in the current round of constitutional talks.

The Native Council of Canada was formed in 1971 to represent the interest of those thousands of aboriginal peoples in Canada who have been denied recognition under the Indian Act. The fact that so many people could be denied their basic identity must be seen as one of the greatest scandals of Canada's 125 year history. We all know that when Canada was formed in 1867, the federal government was given the jurisdictional responsibility for Indians and land reserved for Indians in Section 91(24) of the British North America Act.

In theory, this should have meant that it had responsibility for all aboriginal peoples. The courts certainly took this approach when they ruled in 1939 that, for purposes of the law, the term Indian could be presumed to include Inuit as well. In practice, the federal government never allowed it to work out that way. From the beginning, when treaties were being signed, the government imposed its own unilateral decisions about who was aboriginal.

Metis across the prairies, for example, were denied inclusion in treaties, and were either completely ignored, or were offered script, which in many cases, they lost soon after to swindlers and land speculators acting in collusion with government officials. It took

115 years before Metis were officially acknowledged in the Constitution as aboriginal people, and then came the Indian Act. Ever since it was introduced in the 1800s, it has been the principle tool by which Ottawa has denied aboriginal people their identity, either by rejecting it in the first place, or by inventing a litany of reasons for taking it away.

It is no mere coincidence that the Indian Act regime enabled Ottawa to reduce the scope of its own responsibilities, to the point where, today it claims to have legal obligations only for status Indians living on reserves. In 1992 our estimates suggest that this represents only about 23 percent of the aboriginal population in Canada. The Native Council of Canada was formed in 1971 precisely to fight artificial barriers imposed by the Indian Act, and to seek recognition and justice for the thousands upon thousands of people who have been arbitrarily separated from their lands, their communities, and their culture by a century of government discrimination.

There can be no question that these policies have also been enormously successful at dividing us amongst ourselves, by creating artificial categories, status, non-status, registered, treaty, both pre-Confederation and post-Confederation, C-31 etc., and imposing them upon us. The government has succeeded in distorting the relations we have historically had with one another, as individuals, as communities, and as nations. These artificial categories imposed by Ottawa under the Indian Act, have no relationship to our historical realities. There are those among us who have been willing to adopt a government system, and use it to exclude their aboriginal brothers and sisters, as proof we only have to look south to the words of the treaties Six and Seven chiefs. They just spent tens of thousand of dollars on an ad in the Globe and Mail last Thursday, September 24, to tell Canadians that the only true indigenous people are those who, in effect, have status, and live on reserves. In other words, those who have been acknowledged by the government as official Indians, under its colonial Indian Act regime. That is not the way it needs to be.

Coming here to the north, I do not need to tell you that, because it is here north of 60 that the government's artificial divisions have had less impact than anywhere else in the country. In Yukon, for example, we have perhaps the best example of people taking control of their identity. This has been the case for almost two decades now, since the Council of Yukon Indians was formed, and there were

two organizations that have previously represented status and non-status people separately.

Despite opposition from the Department of Indian Affairs, C.Y.I. has demonstrated that Ottawa's categories are false categories, that they have no place in our politics, and our communities. We are in our aspirations for the future. Here in the Northwest Territories, the divisions between people have been more real in terms of culture and history. It has not prevented people from working together.

The Dene Nation has traditionally made itself open to all Indians, and Metis in the MacKenzie valley, who wish to join. The Metis, in turn, have continued to seek respect for their unique identity, but have nonetheless been willing to collaborate of shared importance, such as settlement of a comprehensive claim. While the relationship between the two has not been without its rough spots, you should know that it has nonetheless been an example to those of us in other parts of Canada who have been trying to build unity, in spite of Ottawa's continuing attempts to divide us.

In the recent round of constitutional negotiations, we shared many of the same goals as other aboriginal organizations, and of your government. One, to see the inherent right to self-government recognized and entrenched; to have it recognized as one of three orders of government in Canada; to become regular participants in future First Ministers' conferences; to secure guaranteed aboriginal representation in parliament; to protect gender equality between men and women without jeopardizing the position of women in traditional matrilineal systems; and to ensure that new provinces could enter confederation on the same terms that other provinces had before.

We are pleased, of course, that most, if not all, of these objectives have been met. Given the slow, incremental, pace at which constitutional change normally takes place, we think that the broad range of changes now being proposed represent a very significant achievement. Given the Native Council of Canada's historical mandate, however, it should come as no surprise that our greatest satisfaction comes from the inclusion of clauses that are designed to ensure equity of access for all aboriginal peoples.

Native Council of Canada went into this round of negotiations with the hopes of obtaining its own Triple E, not an equal elected and effective Senate, but rather three clauses that would ensure that officers, non-status, and Metis people, would no longer be

discriminated against, and I am happy to say that we did it.

We secured agreement, for example, that all aboriginal peoples, including non-status and off-reserve Indians, as well as Metis, would be able to exercise their section 35, aboriginal and treaty rights. We secured agreement that all aboriginal peoples, including non-status and off-reserve Indians, will be able to participate in any

CHAIRMAN (Mr. Ningark):

Mr. Fraser, I am told by the interpreters that you should slow down a bit with your presentation. We use about eight different languages in this House. Proceed, please.

MR. FRASER:

... and we secured agreement that all aboriginal peoples, including non-status and off-reserve Indians, and Metis, would be able to access the process for negotiating self-government agreements. This means that no matter where they live, whether in Rainbow Valley, or downtown Toronto, we will be able to negotiate arrangement which will let us assume control of our lives.

In addition, we also secured an agreement to amend section 91.24, to make it clear that Ottawa's fiduciary obligations apply to all aboriginal peoples, not just status Indians living on reserves. This makes it clear that Metis are included under federal jurisdiction. The inclusion of these various equity of access clauses represents a break through for non-status and off-reserve peoples, as well as for Metis. In terms of historic significance, we think these provisions can be likened to the breaking down of the Berlin Wall, to the extent that they will mean the removal of artificial barriers that have stood in the way of peoples' right to self-determination.

If these proposed amendments are ratified by the Canadian public in the upcoming referendum, as well as by parliament, and the required Legislatures. We feel it will be the end of an era of Canadian history that has been marked by discrimination and dishonour. If the Charlottetown Accord passes, it will be the dawn of a new era for Canada, characterized by unity, and hope. In addition to the substantive gains that have been made, we think that important lessons have been learned from the process we have all just gone through. While public opinion

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helped to get our issues on the agenda for this round of talks, I do not think there is any question that one of the reasons we were able to conclude such an expansive agreement was because we were in the room to negotiate.

Our inclusion in the multilateral negotiations was unprecedented, and I do not think we left any doubt that we belong there. When we look back over the weeks of direct negotiations that took place, it is possible to recall literally hundreds of points where one government or another had some questions, concern, or problem with one or another of our positions. If we had not been in the room to hear these concerns, and address them as they arose, the entire aboriginal agenda could have run aground on any one of them, and ended up going nowhere. By being in the room, we were able to hear precisely what the problems were, explain ourselves more fully, and come up with some specific ways of dealing with the problem. Had we not been in the room, none of this could have happened, and no deal would have been reached. The lesson is that including people works. It does not interfere with the process, it improves it, and the end results are better.

Looking ahead, the Native Council will be developing tools which will help its constituents answer the question, "where do we go from here?"

I would like to table with you today one such document which the N.C.C. commissioned a few months ago. It is titled, "Self-Government for Aboriginal Peoples Living in Urban Areas." It was done by a couple of academics from the Institute of Intergovernmental Affairs at Queens University. Basically what it does is it tries to identify the questions that are going to have to be asked by anyone wanting to exercise self-government outside of a reserve situation. As much as possible, it also attempts to identify the options and response to each question, at least to the extent to which they can be known at this date. That is what the N.C.C. sees as its role in the future. We have done the political and legal work to have the rights of non-status and off-reserve peoples recognized. From now on, our job will be to provide support to those people, so they can exercise those rights on the ground in whatever way meets their particular needs.

Here in the Northwest Territories, we will continue to work with the Metis Nation, and anyone else who is interested in drawing upon us. We will do research

that will help people identify the possibilities for themselves in various situations across the country. We will develop "How To" manuals to help them get started, and we will continue to reach out to non-aboriginal Canadians, so they feel they know what is happening around them, and remain supportive of it.

Thank you once again for your invitation, and I would be happy to answer any particular questions you may have about the N.C.C., and its position.

I would also like to table a copy of our Parallel Process Report that was conducted last spring, as well as a brief information sheet on the Native Council itself. Thank you.

---Applause

CHAIRMAN (Mr. Ningark):

Thank you, Vice-President Fraser. The next speaker that I have here is, Mr. Tony Belcourt, of the Metis National Council. Mr. Belcourt.

Presentation By Metis National Council

MR. BELCOURT:

Thank you very much, Mr. Chairman. I thank you, and I thank the Members of the Legislature, for inviting us to participate in this very important debate in your Legislature. I, too, on behalf of Yvon Dumont of the Metis National Council, want to express sympathies to the families who were involved in your most unfortunate mining accident. I would also like to take a moment to acknowledge the history of the support of the government of the Northwest Territories, to the Metis of the Northwest Territories.

My particular relationship with your government, and with the Metis in the Northwest Territories, spans some 22 years. I am pleased to see a Legislature like this. I think, that 22 years ago, when I first came to the north, to organize for the Metis Association of the Northwest Territories, I do not know if I would have envisaged a day when, people back then, who were organizing together, would one day be sitting in a Legislature in command of the government, and I would have the unique opportunity of appearing in this Legislature.

Outstanding community leaders like Nellie Cournoyea, James Arvaluk, and James Wah-Shee, were back in those days. Now, I see that your government is lead by people like this, that 22 years ago, it did not seem to me, that I would ever see that.

I want to sincerely congratulate all of you who have been elected to this Legislature, we have made remarkable progress in Canada. We have come a long distance in this past year, it seems light years, in constitutional terms, and we have many distances that we can travel together in the future, hopefully once the current referendum is over.

I want to welcome the resolutions that have been proposed in support of the Charlottetown Agreement. I want to acknowledge the work of the Bourque Commission, that helped bring you to this conclusion. One thing that I would like to point out, is our observation that the Bourque Commission recognizes the commonality of the issues of the Metis Nation, throughout the Metis homeland, from Ontario right through to the Northwest Territories. The Bourque Commission called for the kinds of changes that we are now going to see in the Constitution, that will finally bring a level playing field to all of the aboriginal peoples in Canada, including the Metis people.

I share in many of the comments, and observations, that were made by Minister Kakfwi, with the exceptions of the comments concerning the Metis Nation Accord, which I would like to speak to a little later.

I have been asked by our national president to come here, and to make certain that you understand, from the Metis National Council's point of view, exactly where we are coming from. We are clear supporters of the Charlottetown Agreement. Today, we are registering the Metis Nation, "yes" Canada Committee with Elections Canada, and we will be working hard to try and sell this deal across the country. We hope that once your Legislature has dealt with your resolutions, that you, too, will be working hard in support of this referendum.

This campaign of ours is important because we have to explain the contents, and the benefits, of the package. It is a very complex package. We have to correct misinformation that is now being circulated by many people, primarily on the "no" side, and we have to create a better understanding of the process. The one that leads up to the Charlottetown Accord, and that is going to be going on into the future.

With regard to the process, I can assure you that your representatives at the table, Premier Cournoyea and Minister Kakfwi, not only were stalwart supporters of our objectives, at our end of the table, but they represented the interests of the Northwest Territories in, I think, the finest way and tradition that you would

like to see it. There is no question in my mind, that the protection that you were seeking, when your

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representatives came to the multilateral talks, you are now going to get.

I think it would be helpful to remind some people about the historical relationship between the Metis and the Northwest Territories. We share a common history that goes back 122 years. When Canada was first formed, in 1867, Canada's borders only came to a little bit past Thunder Bay. None of the area, north and west of Thunder Bay, flowing into the Hudson's Bay, was part of Canada. It was all a company territory, the Hudson's Bay Company.

Three years after Canada was formed, the Hudson's Bay Company abandoned being the government of the territory, and left a vacancy. They thought that they would just be able to sell the territory to Canada, and that would be it. However, Louis Riel and the people of the Red River, including the French speaking non-aboriginal people, and the English speaking people there, formed a provisional government. They turned back Canada's army representatives. On December 8, they issued a declaration of the people of Rupert's land in the Northwest, they formed a provisional government, they said this territory would join Canada only on the basis of certain terms, and initially they had 20 of these demands.

Some of them, which you would find interesting, include that all the properties, rights and privileges of the people, who lived in the Northwest, would be respected. One of the demands was that treaties would be concluded between Canada and the different Indian tribes. Another is that the English and French languages would be common in the Legislature and in the courts. Finally, there was another that there would be an amnesty for all of the members of the provisional government.

The results of these negotiations was that the whole of the Northwest eventually joined into confederation with Canada in 1970. The aboriginal rights of the Metis were entrenched in the Manitoba Act, and later, in the Dominion Lands Act. All numbered treaties were negotiated. The Province of Manitoba was formed, and later the provinces of Saskatchewan and Alberta.

The Metis said, "yes", to Canada a 122 years ago, and they are prepared to say, "yes", to Canada again. Some people might ask why, considering the bitter disappointment of the Metis Nation, over the betrayal of Metis rights. We believe, despite all of that, Canada is still a better country than any other place in the world. Canada's faults do not have to be settled or corrected at the point of a gun. The conclusion of the Canada round has proven, to us anyway, that it is worth it to keep our faith in Canada.

The Charlottetown agreement is a masterpiece agreement. There are positive benefits for every region, and for all Canadians. People say it is not perfect, but it is a perfect compromise. The Charlottetown agreement demonstrates Canadian virtues, inherent virtues, of tolerance, sensitivity, understanding, compassion and good grace.

Let us look at just three of the key elements of the deal. Quebec will no longer be on the outside of the Constitution. This gives us constitutional peace and harmony, so that we will then be able to get on with other important pressing issues, including the issue of the economy. Senate reform will provide a more efficient institution of parliament. We will have a Senate that is elected, will be equal in representation, and it will also be effective.

The aboriginal amendments, finally a place for us in Confederation. Key parts of the aboriginal package include the recognition of the inherent right, proper respect, clarifying an important aboriginal right. The third order of government, which will lead to logical and mutually beneficial arrangements, will result in more efficient and appropriate government. The equity of access provision ensures that self-government agreements are open to all aboriginal peoples.

The delay of justiciability, gives us time to enter negotiations in an orderly way. The transition provisions will prevent chaos. The Metis Accord makes it possible for the federal government to assume its responsibility, with the protection it needs, to clarify that 91.24 applies to all aboriginal peoples.

The provisions of the Metis Nation Accord include a definition. Self-government negotiations will include issues of jurisdictions, economic and fiscal arrangements, and lands and resources. An important provision of the Metis Nation Accord is that there will be no reduction in services to the Metis by the provinces or Canada. Another one, critical to the Assembly of First Nations and the Inuit Tapirisat, is

that there will be no reduction of funding, or services, by Canada to other aboriginal groups, as a result of the Metis Nation Accord.

The accord is to be legally binding, just and enforceable. I would like to say that we are very disappointed that the Government of the Northwest Territories has chosen not to be part of the accord. I would like to clarify that in the documents, there is reference to the Metis Nation Accord, including the provinces of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. It also includes the Metis Nation organizations in those provinces, and it includes the Metis Nation of the Northwest Territories.

It is important to understand that the Metis support for the Charlottetown agreement is not only because it is good for the Metis, but the Charlottetown Agreement is good for Canada, too. We think that no agreement will not be good for Canada. We also believe it is time to be on the offensive against the nay-sayers and the purveyors of false information.

We think it is time to examine the motives of those who would urge people to vote "no". We say do not be fooled. People who are leading the "no" campaign, in our view, are either people who are out to destroy Canada, or people who may be self-interested to the point they are misguided. Some important national facts to keep in mind, this relates to some of the misinformation that is going around.

Quebec will not get a veto over every future constitutional change, as some are falsely preaching. In the future, unanimity will be required on constitutional changes in only the areas related to national institutions: the offices of the Queen, the Governor General and Lieutenant Governors of the provinces, the make-up of the House of Commons and the Senate, and changes to the Supreme Court.

Equality rights will not be diminished. Aboriginal peoples will continue to enjoy the protection of the Charter of Rights and Freedoms. Section 91.24 is a federal power, which existed long before the treaties, and always applied to all aboriginal peoples. The amendment will serve to clarify what has been there for 125 years.

We are at a crossroads. On October 26, Canadians will give direction for one of two paths, the breakup of Canada, or for entrenching amendments to the Constitution, which will serve as a foundation for this great country to continue to grow and to prosper. Approving the Charlottetown agreement does not

close the books on any other amendments. In fact, more are to be specifically negotiated by virtue of that accord.

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Our Constitution should continue to be an arrangement which provides for flexibility and potential change. If certain provisions which are needed are not in this package, we have every confidence that those who are seeking those changes will be successful in the future. Now is not the time to give into bigotry or narrow-mindedness. All Canadians have to put aside self-interest, in favour of our common good.

A strong Canada will always be able to have accommodation for our outstanding interests. A country which is weak will have no time to focus on those interests. We urge all citizens of the Northwest Territories to say "yes", again, to Canada. Thank you very much.

---Applause

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Tony Belcourt. It is my understanding that most of the distinguished witnesses will be leaving soon, and I do not have the precise time when they are leaving. I would like to go to the general comments, any Members of the committee, I would ask, please make it short, because we do not have much time this afternoon as most of the members are leaving. Any general comments, or questions? Mr. Arvaluk.

HON. JAMES ARVALUK:

(Translation) Thank you, Mr. Chairman. I will make a brief statement toward the comments of our guests. When we first started, the Government of Canada stated that the Canadian Constitution would be brought to our homeland in Canada and back then, the government seems to have forgotten us, our aboriginal rights in Canada.

The supposed aboriginal rights were not the contents of this accord, whether they were toward the economy, our ability to inherent self-government, or to the protection of our traditions. Those kinds of things were not in there when they first started the debates, and the leaders tried their very best to try and get these contents into the Canadian Constitution. They worked very hard to achieve these goals. As Ms. Kuptana stated, we can recognize a lot of people, for

their hard work, namely John Amagoalik, Charlie Watt, Zebedee Nungak, Nellie Cournoyea, and many others that took part in these multilateral meetings.

One of the main concerns when we started was that the 10 provinces had the right to extend their province to our homeland in the N.W.T. The main concern that we had, was also not in the contents, that if there were seven provinces that were against Nunavut, Nunavut would not go ahead. Even if it was only 50 percent, Nunavut would not go ahead, and we already knew at that point, that our dreams would never come because we knew that provinces would be against this. Especially when they had the power, extending their provinces land to the N.W.T.

I am proud to say, and very happy for our Inuit leaders who worked hard to achieve these goals and for them to be able to say, from the comments that we heard from our leaders here, which are our guests. (Translation ends)

Two paragraphs, my little corner of Canada, fittingly so, hopefully in the future will be a full participant of Canada. This is still not perfect, nobody got everything that they wanted. Everyone had to make compromises. This is the only game in town at this moment. No alternative is floating around. This is the best deal for the country at this moment in history. It will allow the people of Canada to forge a new relationship between themselves. For the Inuit, it will provide us with the constitutional tools to begin rebuilding our societies.

Mr. Chairman, I support what the leaders are expressing, hopefully the healing and rebuilding of our aboriginal societies will go hand in hand, so that we can, as a distinct society, say to our children, "we had to do this in order for you to get freedom to achieve or, at least, to work positively, because we did not have the opportunity in the past."

Thank you, Mr. Chairman.

---Applause

CHAIRMAN (Mr. Ningark):

Mr. Nerysoo.

MR. NERYSOO:

Thank you, Mr. Chairman. First of all, I would like to thank the aboriginal leaders for coming to the Northwest Territories, and coming to this committee. It was interesting to hear the comments that you had

to make, and I have a few words to challenge some of those comments that you have made, not necessarily to question your responsibility, and your roles as leaders in this country, but on behalf of aboriginal people.

I do want to make a couple of comments. I have to say, first of all, Mr. Chairman, that I think the initial comments made by our National Chief Ovide Mercredi about the process, offering a road to peace, and hopefully prosperity for aboriginal people, is a prediction that will come true, hopefully sooner than later.

Our relationship, not only in this Assembly but our relationship across the country, and the success of whether or not we are able to sell this particular agreement, will achieve its success based on those comments you made earlier, and that is an ability to explain, to articulate and clearly ensure that people understand those issues, and those items that are in the Charlottetown Agreement.

I think that the problem that we are having right now, across the country, is the so called apocalyptic forecasts that are being made by those that are trying to sell the deal. Saying that it is, if you do not do it, then bad things are going to happen to you, as a people and as a country. I think that without really explaining to the people in this country, including aboriginal people, and you note the comments that were made earlier that treaty six and treaty seven have taken strong positions in opposition to the agreement.

My view is that if we continue to threaten people to vote one way or the other, then there is no advantage in the deal, because sooner or later people will say, well, the only reason I support it happens to be that I was threatened that if I did not do it, then things would happen to me or to my region, or to my area, that would normally happen anyhow.

I see as a situation, where people across the country, and in particular, I have read the most recent comments that have been made by the Honourable Joe Clarke and the Prime Minister, basically saying that if you do not vote for it, then your country is going to be in serious trouble. Well, why? Why is it going to be in serious trouble? Why is it important that the people across this country support the agreement?

I think all of your remarks, here today, gave us a better view of what is in the agreement. It is not with animosity and disrespect for your leadership, or for

that matter, an unwillingness to try to understand what is actually in the agreement. What I see across the country, right now, is not a situation where the so-called peaceful dialogue is occurring. I know for a fact, that it probably will not. The one thing that I have not heard yet in the "yes" side of this whole process, is a clear explanation of those issues, until, for instance, in your case, you all came north. There has not been that consistent explanation. Now, I want

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to make a couple of comments about some of the statements that have been made, and I know how supportive you have been with our Leader, and with the Minister of Aboriginal Rights and Constitutional Development for the north. I want to make a couple of comments.

If we are truly, as an Assembly and as a committee, supportive of the idea of aboriginal peoples and aboriginal peoples having, what you might consider, a third order of government, then this government and this Assembly has to say that. As recent as February of this year, when we dealt with matters regarding a comprehensive approach to political and constitutional development, we, in this House, and in fact, the government, indicated that their view of self-government was the continuation of the transfer of responsibility to community level government, and the realization of aboriginal self-government in the context of public government at the community and territorial level.

That is very, very different from the remarks that you have made and very, very different from, what you might say, is the Charlottetown Accord. I think it is incumbent upon us, if we speak about an accord of this particular magnitude, then we have to apply the terms of that accord to our people, and we must adjust our policies and our views accordingly. We have not done that. We have not got up in front of the rest of the world, or in front of the rest of Canadians, and said, we support aboriginal self-government.

You look among this group here and we have nothing but, I guess, aboriginal people, and you are proud of that. Our responsibility, as a public, is to the people, all the people. My view is that aboriginal self-government is a very different thing, and we must, in fact, ensure that we do not, in our own decisions here, undermine or make decisions that contradict what we espouse to be our public position.

I make this point because it is the same issue with the Metis National Accord. I want to say this to those people here, I know that there are some, like my colleague Jeannie Marie-Jewell, who will probably raise that particular item, and I want to say this, that it is not for me, as an aboriginal person, to deny other aboriginal people the relationship they should have within our Constitution, or for that matter, to really define themselves.

If anything, it would be for me, as an aboriginal leader, to try to find ways of ensuring that aboriginal people are respected really for who they are. What is interesting is that I think the point that probably was made by Mr. Kakfwi, is that all aboriginal people should be recognized as being aboriginal people in the north. Some people have taken the view that, well, the north is a good example of that. The fact is, there is only one group that really should be complimented for not drawing divisions among their people, and that is the Inuit.

That is the only group, so far in this country, that have taken away the lines between their people. In fact, what is interesting is that the government of Canada has accepted that, in many respects. I want to say to you that maybe I have a different view about the Metis Accord. I have always taken the position that all aboriginal people in the north, have to be treated equally, whether or not you decide to call yourself a Metis, and whether or not you are Gwich'in. The simple fact is, you should be treated equally.

I think that the more divisions we draw among our own selves, the less likely those views will be applied, or those policies, or those ideas, will be applied to everyone. There will be divisions. We, ourselves, sometimes create those divisions as aboriginal people. We have to learn to bring together aboriginal people across this country, and I think that our own national leadership, every one of you, those that are here now, and those that are not here, have tried to make an attempt to draw aboriginal people together with a common goal.

I think you have to be commended for that. There are a couple of other issues that I want to talk about. I think that Mr. Todd articulated the issues quite clearly to you in this Assembly, that there are concerns about the accord that affect the north. The economic issues, where we are considering a common market across Canada, what that does to our own policies, in terms of business support, and business development in the north.

It is a lot easier, and many people can argue that the intention is to treat all Canadians equally, and all Canadian businesses equally, but the simple fact is that it is a lot easier for a huge, multinational corporation to operate out of Toronto at reduced prices, than it is for a company in the Northwest Territories to operate.

If it is our intent to encourage northern businesses to move to the north or to develop in the north, and we have to find ways of encouraging that. I think that if you are going to get into a situation where you come to a common market arrangement, then you are going to have to accept that maybe we have to be insistent upon protecting our own people, and our own businesses. I think that it is crucial that we ensure that northern businesses, and the northern economy, develops.

I want to make one other point about the matter on the Senate. I know that a lot of other people here, and have accepted the arrangements that have been made in the Senate area. I do want to say one thing, and it is this, it is interesting to note that the total population north of 60 equals that of Prince Edward Island, about 90,000 people. Yet, we are told, through this deal, that we do not have the same kind of consideration in the Senate as those 90,000 people in Prince Edward Island.

I know the argument can be made that they are a province, but you simply cannot use that issue as an argument to deny representation in the Upper House for people in the Northwest Territories. That is not a good enough argument, and maybe it will change in future. I want to draw this matter to the attention of our leaders, because the aboriginal people are going to be dealing with the matter of representation in the Senate, and they are going to be dealing with representation in the House of Commons. I hope that you take note, and our Government Leader and Minister of Constitutional Development and Aboriginal Rights take note, that this has to be addressed.

I do not know how you deal with it, because I have not been at the meetings, but I do ask, is it purely on numbers, or is it purely because they are provinces? If it is not numbers, then I think that we have to be considered. There is still, obviously, Mr. Chairman, one important issue in this whole process, that has not really been made public to the people of Canada, and that is some of the legal text.

I know that, generally, people do not pay much attention to legal text, and maybe our own leaders

feel that it really is none of our business. The fact is, that a lot of people do read those documents, they do pay attention, and that if you are intending to promote the Charlottetown Accord, that when it is necessary, you have to make those documents available, so that people can see what is in them. I would encourage our aboriginal leaders to insist our national leaders make those documents available as soon as possible, because it makes no sense for people to make a decision on constitutional vagueness. People are told that "because it is in legal terms you would not

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understand it." I mean, that is a real insult to the people of Canada, or any ordinary person who tries to read, and tries to understand what is going on. It is very insulting, and I think that our leaders underestimate the ability of our own people to read these kinds of documents.

I just wanted to say to you that there is a lot of effort on our part, in this Assembly, to try to be sensitive to aboriginal peoples, and to northern issues, no matter where they are, whether they are in Northern Manitoba, or Northern Saskatchewan, or in the Yukon. I believe that if we are going to continue to receive the accolades as being an assembly with a majority aboriginal people, sometimes seen almost as an aboriginal government, which is, in fact, not the case. We are a government with a majority aboriginal people, and I just wanted to make those particular comments. I did not want to be overly critical of the agreement, but at the same time, I do not want people to just walk into this assembly, or this committee, or our leaders here, to take the view that there is no responsibility in explaining this document to the people across the country, and for that matter, the people of the Northwest Territories. If we are going to lose in areas, then admit we are going to lose, and if we are going to gain, then admit that we are going to gain. If Mr. Belcourt's comments are that it is a fair compromise, then let us say it is a fair compromise, and let us say that each has something to gain. In compromise, like everything else, someone loses, or something is lost. That is the nature of this business, and I just do not like the idea of generalization when people say, it is good for you, and vote for it. Well, if it is good for me, then tell me what I have to gain from it. Tell me what I have to gain from it, as an aboriginal person, I can understand that I have a great deal to gain, but there are other people across this country that have to see for themselves what it is in the agreement for them. Right now, like I said, there is a great deal of debate right across the country, but no

one is going to accept the agreement if they are threatened one way or the other, threatened to vote for, or threatened to vote against. In the end, you have no one who will support the agreement. In fact, if you recall, a few weeks ago, everyone was saying that things were going to be well, and 58 percent were supportive. One week later, we are tied, so the idea now is to settle. Settle the agreement for all the positive aspects that it has, and I think that is all I have to say. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Nerysoo. There are some Members who would like to meet with our distinguished guests and national leaders, and I believe that some Members have a presentation that they would like to give to one of our national leaders. I would like to call a short break. Mr. Gargan.

MR. GARGAN:

Thank you, Mr. Chairman. Mr. Chairman, you mentioned that before we take a break, I would like to do a short presentation just for the record, if I may?

CHAIRMAN (Mr. Ningark):

Mr. Gargan, that is the break that I was mentioning. Okay, go ahead. Sure.

MR. GARGAN:

Thank you, Mr. Chairman. Just with regard to the Charlottetown Accord, Mr. Chairman, when the Meech Lake Accord was under consideration, there were concerns that it had been carried out in a closed room, and represented the interests of a very small sector of our Canadian society. The process from the Charlottetown agreement was very different. The months leading up to the Pearson Building Discussion saw several public commissions and hearings, all aimed at gathering input from Canadians of all backgrounds.

Not the least of this was the input received from the leaders of our national aboriginal organizations. I was very pleased that these leaders had joined us in this House today. I know the honourable Members are finding their comments very helpful as we work through the various issues related to disagreement, and our special committee's report. Mr. Chairman, I know that I do not have to remind our national leaders of the very unique, and special, circumstances of the Northwest Territories in which they find themselves today. The Northwest Territories, you might say,

amplifies everything that is good about Canada. We are a jurisdiction which covers a huge territory, approximately one third the size of the entire country. Our population is comprised of several ethnic groupings, the Metis, Inuit, Dene and non-native.

I think, that in many ways, our life together here shows how people who are of diverse linguistic and ethnic backgrounds can live and work together successfully. In recognition of our way, our national leaders have assisted the process of ensuring that our unique interests are reflected in Canada's Constitution, the Dene and Metis Members of this House have asked me to present you with a token of our appreciation, and respect.

Mr. Chairman, the honourable Members of this House have heard me talk about the moose hair pictures produced by the Dene of my community before. These pieces have acquired a world wide reputation as an art form that is unique in Canada's north. They are more than that, however.

They are an expression of the long history of the Dene, and the Metis, people in the Deh Cho and South Slave region. They symbolize the way that women and men, in the Dene and Metis communities, have worked together for centuries to produce a culture that is truly beautiful, and admired by people around the world.

They also symbolize our close harmony with the natural forces that surround us, and in presenting them today, we hope that the Dene will represent the long tradition of hospitality and goodwill that has categorized our northern homeland for centuries.

Mr. Chairman, on behalf of the Dene and Metis Members of this House, I would like your permission to make a presentation to our distinguished guests. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Gargan. We will now recess for 15 minutes.

---SHORT BREAK

CHAIRMAN (Mr. Ningark):

Thank you for your attention. The committee will now come to order. For the record, we are discussing in the committee of the whole, committee report 18-12(2), the Report of the Special Committee on Constitutional Reform on the Multilateral Meetings on

the Constitution, and First Ministers-Aboriginal Leaders' Conference on the Constitution, committee report 10-12(2), and Minister's statement 82-12(2).

I would like to ask the Members to ask questions, rather than making long statements, but if you wish to make a statement, that will be entirely up to you. I would like to ask the witnesses, if you wish to respond to the statements that were made earlier, you have the floor. General comments? Mr. Belcourt.

MR. BELCOURT:

Thank you, Mr. Chairman. I just wanted to respond briefly to a couple of comments that were raised by Mr. Nerysoo. He raised a very good point that it is critical that we get out, and explain what is in the package. In that sense, the Metis National Council, as I mentioned, has this "yes" committee, we are going to be travelling to communities, our

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Member organizations are going to be travelling to communities, and they are going to be explaining the details of this package.

Also, all of the federal parties, the liberals, the conservatives, and the N.D.P. have joined together with a national "yes" committee, and they are putting together "yes" committees at local constituency levels. They are going to be doing the same thing as you would in any federal election campaign. They are going to get out and knock on doors, they are going to send information to people's houses, precisely for that reason, it is so important that people get the information. He is quite right, that we have to have this information get out and not be threatening people.

My comments, related to the severe circumstance that we are in, are not meant to be threats, but I am very alarmed, as I hope all responsible people in Canada would be, at the polling results that are coming out. Clearly there are far too many Canadians, right now, who do not feel favourably about this package. Now, I do not think it is only up to us, to ensure that we provide the information about what is in the package and good for us, but I think it is also up to us, to be speaking clearly about the alarming consequences if this package does not get through.

I want to say, that we know, the Metis National Council knows full well, what happens when constitutional discussions come to a grinding halt.

You are off of the agenda. So, for aboriginal people, all of our aspirations will come to a grinding halt in constitutional terms, if this package is not concluded. We are not going to have the recognition of self-government in our Constitution, we are not going to have an agreement that will provide for self-government agreements in the future, we are not going to have the impetus that we have built up so far, and we are going to have constitutional constipation. We are going to have a situation in Canada where people are going to be wondering what are we going to do. What are we going to do in a country, where we have said "no" to a package of constitutional amendments that are as Ovide Mercredi had said, a step forward. They are not a step backward. We know that, they are a step forward. If we do not seize the opportunity to step forward, then what, we certainly know that in one province in this country, the intention of the people in opposition there, who would then be very victorious, it is to not make any steps forward, but many, many steps backward. That will hurt us all, it will have consequences, grave, serious consequences for us all.

We think that the package has wonderful things in it for Canada, and that is why we think we ought to get out and sell it. Also, we have to stop and think, what happens if we say "yes". Think about the future, if we say "yes". On October 27, we can say to ourselves we have a lot here that we can build on and we can move forward, and that is what we want to do.

The other comment that I wanted to make was about all groups being treated equally. Many Members in this House will know, that the record of the Metis Nation, and the Metis National Council, is trying to ensure that all aboriginal peoples were treated equally. When the federal government first started providing core funds, the Native Council of Canada, which I was President of at that time, fought to ensure that there would be some funds set aside, so that Inuit Tapirisat of Canada would be able to get off the ground. I am sorry that Mr. Arvaluk is not here, because he would remember full well that we took, the Metis, that initiative.

We stood side by side with all aboriginal groups in 1987, when we said "no", because we did not feel that the constitutional amendments being proposed at that time were good enough. We stood with the Assembly of First Nations and the other aboriginal groups at that time. Since 1987, where have the Metis been, where they have been for more than 100 years, in the backwaters of everybody's mind and getting absolutely nowhere. We would like to see everybody

being treated equally, that is why we have supported, and fought for, the changes that are in the Constitution, because they will then ensure that the Metis are going to be treated equally.

In the Northwest Territories, in terms of your negotiations that are going on, rather, in a couple of claims areas, I ask you this, is it possible for the Metis to say, well no, we are not going to negotiate a claim, we are going to go for treaty land entitlement.

You know full well that it is not possible for the Metis to go for treaty land entitlement. There is no equality, the Metis have to fight to get to the level of being equal, and that is what we are doing. The Metis Nation Accord helps us achieve that level of equality. It ensures that, in Canada's Constitution, there is a recognition that the federal government has an equal jurisdiction to legislate for Indians, Inuit and Metis.

That is what the Metis Nation Accord will do. It will give us a measure of equality on which we can then negotiate. I just wanted to add those comments, Mr. Chairman. Thank you, very much.

CHAIRMAN (Mr. Ningark):

Thank you. Before the break, on the Speaker's list I have Mr. Bernhardt and Dennis Patterson. Before I do that, I would like to ask the panel of national leaders if you have any further response to the statement that was made earlier. Any further comments from the panel? Mr. Mercredi.

MR. MERCREDI:

Thank you, Mr. Chairman. When it comes to creating an understanding of what we did in Charlottetown, I think that is a shared responsibility that we have with the leadership around this forum, the Legislative Assembly. The people that I represent expect their leaders to advise them, one way or the other, on whether they are satisfied, or not satisfied, with the provisions in the agreement. I think this holds true for your Legislative Assembly as well.

After all, before the people get the information, we have it. We have read it, we have studied it, and we have understood it. So, the responsibility we share is to provide that information, but more than that, to express our personal preference. That is why we were chosen as leaders, not to sit on the fence.

That is why I welcome a debate, myself. I would rather see people get up and say "no", rather than say nothing. I think it is more important that we get the

information out, so that people can make an intelligent decision. I know that, from past experience in constitutional matters, from 1982 to 1987, I have seen around this table many faces at those meetings in different capacities. Everyone that spoke here always supported the inherent right to self-government, and why they would not do that publicly now, I think would be kind of amazing in itself.

The responsibility is shared. I am not a member of the "yes" committee. We will not register as a "yes" committee, it is just not the way we do things. We consider ourselves a separate body from the Government of Canada. We will deal with them on that basis forever. That does not mean that I cannot express an opinion. I am obligated to, about the package itself, and to do that does not necessarily tie me with the other individuals who are advocating a "yes" vote, by using extreme arguments.

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There are two problems, I think we have to avoid when we deal with this issue. One is, we should not overstate it, but equally, we should not understate it. If you believe, as I do, in the accomplishments we have made, we have to say so. For myself, as national Chief, my responsibilities lie to the chiefs across Canada. We will be meeting, in our own Assembly, on October 14, 15, 16 and possibly 17 to debate the merits of this proposal. There we will discuss the pros and the cons, but at the end of the day, we will decide, collectively, whether to go in favour of it, or to oppose it.

My own inclination, my own prediction, is that after much debate that the prevailing opinion of the Chiefs across this country will be to support the package. At that point in time, their responsibility is to explain it to the people. In the meantime, my job is to get the information to them, as a Chief, which I am doing.

At the same time, in order to make it easier for them to get the information to the people that we represent, we are doing what we can to provide a fact sheet, the pros and the cons of the agreement, for the people, themselves, so they can all have a copy of the assessments we have made. The political assessments and the legal assessments. I agree with the comments that were made earlier, the sky is not going to fall if the package does not survive.

I have stated on more than one occasion that if we do not succeed the test of the people, it just means that we have to do better. It is not the end of constitutional

wrangling, quite to the contrary, it just simply means that we have to get together immediately to do better, if it does not satisfy the Canadian people.

On a final note, in response to what was said earlier, I think when you have people like Pierre Trudeau advocating dissent and "no" to the package, you have people as powerful as the National Action Committee of Canada advocating against the package, and you have other people like Preston Manning doing the same, for different reasons, we have to ask them what their opinion is about the aboriginal provisions.

This is our chance for constitutional justice, they should not deny us this chance because of their own causes. Their causes have existed, and their causes have surpassed ours for many, many generations. The issue that Trudeau raised, with respect to sovereignty in the province of Quebec, is a real one, his arguments are genuine. Can he use that, and should he use that, to encourage Canadians to say "no"? By doing that, he is saying "no" to the aboriginal people.

He has to assess, not just his cause, but he also has to assess the cause of the aboriginal people, the same applies to the Native Women's Association, and the National Action Committee on Women's Rights. They have to assess the aboriginal rights, the treaty rights, the inherent rights of the aboriginal people, and whether or not, at this time, people should position themselves as obstacles to constitutional justice. This is all I say.

They are entitled to their opinion, that is true. We all are. At the same time, we live in a country where the aboriginal people have been denied their rightful place, not just for 100 years, but longer. The issues facing our people in Canada are not going to disappear because the people in the "no" forces succeed. They will still be there. I believe myself that if someone, like Pierre Trudeau, is going to take the position that he did, then he has an obligation to explain to our people, what he believes, in relation to our rights, our place in Canada, and I challenge him, as one leader to do so.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Mercredi. For your information, I am the Chairman of the committee, not the Speaker. Okay, any other response of the panel to the witnesses to the issues that were brought up earlier before the coffee break. If not, I will go with you,

Mr. Bernhardt, you are the first on the list of speakers.
Mr. Bernhardt.

MR. BERNHARDT:

Thank you, Mr. Chairman. As you know, we are currently in the midst of a historic constitutional process in the Northwest Territories, that may very well achieve the division of the Northwest Territories, and the establishment of a new territory in the eastern Arctic. I am quite interested to know what implications this agreement has for the establishment of Nunavut, I would like the panel, the special committee, and the representative of I.T.C. to comment on the implications of this agreement for the eventual establishment of a new territory in the eastern Arctic. Can the new territory be established through an act in parliament, or will it require unanimous consent of the provinces?

CHAIRMAN (Mr. Ningark):

Thank you. To the witnesses, any response? Ms. Kuptana.

MS. KUPTANA:

I think on a general comment on the implications of the agreement for Nunavut, the present national amendments are consistent with the Nunavut Claims Agreement. If anything, the current amendments will allow the Inuit to strengthen Nunavut in the future, and invest in Nunavut territorial constitutional consensus, as a third order of government. Now, whether it will require a consensus of all of the provinces and the federal government, I think that this is an issue that we will have to still further determine.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Bernhardt. Any further questions? Go ahead.

MR. BERNHARDT:

No, I will let someone else speak for awhile, and I will take a break.

CHAIRMAN (Mr. Ningark):

Thank you. In the order of speakers from the committee, I have Mr. Patterson, Mrs. Marie-Jewell, and Mr. Dent. Mr. Patterson.

HON. DENNIS PATTERSON:

Thank you, Mr. Chairman. I am pleased to welcome the distinguished representatives of aboriginal organizations, and to make some comments. Just before I do so, I think we should try to clear up the question of the Nunavut Territory. As I understand the Charlottetown Accord, it will make it easier for provinces to be created in northern Canada by eliminating the seven and fifty, or the unanimity requirement under Meech Lake. The federal government is to make an agreement with a territory to create a province bilaterally. The accord provides for consultation with provinces on the creation of a new province, but really the deal will be as it always was, between the federal government, and the territory cum province. So, Mr. Chairman, as I understand it, the accord, really, will pose no barriers to the creation of a Nunavut Territory. That would simply be an act of parliament, it would be an amendment to the Northwest Territories Act to create two territories, and I do not think the Charlottetown Accord would in any way prevent that process from taking place. As Ms. Kuptana says, because of the recognition to the inherent right to self-government, we may well find that since the Nunavut Territory is contemplated in the Land Claim Agreement, we may also find that this becomes an entrenched order of government within the meaning of the inherent right. I think that is to be spelled out in the future in discussions, but I think there is that potential for actually strengthening the status of the new territory, as an entrenched form of the inherent right.

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Mr. Chairman, I do not want to take up too much time, but I would like to try to put this discussion in a bit of a historical context, having had the privilege of being involved in constitutional discussions over the last ten years.

I think if we want to see where we are going, we have to understand where we have been, and it was really just about ten years ago that the Constitution was repatriated from Britain. There was a recognition of aboriginal rights in the first version of that package, then there was some kind of a secret deal in a kitchen cabinet in Quebec City late one night, after Rene Levesque went home. The constitutional package was altered by nine premiers, and the federal government. Aboriginal rights were removed, we had the invidious section 41 added, which allowed the provinces to extend their boundaries into the territories, and set up new rules to create provinces that had never been there before. I was privileged to be a Member of the Legislative Assembly in that

period, and we went crazy when we heard about these provisions. We felt so strongly about this that we travelled en masse to Ottawa to lobby for change. The Minister of Indian Affairs of the day tried to stop us, but we chartered a plane, we flew to Ottawa, and lobbied vigorously to try and get the Constitution improved.

We did make a little progress, along with a lot of other efforts. Aboriginal rights were restored to the Constitution, but it was described as "existing aboriginal rights", and no one knew what "existing" meant. It was described as "existing aboriginal rights", but not defined. The invidious section 41 remained in the package, and is still there today.

The story since then has largely been one of frustration and failure. In an effort to define aboriginal rights, from 1982-1987, there were innumerable meetings, and First Ministers' Conferences, to try to define "aboriginal rights." The object of the aboriginal peoples of Canada, and our government, which was one of the few that stood clear and firm, was to define "existing aboriginal rights" as the right of self-government, and to entrench it into the Constitution.

Well, Mr. Chairman, there were some 59 meetings, I think one of our people counted, of officials and Ministers of Aboriginal Affairs. We even had one in Yellowknife once. Over that five year period we got nowhere. We failed to reach agreement, and a lot of people were devastated after a massive amount of effort.

Then, to add insult to injury, a few months later, those same first Ministers who failed to reach agreement on aboriginal rights, hatched the Meech Lake Accord, behind closed doors, without any involvement of aboriginal people, or representatives of the territories and the barrier to provincehood became strengthened, there was no recognition or strengthening of aboriginal rights, and another massive struggle began. I think we tried to chip away at the Meech Lake Accord. The 10th Assembly got very involved, and I suppose the final draft did show some improvements. At the end of that process, section 41 was still there, the unanimity rule for provincehood was gone, but replaced by seven and 50, and at best we had a promise that the rules for provincehood would be reviewed at a future F.M.C.

The territories would have status at some of those meetings. There would be national consultation about recognizing aboriginal peoples in the Canada clause. There would be F.M.C.s on aboriginal issues, to

which the native people would be invited. I guess those of us who were stuck in that process, at the time, felt that we had made some progress, but I remember Ethel Blondin saying no, it is not good enough, the aboriginal people have been sold out.

At the time, I was frankly not sure if we would have another chance, now I am glad that we did have another chance. I am glad to hear that Ethel Blondin will be a strong supporter of this accord, and our M.P. for Nunatsiak as well, because really, at the end of Meech Lake, what did we have? We had no status for the aboriginal people of Canada, or the territories, and a very qualified status for the Government of the Northwest Territories. Aboriginal rights were still undefined. Barriers to provincehood were worse than ever before. The invidious provision allowing extension of boundaries was still there.

After massive efforts, money, time, we had achieved so little. So, I know there are good questions that have to be asked about this deal, and Mr. Nerysoo has raised some points that should be raised. I just want to say, Mr. Chairman, when I look at this accord, and when I think of the struggles of the last 10 years, this thing is a miracle. It is an enormous accomplishment, and I believe that the people, some of the people in this room, particularly the northern leaders and the aboriginal leaders of Canada, deserve massive credit for having raised the consciousness of the country, and the Premiers, to finally deal with these issues we have been struggling with for so long.

We have equal status as a territory in ongoing constitutional discussions, no more begging for a lousy 10 minute audience, which I have had the humiliating experience of having to do. The unanimity barrier is removed. Provincehood will be decided between us and the federal government alone, and the big news is that this section 41 provision allowing provincial boundaries to be extended into the territories is to be repealed, it is gone, that terrible threat hanging over our heads, which the 9th Legislative Assembly fought against so valiantly, is to be gone, and I think that this is an enormous accomplishment.

For aboriginal people, what we could not do, in those five years, those 59 meetings, has been done. It is not just the entrenchment of aboriginal self-government, it is the entrenchment of the inherent right to aboriginal self-government. We have accomplished more than we even dreamed of accomplishing, in the 1982-87 process. Up here we

are not afraid of the entrenched right of self-government. I think we could argue that we are already well on the way to achieving that goal. I believe that the T.F.N. claim, the Nunavut Constitution, and the relations we have between Inuit and non-Inuit in our eastern communities, will likely mean the public government model will prevail, but that will be up to the Inuit.

When I look back at the last 10 years or so, it is incredible to me that all the provinces and the government of Canada have agreed to these provisions, and have accepted a place, or equality, at the constitutional table for aboriginal people and the territorial governments. Let us not underestimate the significance of these accomplishments even as we admit that it is not perfect, that there are flaws, and that there are questions. It represents far more than I ever expected to see, and I think it is fragile. I think it happened because the chemistry was right, because of the strength of northern and aboriginal leaders in the process, and in my view, it will give us the tools to advance further than ever before, on a platform on which to stand.

Now, I know people will pick away at this deal, as there are issues like Senate composition, and the economic union. I think that we have the status now to confront those issues with strength, I think that we have to deal with those issues, and we can, and we will, deal with these issues, but we will not be outside the room. I have every confidence that our aboriginal leaders and our representatives of this Legislature, nationally, will do as well with those issues, as they have done with this accord.

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We cannot fool our people. It is not going to solve our financial crisis with the federal government, our housing cuts, and the reduction of the spending on health care for aboriginal people. These are issues that are not going to go away if we vote "yes". Mr. Chairman, I want to congratulate the aboriginal leaders, Mr. Kakfwi, and Ms. Cournoyea, for the light years of progress that this accord represents, and I, for one, am going to be recommending to my constituents that they vote "yes". Qujannamiik.

---Applause

CHAIRMAN (Mr. Ningark):

On the order of speakers, I have Mrs. Marie-Jewell, Mr. Lewis, Mr. Arngna'naaq, Mr. Allooloo, Ms. Mike, and Mr. Nerysoo. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. First of all, I want to take the time to thank the leaders for accepting the invitation to attend, and to meet with us this afternoon. It crossed my mind, as they were speaking, that a month from now, we will have the answers to this debate, that we are deliberating on.

I would like to thank the leaders for their comments. Mr. Chairman, compared to Meech Lake, and so many times as an aboriginal person, I thank Elijah Harper, because yes, we did make significant progress, particularly for aboriginal people.

I know the proposed Charlottetown Accord does allow for collective rights to be achieved by aboriginal people. However, there are a few areas of concern, and that is probably what is causing some of the "yes" campaigns to be created, and some of the "no" campaigns to be created. I believe that we require clarification before we feel comfortable even to take a stand, and to go back to our constituents on this.

I think back to when we were younger and in school, one of the areas that non-native people used to encourage natives, was to get educated, get as much education as you can and assimilate into society. Today, I am thankful that I did not get a degree, or a lot of education, because I believe I probably would be a super bureaucrat, and even though our government is of aboriginal people, I sometimes do not believe they appreciate bureaucrats that are native.

I want to express one of the main concerns that I have with this accord. I too, am very concerned that there is, in regards to, the Metis Nation Accord, no participation and agreement from the Government of the Northwest Territories, that they are not a party to the accord. If this indication is anything like how the government at the time promised we would do the health transfer, that we would look after Metis' rights, I quite frankly and honestly, cannot believe this government.

I want to ask, before I make a couple of comments, particularly on the women's issues, and I know that we are only asked to make general comments. Further to that, Mr. Chairman, my questions are not particularly to the witnesses, but more so to our

government who have been given accolades for giving support towards native people. I do not believe they have been giving full support, because of their reluctance to give full support to the Metis people.

Why is the Government of the N.W.T. not a party to the Metis Accord, and is it still possible for them to be a party to the Metis Accord? Mr. Chairman, I know the Minister had indicated because of the claims process, but at the same time, the claims process in our jurisdiction is not really fully acceptable, or should I not say acceptable, but it is not fully pushed by a couple of regions. I know that in my region, the south Slave region, where we have a predominantly native and Metis population, it is of significant concern.

I believe one of the major concerns, Mr. Chairman, is that we know that the Charlottetown Accord looks overall at aboriginal rights. I think that, until it is clear in the Metis population, to take another leap of faith in government, may be difficult. I do not blame them, taking into consideration the outline of events that one of our witnesses has outlined today.

Mr. Chairman, if I may, I would like to ask the Minister who made the decision not be a part to the accord? Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. I believe the honourable Member is asking the Minister to respond. Mr. Minister.

HON. STEPHEN KAKFWI:

Thank you, Mr. Chairman. When the idea of a Metis Accord was first discussed by the representatives of the Metis people, the other aboriginal organizations and the Ministers from the provinces and the federal government, it was because the Metis wanted to be included in section 91, which says basically that the federal government has the power to legislate for Metis people.

Right now the federal government has power to legislate for Indian and Inuit only, the Metis are not included. The federal government was under terrific pressure to concede that, but they made a point that, surely the provinces would have to give something too. The suggestion was the provinces should, at least, provide some assurance that lands in the provinces may be made available in the process of negotiations, to provide the possibility that Metis could establish a land base in the provinces. The federal

government does not own much land in the provinces, if at all.

That was the context. As a Minister, I supported that very much, because I know the predicament of Metis people, and other aboriginal people in the provinces, we were prepared to support it, and we did. When it came to the Metis of the Northwest Territories becoming a party to it, and ourselves, again we said that was fine. We suggested that certain wording be included in the accord that would suggest that, in the Northwest Territories, it has been the tradition of the Dene and Metis for years, since about 1973, that the approach to acquiring land and resources is through a joint, comprehensive claims approach and, at least, if not that, then a joint Dene-Metis approach through the regional claims process.

That is what we said we wanted in the wording. My political assessment was that to sign a document that would say, as a government, we support the Metis having separate status in negotiations, to have a right to a separate land base, separate self-government provisions and institutions, would create a tremendous amount of political dissention, perhaps, in the Mackenzie Valley. First and foremost, no one has been given that explicit direction here, so I had raised that with the Metis leadership at the time.

Following that, the National Chief of the Dene Nation, wrote to the Metis Nation Leader, and voiced his own concerns about a couple of points. One, what does it mean in regards to rights of the Dene, in regards to their traditional lands, if Metis people suddenly acquired the right to negotiate separate land bases. The other point was, in the view of the Dene Nation, the territorial government had no business signing such a document.

My assessment at that time, and my advice to the Metis, was that the political support is there for the political accord, and to suggest that the G.N.W.T. should sign such a document, without the wording

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changes that we wanted, would create unnecessary political dissention in the Mackenzie Valley. It may also have caused some reason for uneasiness between the A.F.N. and the national Metis organizations, since the Dene Nation is part of the Assembly of First Nations.

In order to keep the process going, it was my view that there is no harm done, there is nothing lost with

the fact that the territorial government is not a signatory of this accord. Given the current situation, as you have it in the Deh Cho and the south Slave, if you find that the call for this in the Sahtu and in the Gwich'in area is not in line with the situation there, it is because it has already been negotiated, one single land base for everybody up there. The case is not true for the Deh Cho or the south Slave, where it is possible, particularly in the south Slave, that the Dene Chiefs may want to negotiate their own land base, institutions, and self-government for themselves.

If that is the case, then certainly the issue would be whether this government would support such a thing, and of course we would, because it is clearly straightforward that the Metis should not, they are left out by the Dene leadership, without a process to negotiate their own claim, their own lands, but that is basically the suggestion. If we would have got the wording that we sought, which, in fact, was agreed to at one point, the question would not come up, except that now, probably, the Dene would be asking us why we did such a thing. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Thank you, Mr. Chairman. Even though it appears that there is no harm done in regards to not being party to the accord, I believe at the same time the Minister, and the government, is sending out a fairly critical signal in respect to lack of commitment, as a government, to address Metis concerns. That was one of the main reasons for myself pushing forth in this House, commission for constitutional development paper, in regards to "Working Towards a Common Future", because of the fact that there are some significant recommendations in there that are somewhat similar to the overall Charlottetown Accord. In order to do one, one has to know what they think of in order to progress.

The Minister indicated, that because of the Dene Nation, and because of his political assessment, he felt there would be dissention in the valley. He also, at the same time, made cause for further dissention, and concern, among the Metis people for the fact that there may not be the commitment by the government that there should be, whether, or not, it is still possible to become a party to the Metis Accord.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Mr. Chairman, the negotiations are not over. In fact, last week, the issue was brought up again by officials, and we have indicated that if the wording met our concerns, and was agreed to as it once was, we would have no difficulty to agree to be a party to the agreement. Again, the Member has to agree that right now the Dene Nation, and the regions that it represents, has indicated that it is not taking a position on this package. I think we know the Metis have very strong support for the constitutional package, and at least informally, the indications are very, very strong that the Metis will support this package. I just do not think, in overall context, that I would be prone to support something, just because a few Members questioned my commitment to Metis rights. If I feel that my signing, and becoming a party to this accord would just give opposition from some of the Dene Chiefs, therefore the Dene Nation, then I am doing a great disservice to everybody, to take the high road, and say this is the way it has got to be. The fact is, as all the Members have said, we made incredible achievements for Metis people in this round. We have made achievements for all aboriginal people in this round, and whether, or not, this government is a signatory to this particular accord, I do not think in the great scheme of things it is going to make a bit of difference, except that it could lead to a lot of detractors using it for ammunition, and that I am not willing to provide.

CHAIRMAN (Mr. Ningark):

Thank you. Mrs. Marie-Jewell.

MRS. MARIE-JEWELL:

Mr. Chairman, I am not going to get into long debates with the Minister, but I totally differ with his opinion. I want to, for the record, go to page 20 of 22 of our document that the Minister had eloquently read to us last week, before we put this document into committee of the whole.

In there, he indicates with one paragraph on page 20, "recognition of the inherent right to aboriginal self-government will provide the Dene, the Metis, and Inuit, with the means to develop their own institutions of government, create public institutions which better reflect aboriginal interests and objectives, or both".

I ask myself, how can this be? Particularly, when there is no commitment from the G.N.W.T., and them not being a signatory to the Metis Accord. What particular areas within this document can you unequivocally state that the Metis can develop their own institutions of government, and create public institution that reflect their interests? There is not any particular area, and that is one of our concerns. I mean, it is my concern as a Member. I have a large constituency with a large Metis population.

When we talk about this document, I have not fully convinced myself, even though the native organizations, and many of our witnesses here have indicated that yes, this is a good time to go out, and encourage our constituents to vote "yes" on the accord. There are some areas that cause concern to my constituents, and I do not want to be telling them yes, vote "yes", and your inherent rights will be looked after when this government cannot even convince me that they will look after the Metis rights.

Thank you, Mr. Chairman. I will continue later on, as you want to go down the list, and I will speak in regards to constitutional concerns of women's groups. I will let my other colleagues go first. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Dent.

MR. DENT:

Thank you, Mr. Chairman. I too would like to thank the witnesses for taking the time to come and talk to us today. I found their presentations very enlightening. I have some questions relating to the proposed constitutional amending formula on the creation of new provinces. As Mr. Patterson noted, this agreement represents a partial return to the pre-1982 provisions for the creation of new provinces, and would allow for new provinces to be created through an act of parliament. As he noted, I too welcome this as being a considerable improvement over the Meech Lake Accord.

Like other Canadians, all we wanted up here was to have the same entrance requirements for full fledged admission into confederation as all other provinces have had. Having said that, I do have some concerns about the rights and powers that will be granted to new provinces. Although Mr. Patterson said that this Charlottetown Accord creates equality for the territories, I would like to point out that even if a new

province is created by an act of parliament, equal representation in the Senate and House of

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Commons, and full amending formula powers, would not be granted without unanimous consent of all provinces.

I would like the witnesses, and perhaps the Premier as well, to comment on these provisions in the agreement. Is acceptance of these provisions a reasonable compromise for the people of the Northwest Territories, or do they mean that we can never realistically expect to be full and equal partners in confederation.

CHAIRMAN (Mr. Ningark):

Thank you, I will go to the Premier first, and then to the witnesses. Madam Premier.

HON. NELLIE COURNOYEA:

Mr. Chairman, I know that it is a difficult thing to not get everything you want to get, and certainly one of the only advantages that I see is that one should get there even though you have to have unanimity for certain areas, it is the fact that you are there. I do not see us becoming a province for some substantial number of years. We have a lot of issues, here in the Northwest Territories, that have to be reconciled with the various members of the public, whether it be Inuit, Inuvialuit, Gwich'in, and there are a lot of issues out there that we have not resolved yet. As well, our economic base probably would not be able to support moving towards provincial status.

I do not know what is in the future, how long it would be. It could be a long way down the line. I know where we are now, we were not here before the constitutional talks. It has only been in the last year, that we have even been given the ability to sit and talk as partners, maybe not as constitutional partners, but certainly we will at least be there. We are not there with guarantees, but I would think that it would be less likely, that when you go towards dealing with exactly what the representation will be, it is probably 25 percent better than we were yesterday, before the constitutional arrangement as it is now.

I would like to tell you, certainly, that if you wanted to have 100 percent, I suppose, to ask for equal status in everything, in terms of becoming a province, and through the last dying days that the discussions were taking place, we did not even have that. It may very

well be, that because the aboriginal people have not settled on the number of Senate seats, it maybe because of the population across Canada, they will have even more seats than we do. That is yet to be determined.

At this time, I will tell you when we were sitting at the table, there was an agreement that, at least, when the discussion was taking place, that we would be there. I cannot guarantee you anything, and I cannot say that we have everything, and I believe that sometimes it is better to be there during the discussion stage to determine that. I am sure that, in the future, the leaders will become stronger and stronger and more able to represent the territory. I would also like to say, that among a number of you, this is considered an interim government, until other things have been resolved as well. We are not all totally supportive, this is a government that is going to be here representing all the people, particularly in the western part of the Northwest Territories. This struggle is still going on. I see provincehood not in near future at all, I see that done the line, and I believe that. I have the confidence that as the leadership becomes more firm and more progressive, we will have to leave that for people to deal with. At this point in time, if you are asking me, if that can be changed, no it cannot be, because there is not the willingness in all the provinces to do so. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Before I go to the panel for their response. I would like to inform the House that Mr. Mercredi has other commitments to meet with the leaders of the Dene Nation, and he has asked to be excused.

MS. KUPTANA:

Thank you, Mr. Chairman. I am going to make a few general remarks, as I have to leave very shortly. If I remember the question, I believe that as the national leader of the Inuit, that the Charlottetown Accord is a best possible compromise for Inuit and other aboriginal peoples in this country.

For the first time, in the history of this country, Canada has made good on its promise, that Inuit and other aboriginal peoples can be full and equal participants in constitutional decision making. There are a number of elements of the constitutional accord that were very difficult for us to accept, but the gains in the accord outweighed the negative impact.

Some of the things that were very difficult to accept for aboriginal peoples, I will just give you a few examples, that I have been stating over the last number of months. What was difficult to accept, was a lack of a constitutional entrenched financing agreement. The judiciability of the inherent right being delayed for five year, and the lack of a guaranteed full participation in all First Ministers' Conferences by the aboriginal peoples.

I think that the important part of the self-government package for Inuit, and other aboriginal peoples, is that the self-government package contains a number of checks and balances, to ensure that federal and provincial governments act in cooperation, and in collaboration, with one another. There are a number of provisions that would discourage one level of government acting in a domination of another.

It may take a number of years, as the Premier has said, for us in the territories to ascend into provincehood, but what the Charlottetown Accord does is that it provides a stepping stone towards that goal. Now, Mr. Chairman, with those remarks, I feel that the Charlottetown Accord is something that is of such significance towards the human rights of aboriginal peoples, that we have no choice but to support it, and to encourage all Canadians to vote "yes" for it, because of the significant progress on aboriginal human rights, this is an opportunity for Canada to meet aboriginal peoples needs for the first time, in a just and equitable way.

With those remarks, Mr. Chairman, I regret that I have other commitments, and must thank the Legislative Assembly for making this opportunity to myself and to the other leaders. I hope that this is not going to be the last time that northerners hear from aboriginal people in this country on the contents, and I will assure you that it is not. We still have a long debate until October 26.

I would like to end by saying thank you very much for this opportunity.

---Applause

CHAIRMAN (Mr. Ningark):

On behalf of the committee, and on behalf of each and every Member of this House, I would like to thank Rosemarie Kuptana for making her presentation in this committee of the whole, thank you very much.

If I do not see Mr. Mercredi, Ms. Kuptana, tell him that we thank him very much for attending this meeting. It has been a pleasure.

General comments? Mr. Dent are you still on, because on the list I have Mr. Lewis, Mr. Dent.

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MR. DENT:

I am not sure if the other panellists, or the other witnesses may wish to respond to my question, Mr. Chairman. If not, I would yield to further people on the list to come back with questions on the economic impact later on.

CHAIRMAN (Mr. Pudluk):

Thank you. To the panel, is Mr. Belcourt, or Mr. Fraser going to respond? Mr. Fraser, go ahead.

MR. FRASER:

Well, Tony and I were discussing whether to have the question restated. It has been a few minutes since we heard it. As we understand it correctly, or, at least, I understand it, your question related more to the north moving towards provincehood, and how your representation in the institutions of government would be affected, whether you would remain the same or increase.

I think I agree with your question, or the statement that you were making earlier that if the north, and whatever parts that may be, choose to move towards provincehood, I do not think that it should have any more restrictions, or any less restrictions placed on it than those of other provinces that have come into Confederation. The people of the north will make that decision when they think the time is right, and as that transpires, I think the federal government should move very quickly, and allow for speedy resolution.

I certainly think that if what we have is the so-called Triple E Senate and, as new provinces are created, I think the representation must be equal to what supported the other provinces. I do not think that can be any less accepted anywhere else. If Prince Edward Island has six, or any other province, then certainly the north, or the new provinces should be afforded the same equal status with respect to that.

Where I believe you are at now is another step along the way towards provincehood. I think it is just another stepping stone, where we are at, at this point

in time. As you move towards provincehood, we will see different things evolving over time, and I think it will be up to the people of the north how they decide in that progression.

I think that it is vitally important, with respect to your development, that the people are made aware of where they are heading, and have a clear vision of where they want to head. Some of the comments earlier that were expressed about informing people, I have to agree. I think Mr. Nerysoo raised the issue of tactics, in trying to explain one's position.

I do not think one necessarily has to use some of the doom and gloom that has been talked about, but I think there are some real dangers if we do not go into this with our eyes completely open. I think there are some real dangers for this country that affects not only Quebec, and the aboriginal people, but I think it affects every part of this country.

I think Ron George best said some months ago, we have a really easy job, all we have to do is tell the truth, and the issue of the legal text being put before the people, so that they can make up their minds. I am a firm believer that has to be there. People cannot vote on a half package, if they do not see all of the legal wording that is there.

I also understand the difficulties when you have upwards of thirty, forty, fifty lawyers in a room trying to agree on any one thing, and that is a difficult task at best, even when you have two sitting in a room. I think many of the concerns expressed earlier are real. We have to go out and not only promote the package, but have to explain it to our people so that they have clear understanding. We have to explain it to all Canadians, because let us realize that we are not the only ones in this process.

We agreed to come into this process as full partners, and I think that we have agreed that we will either walk together, or we are going to fall together. Thank you.

CHAIRMAN (Mr. Pudluk):

Mr. Belcourt.

MR. BELCOURT:

Yes, I wonder if you would not mind just briefly restating the question. I am not sure that I got it completely.

CHAIRMAN (Mr. Pudluk):

Thank you. Mr. Dent.

Thank you, Mr. Chairman. I would be happy to, but I really, I am not sure that the question has been properly answered yet. My concern is that, under section 58 of the Charlottetown Accord, it says that any increase in the representation for new provinces in the Senate should also require the unanimous consent of all provinces, and the federal government.

What I was relating to, is the fact that we have got away from, in the Meech Lake Accord, the requirement of unanimity for the creation of a new province. We have gone back to the 7/50 and an act of Parliament. Should that ever happen, and by the way I was not expecting that provincehood was something that was on the near horizon, that was not the reason for the question. The reason for the question is that if we are entrenching something in the Constitution, it is probably going to be there for a while, and it will be rather difficult to change.

It would seem that in this one, we might have an opportunity, 10, 20 or however many years down the road it is to become a province, but we are still stuck with a requirement for unanimous consent for us to achieve equitable representation in parliament. That is really my question, is that a relatively good compromise for the people of the north in terms of trying to keep the country together, can we balance that off with the benefits to aboriginal people?

I am just asking for an assessment of how I sell that to the people in my constituency who say, well, if we should ever become a province we will not ever be equal, because we will not ever get unanimous consent to have the same number of seats as the smallest other province. That is really the question that I was asking.

CHAIRMAN (Mr. Pudluk):

Mr. Belcourt.

MR. BELCOURT:

Mr. Chairman, I guess my feeling is that yes, I do think it is a fair compromise. I do not think that we can predict in the future that we are not going to have unanimous consent on any particular issue. Look at what we have now, we have unanimous consent on a very, very complex package of issues. I do not think, once a territory aspires to provincehood, Canadians elsewhere would say to that new province "we are going to deny you equitable representation in the

House of Commons and the Senate, now that you are now a province."

Particularly with principles being established that there will be equality of the provinces. I believe that in the future, when that time comes, it is going to be possible to negotiate that kind of representation in the two institutions of parliament. I think that what we have before us is a question being put to Canadians as a plebiscite, do you agree that this package should be supported or not?

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I think that, on balance, even though everything in the future has not been taken care of today, that the package should be supported, because what is there, is good. What is there is going to make tremendous change for aboriginal people, it is going to make a tremendous change for all of us in Canada who are going to have a better state of affairs, so that we can then turn our attentions to other issues that are before us.

Not everyone in Canada will be able to say I achieved 100 percent of my goals in this constitutional round, but then again, what we are all going to be able to do is say, boy there were sure an awful lot of goals achieved that are beneficial, let us accept them and carry on. I guess my answer to you is that, yes, I believe it is a fair compromise.

CHAIRMAN (Mr. Pudluk):

Thank you. General comments? Mr. Lewis.

MR. LEWIS:

Thank you, Mr. Chairman. I think it is a tribute to the Constitution of all Canadians, that for thousands, and thousands of hours, people have sat in rooms, like this, debating a very complex, and a very, very difficult issue.

For that reason, I am going to be brief. I think that the biggest problem that we face, Mr. Chairman, is that the people are always looking for perfect things. You want something that is just absolutely bang on, just exactly what you are looking for.

If you cannot find it, you figure that one day, it will happen, so you keep looking. It reminds me very much of the big choices that we make in our life, we decide to get married, you have a mate and you find out more about each other over the years, and you realize that you are less perfect than what your wife

thought you were, and so on. We find out things much later on, about the nature of the contracts that we make.

We decide that we are going to buy something, and you see something that you like, you discuss it, you talk about it, you may see a nice piece of furniture, and your wife thinks where am I going to put that in the house, that does not fit, and it does not go with the colour scheme, and maybe we should talk about it again. By the time that you have made up your mind, yes, we should buy it, because overall it was a pretty good thing to do, and when you get there you find that it is gone. Someone else has bought it.

The two issues, it seems to me, are the issue of the search for something that is perfect, and the problem of timing when you do something. People are probably right, that there is a possibility that things could be better. On the other hand, you may find that things could be a lot worse and you have taken a risk, a chance always, if you think you are going to find something better than what you have got, or you just put it off indefinitely.

You may find that when you are ready to do something, it is not there anymore. So, when I look at this package, and the tremendous amount of work that went into putting it together, the tremendous number of meetings, and the forum that was held by the various organizations across the country, I am thinking of the Canada West Foundation, the Fraser Institute, those early ones, and then the multilateral conferences right across the country, there is an incredible amount of work that has gone on, much different than to what happened under Meech.

People rejected Meech because it was not fair. That is why they rejected it. People said that this is not fair. It is not fair that we have done nothing about the aboriginal issue, and it is not fair that you have things like a Senate that does not make any sense. It is not fair that you have the territories not being allowed to be admitted to confederation the same way that everybody else was. Canadians are fair people. They did not see it as fair.

Now we have had a chance to discuss this at tremendous length. A lot of hard grinding work, and it is a tribute to Canadians that they have been able to grind this out. I have seen the pain, and I have seen the tremendous efforts that people have made, tremendous displays of patience, and tolerance, that people have displayed, and I was impressed by it.

So, although there was something in here that I had missed, and to my shame, I suppose, has to do with the way in which we have looked at the problems of disabled people in our country. I have been interested in the whole issue of how disabled people operate within a society for most of my life. If there has ever been an example of how many can be intolerant to other people, it is the way in which we treat people who are marginal in our society. I would like to extend this idea of being marginal, not just to disabled people, but to those people who are not empowered, those people that do not seem to matter that much, people that, for some reason or other, are never accepted as being equal within a society.

We have made giant steps in the area of recognizing the equality of people as human beings, to have their rights observed in our Constitution. The clause that appears now under the general Canada clause about respect for the rights of disabled people, is contained in clause (f), which says that Canadians are committed to respect for individual and collective human rights of people. Lawyers, even though the word disabled may have been in the earlier drafts, are always looking to clean up language, to avoid redundancies, that what we have is a clause which perhaps some legal people said covers that. Mr. Chairman, this is my final comment, yesterday there was a program on the radio, which I listened to yesterday morning, about the dreadful history of man's inhumanity to man, because of some of the flawed science which we have pursued in the past. I am thinking of the science eugenics, natural selection, and how some people somewhere in our society do not deserve what other people get.

How, for example, during fascist regimes, people were used as objects for experiment, because they were less than human. Where some members of our society, even in civilized society, like Canada, are used for experiments. Where Metis, for example, have been sterilized against their will, and did not even know about it.

When we are talking about disability, I know we use it in a very narrow sense, but it seems to me that when we talk about human rights, we should be talking about the dignity of all people. It was an oversight, in my opinion, that, that particular clause does not cover that group of people, who for example, can be told, because you are this kind of individual, we cannot expend all our health care money because you are less than somebody else that deserves it more. We cannot expand the health care money to include people like you, because really you are not a full

human being, you are less than a human being. That was an omission.

Despite that, Mr. Chairman, despite the real concern that I have, the mistake was made in not making this an issue, and much clearer in the document. I cannot see, because of all the tremendous gains that have been made, how that Canada is going to be completely changed if this Constitution becomes law. The changes are so dramatic, so completely different to what we have now, that I cannot see how anybody can say that little has been achieved, or that not enough has been achieved.

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If you hold out for perfection, and for the right time, perfection never comes and the timing is never perfect. So, you seize the moment when you can get it, when you realize that by not doing it, you could have set yourself back.

I would like to address that to our two witness, if I could, the issue of perfection, or a perfect deal, and the issue of timing, if we have time to do that.

CHAIRMAN (Mr. Pudluk):

Would the panel like to make a comment on that?
Mr. Belcourt.

MR. BELCOURT:

I do not think that I have much to add to what Mr. Lewis has said. I think that he is absolutely right. You are not going to get everything 100 percent perfect, and he has indicated an area where there was an omission. We certainly hear about other areas where certain people would prefer to have certain things differently. We just heard from Rosemarie Kuptana about some concerns that she had. In terms of timing, I think that the chance for us to proceed is now, so that we will be in a position to do something about these other areas in the future. The timing for that has to be now. We have to seize this opportunity, to approve what we have as incomplete and imperfect that it might be, because it will certainly afford us an opportunity to then be able to continue, to come back, and do the things that have to be done.

As I said in my opening remarks, this is certainly not closing the books on constitutional change. This is accepting a certain package from where we are now. I think we will certainly not get anywhere if we do not

accept some things as we go along, so I would have to say if we do not accept this, then what?

I do not, quite frankly, think it is easy enough to say that we can go back to the drawing boards, and start all over again. I think it would be very, very difficult to ever do that. Difficult for all kinds of reasons that I have stated before, not because there might not be a will on the part of people like yourself, people of goodwill who would like to do that, but we know that there are some people in this country who have absolutely no intention of wanting to do that. No intention of wanting to accept what we have now, because it is good for Canada.

CHAIRMAN (Mr. Pudluk):

Thank you. Mr. Fraser.

MR. FRASER:

Looking at a whole lot more, I agree with your statements. I suppose if it were a perfect Constitution, we would not have all these debates, and we would not have to be sitting here every few years. One of the things we recognize going on in this process fairly early on, I think the territorial government recognizes as well, we are new at this. This is the first time we have had an opportunity to sit face to face, in many cases, with the first Ministers and Ministers of the provinces to discussing issues on such a wide ranging scale that are now before us. I know from our end, we are going to make mistakes in this process, and I do not think if we tried to search for the perfect solution of document, our constitutional problems would ever be solved.

We are going to have another date on discussion of the constitutional items, and I think that is a recognition that when you get involved in this process, it is never over. Times change, cultures change, they have all through time, which dictates different circumstances. Who would have thought we would be discuss the issues that we have before us today 20 years ago, or even 40 years ago.

So, I think if we tried to wrap ourselves up in trying to piece together the perfect document, I do not think this country would progress, and the problems this country has seen itself immersed in over the last number of years, would only get worse. I think that would be a far greater danger for this country than looking at something that may be less than perfect. I think we all recognize that this package has its imperfections, but with all its imperfections, it is felt

that now is the best time, and we have a possibility of moving forward. Who knows when the right time is to move issues forward on the Constitution arena. I do not think any politician can tell you that. Some would like to tell you that now is the right time, but it is how people feel.

People have got to feel good about what is being put forward, and if they are not comfortable, then that is definitely not the right time. It is tied back to how you explain what you have before you to the people, and that is a big help. Thank you.

CHAIRMAN (Mr. Pudluk):

Thank you. General comments, Mr. Arnngna'naaq.

MR. ARNGNA'NAAQ:

Thank you, Mr. Chairman. It is too bad that the other two political leaders had to leave, and I would like to thank them for being able to come for the period of the time that they were able to come in.

I would first of all like to commend the people who have been involved in the discussions regarding the constitutional reform, but from what I can see at this point, as far as my constituency is concerned, timing on the referendum is interfering with the land claim ratification in our area, simply because they are only a week apart. I do not believe that there has been enough time to really digest many issues that were raised, as far as constitutional discussions are concerned. I know that in our area, Nunavut, the size of our land is probably larger than the population itself, but we have an opinion, I have an opinion, and members of my constituency have differing opinions.

At this point, when we talk about inherent right to self-government as a broad definition, I cannot really understand where we have a defined right as aboriginal people. When Members are talking about significant progress, how much we have moved forward, I liken it to a brick wall where I am standing on one side of the brick wall, and our aboriginal leaders are banging their heads against that wall. Occasionally, they crack the wall, and today when we talk about significant progress, I think, we finally have a leader who has thrown an anchor over the brick wall, and is going up it. That is what I see. That is significant progress. I think there is more to be made in the future.

When we talk about perfect/imperfect documents regarding the Constitution, I do not think we should

get that far. We do not even have a legal text whereby we can say this is what is going to be in the legal text. We have a campaign that is saying "yes" to this referendum, and a "no" campaign, and then we have a non-partisan group that is giving out facts about something that does not have legal text, something that no one here in this room is really able to say this is what will be agreed upon.

I was disappointed to learn that it would be on the October 26, and again in this room, there is really nobody who is able to say whether this referendum will take place on this day, or another day, because it interferes with the land claim agreement that we are trying to ratify.

My constituency has just been going through a series of discussions on the agreement, they are trying to digest the agreement, now we are coming up with another very difficult question with a lot of varying issues, very difficult questions, and within a week apart of each other, they will be voting. Over the last few days, there has been discussion, or talks, in

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the media about the access of legal text, and on the political accord. I wanted to get an idea of those Members who have given their support, or have given positive responses, not necessarily their support, but positive responses to the referendum question? Will they still be in agreement if the legal text cannot be prepared, and agreed to, prior to referendum? If there is a contingency plan for each of the Members, and I say again, that it is too bad that our President for I.T.C. was not able to stay, but I would have liked to hear what she had to say about when it has been completed. The second question to that would have been if they have a contingency plan, if there is a "yes" vote in the referendum, and they cannot agree to a legal text? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk):

Thank you. Mr. Belcourt.

MR. BELCOURT:

Mr. Chairman, I certainly sympathize with you, and your problem in your area. This is the first I have known that there are two very complex issues going on in your constituency. I certainly do sympathize because these are big issues, and very complex and confusing. Most of the only people that can really understand a lot of this material are people who are

professors of political science or lawyers, but even at that, when you get them in the room, they can never agree.

So, it is a very complex thing, and I sympathize that you have to go through this both at the same time in your area. All I can say is that, hopefully, your people will take the package of information that has been tabled, and more of it that is coming around and being translated, so that it will get into peoples' homes. Once they see the material in front of them, they will see that they have heard these things before.

During our multilateral process, you will all recall, that at the end of every day at the meetings, the honourable Joe Clark, Premiers and Ministers, aboriginal leaders, would come out to the podium and explain to the media what went on that day, and what was agreed to that day. By and large, almost all of the things that were agreed to in the aboriginal package were agreed to way back in June, so that information has been in our communities now for a long time.

I know that some aboriginal media have taken some time to try to explain what is there. I can only hope that with this some people will be reassured when they see the words in front of them, that they have heard this before and that, while it is very complex, in many ways, it is very straightforward.

On the question of not having legal text, I must confess I am not sure exactly if there is a decision not to provide legal text. I am not clear on that. What I do know, because I have been sitting in those rooms and hate to do it when it is a beautiful sunny day, I would rather be outside, but stuck in these constitutional rooms as I was, all of last Friday, listening to lawyers argue about where to put a comma, and whether it ought to be an or, or an and, or an or/and. I do know, that with the legal text that is being done now, is to put in legal language the leaders have agreed to.

These are the instructions to the officials, and I know that officials for the Government of the Northwest Territories are there to protect the interests of what your leaders have agreed to. Your officials have to make sure that the legal language does not deviate from what has been agreed to.

What has been agreed to is, in layman's language, in this Consensus Report on the Constitution. Now, I think that when you see the legal text it will just be these kinds of words put in legal language. That is

the whole purpose of the exercise that we are engaged in now, in the meetings that are going on in Ottawa. What is being asked of Canadians, everywhere, is here is what has been agreed to in everyday language, and even that is complex.

Now, do you agree to support this agreement, that we ought to proceed to amend the Constitution on the basis of this agreement? Once the referendum is over, we will then be in a different kind of a process. Your Legislature will then have an accord put in front of it. First of all, the leaders will all have to get together, again, and say "that this legal language, and look at that, it is about an inch thick, accurately reflects the agreement reached in Charlottetown." Therefore, that is the legal language that we ought to approve in our various legislatures, in Parliament, in the provinces, in the Northwest Territories, and in the Yukon.

It is not over on October 26. What we have to do, by October 26, is come to a decision, as to whether, or not, this Consensus Report on the Constitution, ought to form the basis to amend the Constitution of Canada. Not for all time, but for now. If yes, then obviously we go the next step. Your legislature will be spending hours, I would assume, pondering over this legal language.

I just thought I might mention those things to you, and see if that might help explain where we are at. I understand that there is information being prepared now, if not already available in some of the aboriginal languages, including Inuktitut.

CHAIRMAN (Mr. Pudluk):

Thank you. There is a number of people on my list for making general comments. I wonder if Mr. Kakfwi would like to further comment on Mike's idea. Mr. Arngna'naaq. Mr. Kakfwi.

HON. STEPHEN KAKFWI:

Yes, thank you, just to add to what Mr. Belcourt has said. The Charlottetown Consensus Report, as he said, is what is being provided to all of us now, to help us decide how we are going to vote in the referendum. The referendum is basically an opinion poll, I guess, by the federal government to see how people in all of the different provinces and territories view this package.

The legal text, which is hopefully going to come out, at least in parts by next week, perhaps later, I have no

idea, but it may take more than a few weeks to arrive at a final legal text. That legal text, is then going to be the basis on which the Legislatures of each province, and the federal government, are going to move motions of approval or rejection. Right now we are all targeting unanimous consent from each province, and the federal government, that this will constitute the actual acceptance of the package in law.

In order to change the Constitution you require Legislatures of the provinces and the federal government, in varying numbers, according to the amending formula, to change it. Mr. Belcourt was right to raise it, I forgot to raise it, but I think Members should be aware that if we approve this package, it is on the basis of what the report tells us, and it will hopefully guide our own constituents on which way we feel we should vote in the referendum.

That does not bind us, or any other government, to follow through automatically with motions of support, because the legal text is going to be the basis for the final decisions of Legislatures, and I think that is very important to point out. Thank you.

CHAIRMAN (Mr. Pudluk):

Thank you. General comments. Mr. Alloo is next.

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HON. TITUS ALLOOLOO:

(Translation) Thank you, Mr. Chairman. First of all, I would like to thank Mr. Kakfwi, our Premier and our invited guests for briefing us on their views. As we know, the aboriginal people in the Northwest Territories, not too long ago, were not able to vote, and we were not able to be part of people who are being voted on.

Only in 1960 did we get the right to vote. We have to remember and acknowledge our folks for their hard work for the aboriginal people. This Constitutional Accord, which will be voted on in October, is not the best we have, but it is the best we can get.

(Translation ends)

Also, the people who have been working on this document, have been trying to convince the federal government that there are aboriginal people living in Canada. Yourself, could very well remember, Mr. Chairman, that your people were told by white people to move away from Pond Inlet to go into another area, and you had to move. You had no choice, you had no right to say no. You moved to another area, it was

foreign to your people, your father, your parents, and you had no rights.

My parents were living in our own camp, we had our own government, and of course that was not recognized by the national government. We had our own justice system, in our community, we had laws governing the resources that we used, like wildlife, wildlife management was in place. Wildlife management was probably one of the most stringent laws adhered to by my people, because we were living off them. We were moved. I remember the day that we were moved, because the authority told us to move into a community, from our traditional community where my brothers and sisters were born, in a sod house, and we were moved. One day, my father came back to get some supplies, and when he came back he said that we have to move because the R.C.M.P., and the administrators, told us we had to move, we had no choice. We had no say. I remember the day that we moved, that my mother cried, just about all the way, going into Pond Inlet, because she did not want to move. My father did not want to move, but we could not stay.

I am very glad today that the accord that is put to the people of Canada, says that inherent right to aboriginal self-government will be entrenched. I am very glad to hear that. Finally we will have something that, as aboriginal people, we will have something that to protect us, protect aboriginal inherent right to self-government.

When I came back from school, back in the early 1970s, the first thing I heard was that we would like to govern ourselves. We would like to say what happens in our community. We would like to say what happens to wildlife management. We would like to take part in the growth of our community. We would like to be part of the resource management that is taking place in terms of mineral management, oil and gas development in our community.

Our people are saying that we would like to be part of that decision making body, and we were not. The authorities were in Ottawa, and we did not have the right. As a result of that, I started to get involved in municipal politics, and I was the youngest one in the Baffin, I believe, as a Mayor, back in 1973. As soon as I could vote, I got in there, because I was concerned that our people were saying we would like to govern ourselves. I thought that I could use my education to get them there.

In a large part, I have not been successful, in a lot of cases, but to some degree, being involved in this Legislative Assembly, shows that we are making laws that governs our people, and I would like to see that continue.

Mr. Chairman, I am looking forward to the day that Nunavut could be created. At this moment, in the thoughts of our people, aboriginal self-government is not big, because of our population. If we create the Nunavut government, we will have aboriginal self-government, but in the future this clause is going to be very important when the time comes, when our people will be the minority, this is going to be very important, but that is down the road. I am glad to see that happen. Also, guaranteeing the territorial government, and the Yukon government, be part of the national talks, that is very important to us.

I remember, our previous Premier, camping on the doorsteps of the First Ministers, waiting to get in. He was not allowed in, he did not have the right, the Northwest Territories did not have the right to partake in those very important discussions. We did not have that, no wonder the Premier was saying this is a milestone, this is a miracle, it is a miracle.

I am going to tell my constituents to vote for this, like the witnesses were saying, there is room for improvement, and those things will take place some point in the future when the time is right. I think we have something here that we cannot afford to let go, although it is not perfect, like a lot of people are saying. It is something that is the best that could be done right at this moment. There will be future constitutional talks nationally which we will be able to take part and our Premier, because of this agreement will be there at the same level as Premiers.

Qujannamiik, Mr. Chairman, Mahsi Cho.

CHAIRMAN (Mr. Pudluk):

Thank you. Would any of the panel care to respond. General comments? Ms. Mike.

MS. MIKE:

(Translation) Thank you, Mr. Chairman. (Translation ends)

...(inaudible)...the Legislative Assembly and gives us their statements on this important piece of paper. Also, I would like to thank Elijah Harper for killing the Meech Lake Accord, because that gave another chance on different times, for aboriginals to start

negotiating with the federal government on constitutional matters. We do live in a democratic country, I will neither promote, nor tell my constituents, not to vote for this, because it is a right of every individual to vote the way they want in this country.

I do have concerns, Mr. Chairman, I could find no specific references to Senate representation for new territories within this agreement. So, I will ask this question of the Chairman of the Special Committee, if Nunavut becomes a reality, what guarantee do we have that it be entitled the same level of Senate representation as other territories.

CHAIRMAN (Mr. Pudluk):

Thank you. Madam Premier.

HON. NELLIE COURNOYEA:

Mr. Chairman, I would assume, and I believe, that right now the way the Senate is made up, one of the representatives is from the eastern Arctic and there would be one from the western Arctic, so it is not presumed that we would have two members from any other area. The reason why we did request an extra Senator, was to make sure a new territory would have the ability to have the same number as ours, because we could not split one in half, -- that was a joke -- but that was the argument that we made, that at least for Nunavut there should be one, and for the west there should be one.

CHAIRMAN (Mr. Pudluk):

Thank you. General comments, Ms. Mike.

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MS. MIKE:

Mr. Chairman, I also have a question relating to representation currently in joint with the Northwest Territories in the Senate. If division occurs, the existing territory will be smaller in both population and size. Perhaps the Chairman of the special committee can tell me what guarantees we have, that the existing territory will retain its one Senate seat.

CHAIRMAN (Mr. Pudluk):

Thank you. Mr. Kakfwi. Madam Premier.

HON. NELLIE COURNOYEA:

Mr. Chairman, I do not know if that is the same question. Right now, the Senator comes from the Nunavut area, from the eastern territory. When there was a discussion in terms of population and what we could get in the interim, the way it had worked up when they went to clear population, it would mean that we would get one, and Yukon would get zero, so there were some provisions to leave some of the smaller jurisdictions the same, even though they maybe should have had less. The reason that we were not able to gain two is because when we made the argument that right now we have a Senator that comes from the eastern part of the territory, and there is a division of the territories being anticipated, there should be one extra one for the west, so that is how we attempted to increase the one Senator to two in the Northwest Territories.

CHAIRMAN (Mr. Pudluk):

Thank you. General comments, Mr. Antoine.

MR. ANTOINE:

Mahsi, Mr. Chairman. First of all, I would like to commend and recognize the people who have worked in putting this constitutional shell and court together. The two leaders who have left, Mr. Mercredi and Ms. Kuptana, as well as Phil Fraser, and Mr. Belcourt, also recognizing the Honourable Stephen Kakfwi, and the Honourable Nellie Cournoyea as well, I know it has been a long hard road getting to this period in time, in the history of this House, because I am a former Chief of my people back in Fort Simpson. I was involved in constitutional discussions about ten years ago, and I know how hard things were at that time, and to have come to these stages is a great achievement, as far as I am concerned.

From my part of the world, I represent a majority of aboriginal people in the southwestern portion of the Northwest Territories. Six communities. I have six band councils, one Metis local, plus village municipality, and a hamlet, so I represent a diverse group of people, and a couple of concerns that I have are, most of the presentations that were made here today, I acknowledge, and I support some of the positions, but one of my concerns is that lack of information about this important referendum that is going to occur here on October 26.

I understand there are some sections of this Charlottetown Accord that are incomplete in terms of legal text, and in terms of some negotiations, so it is very difficult to tell people exactly what is in this

accord at this present time. So, I am wondering how the people who are advocating a "yes" vote here today will sit to make sure that everybody is voting on a very well informed basis.

The second concern that I have is there was a discussion about the Metis Nation Accord, and according to the consensus, the document "Consensus Report on the Constitution", it does make a civic note way in the back, and it says that this accord is still being developed. It is difficult to know exactly what this Metis Nation Accord is, especially because some of the communities I represent have very few Metis people in them, and if they are there, they are all our relatives anyway, so how could we do this? If this package is going to be voted on by everybody, then we should have a clear understanding of every aspect of it, and this one here is a very important one. If you are advocating "yes" for people to vote on it, I was wondering if you could explain to me how this is going to work in terms of the Dene people who are living in these communities. What does it mean for Dene who are treaty living in these small communities with this Metis Accord? How could you make me feel comfortable with this particular accord, so that I could explain to the people back home what it means to them.

CHAIRMAN (Mr. Pudluk):

Thank you. Would the national leaders like to respond to Mr. Antoine? Mr. Belcourt.

MR. BELCOURT:

Thank you, very much. I would like to thank Mr. Antoine for his questions, because I think they are very reasonable, and important ones. I hope that my answers will make him feel comfortable, and if not, maybe we can work further to clarify things.

I think it is important, Mr. Antoine, to understand the purpose of the Metis Nation Accord. We have been after the federal government for a long time to recognize its responsibilities to the Metis. Just as an example, in the Manitoba Act, which is part of Canada's Constitution, the land of the Metis were to have been given recognition. That was of all of the families that were there. Their lands were to be recognized. In addition, in this little area of the Red River, 1.4 million acres of land was to have been set aside for the Metis, and this was in recognition of the Indian title. That was what was specified, after the Manitoba Act was passed, and after the Canadian government brought in a huge influx of people to far

outnumber the Metis. They then passed a series of constitutional acts that were designed specifically to deny the Metis of their lands.

That was fraud at its highest level. Here was a government, or governments, that was supposed to be fulfilling their fiduciary obligations, and their trust responsibility to the Metis. Instead, they were passing laws that were designed to connive and to deprive the Metis of ever having their lands. As a result, our people throughout the Metis Nation have been reduced to being road allowance people, not accepted on the reserves, and not accepted in the white community.

Our way of life was outlawed. At one time our people used to be able to hunt, so they could look after their families. Governments came along and said, no, we are going to pass laws to say you cannot. We used to be able to trap and they took away our trap lines. These are trust responsibilities the government has had, the federal government, the Government of Canada.

When we first went to Ottawa as a new national group in 1970, we then started to press the federal government to realize its trust responsibilities, its legal responsibilities to deal with Metis issues, and to be able to legislate for the Metis. The federal government has conveniently said, we do not have the responsibility to legislate for you, that now is the provinces.

We go to the provinces and say, look, we are landless. You have the responsibility to provide our people land, we are an aboriginal people without land. They say "no, no, no, that is the federal responsibility." So, we have been a political football.

In the meantime, our people do not have access to education, financing, and we have the same problems as Indian people when it comes to Child and Family Services coming in and splitting up our families. We have the same problems of incarceration of our people, and so on and so forth, but no recognition of a responsibility anywhere.

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During this round of constitutional talks, before it started, we had asked the government in Ottawa to do something to clarify this. They said, in these federal proposals, you will remember when this was put out about a year ago, September of last year, the federal government said: "The Metis have often been

characterized as Canada's forgotten people. The Government of Canada is committed to addressing the appropriate roles and responsibilities of the governments, as they relate to the Metis."

So we said, "Hallelujah." When the constitutional talks began, the multilateral talks began, we said, how do we address this, how do we come up with a way that will settle this issue, so that the federal government will be able to accept its responsibility? They put together a special task force which took place during the multilateral talks. The federal government, during those meetings, said, look, if we accept our responsibility as a federal government, our federal fiduciary responsibility, we do not want the provinces and the territories to turn around and say, "now we are going to off-load all of our provincial expenditures on Metis for things like education, and child welfare", and so on. "We are now going to send the bill to Ottawa."

The federal government said if we go along with this, we have to have an assurance from the provinces that they are not going to do this. The Assembly of First Nations, and some provincial governments said, "look, if will you accept your role and responsibility for the Metis, we do not want to see you reduce funds for programs, and services, to the aboriginal groups that the federal government is already funding."

This is the kind of negotiation that went on, to sort out the roles and the responsibilities, of the governments. Now, we have put that all in a draft, that was in the Metis Nation Accord, which was approved by the Ministers on September 28. Technically, there were some parts of the draft that were incomplete, because we had to await the legal language, but all of the elements of the Metis Nation Accord were agreed to last summer. In fact, the Metis Nation Accord was circulated, and provided to Metis communities here in the Northwest Territories, during the annual assembly last year.

Now, we have an agreement that sorts out the role and responsibilities of the governments. The federal government, and the provinces, are prepared to make an amendment to section 91.24 to clarify that the federal area of jurisdiction also applies to the Metis, by saying something to the effect of, "this clarifies that the words Indians and lands reserved for Indians in section 91.24 applies equally to all aboriginal peoples."

That, then, means that the Metis will no longer be political footballs. The federal government will be

able to negotiate because it recognizes that it has a jurisdiction to negotiate. We sought further assurances in terms of self-government negotiations. Part of the Metis Nation Accord provides for transfer payments to be made to self-government institutions in the future, that there will be transfer payments, that there will be a devolution of programs to Metis institutions and so on.

There are these various aspects of the Metis Nation Accord that serve, more or less, as a framework agreement for the negotiation of self-government agreements. Such a framework agreement, I guess, for the Metis Nation, is a bit ahead of other people who have not been in the position of negotiating a framework agreement. In fact, that is part of the constitutional package, there will be framework agreements entered into with all aboriginal groups who will be entering into self-government negotiations. It is not just us that will have an accord like this, all groups will have an accord.

Since we were in those negotiations, we went ahead and produced this accord, because we are so far behind, and this accord now brings us up to a level playing field with the other aboriginal peoples of Canada. I hope I have explained the purpose of the accord, Mr. Antoine, and I hope that we can have a chance to discuss with you, in more detail, the contents of the Metis Nation Accord. I know that the Metis Nation of the Northwest Territories intends to go into great detail in all the Metis communities and, obviously, in areas such as yours and everywhere really, where the Metis and the Indian people live side by side. There will be a need to make sure that everybody understands what is in the Metis Nation Accord.

CHAIRMAN (Mr. Ningark):

Thank you. When Mr. Antoine is finished with his comments, I still have five Members' names on here. However, there are two Members who have not spoken yet, Mr. Pudlat, and Mr. Koe. Mr. Antoine.

MR. ANTOINE:

Thank you, Mr. Chairman. The explanation that Mr. Belcourt gave me is quite useful, but his presentation was more or less on a general nature, and background, of this whole situation. The people in the communities are the ones that are going to make the final choice on October 26, depending on how they understand this whole package, and all the different aspects of this package will determine, ultimately,

their decisions. That is why I am concerned about some portions of this, especially in the smaller communities, most of the things, like Senate reform, which is important, will be very hard to explain because people do not deal with it on a day to day basis. The people in the communities who live on the land, provide their living off the land, in the smaller communities, would know that they are dealing with their land and resources on it, so in that way, I am trying to have it comfortable in my mind, about this Metis Accord. How is it going to apply in the communities in the north?

I think Mr. Belcourt, and Mr. Fraser, who come from communities down south, are probably aware of the situation up here in the north. Some of the communities are integrated, we do not have reserves up here, and the Metis, the Dene, and non-aboriginal people, all live together side by side in the smaller communities. In the accord you have the negotiation of aboriginal self-government, and that goes for treaty Indians. You have two groups that perhaps, according to this, could have their own self-government regimes in the communities, as well as a public government. It is going to be very difficult to deal with that sort of scenario up here.

Whereas in the south, it is pretty distinct, because you have reserves, and then you have off-reserve aboriginal people in the cities, and so forth. You have Metis' settlements and you have cities in the communities, and it is easier to deal with the situation. Up here it is going to be very difficult in the smaller communities to apply something like this. Especially in some areas, in my area we are dealing with land claims, and it is more or less, in my particular area, in Deh Cho region, we are looking at different options on how to deal with it. Everything is not ruled out yet. I will question extinguishment is a hold back right there, and the federal government policy on extinguishment and the treaty rights, is what we are dealing with at this time. It does not rule out completely, our relatives who are Metis people, in settling some claims. If this thing goes ahead and agreed upon, in Ottawa, it is going to be imposing something from the federal level back into the community again. It is not coming from the community up. The people in the communities have to agree first, on how they are going to deal with the situation.

If you have two different groups opposing because of this accord, it is going to be very difficult to work with. I am wondering since you have negotiated this package, I am wondering how you envisage

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something like this working in the north, and some of the smaller communities. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Belcourt.

MR. BELCOURT:

Yes, Mr. Chairman. First of all, by approving constitutional amendments, based on this agreement in Charlottetown, does not mean that on October 27, the Constitution is amended. You still have to come back, and your Legislature still has to deal with legal text. You still have to deal with the Metis Nation Accord, and having that finalized, before it can be signed.

Just as there will not automatically be constitutional change on October 27, even when the amendments are approved, and the Metis Nation Accord is signed, it does not mean that self-government agreements exist. The self-government agreements have to be negotiated by the people and the governments.

Now obviously, in a place where people have decided they want to have one common self-government agreement, for their area, if that is so, and it is based on settlement of a claim, that is the way the negotiations will go. That is the way that the people will decide. Nothing is imposed. What we are talking about is putting something in place that will permit self-government negotiations to take place.

Even though, people are living side by side in the north, you know, there is a very simple fact that they may be living side by side, but they are certainly treated differently by Ottawa. Some people are Status Indian people, and receive certain benefits and services, and entitlements, that their relatives sitting next door do not enjoy. We want to tear that barrier down. We want the measure of equality to apply equally to all aboriginal people. We do not want to be treated, any longer, like second class aboriginal people, and third class Canadians.

The only way to do that, to guarantee that we will not, is to have a constitutional amendment that will provide, clearly, that the federal government has obligations to the Metis as well, and that is the fundamental objective of the Metis Nation Accord.

I do not think any of us, Chief Antoine, are interested in seeing divisions carry on further in our

communities. None of us wants to set up any kind of false divisions. We certainly have had enough of it. We have been victims of it, and we are sick and tired of it. If people in our communities want to go a certain way in self-government negotiations, that is their decision, but what we do want to guarantee is that they have the option to enter into self-government negotiations if they want to.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Belcourt. Mr. Fraser.

MR. FRASER:

Just a short answer to Mr. Antoine's question, and I tend to agree with him, it will be people at the community level that will make that final decision irrespective of what we negotiate in Ottawa, or whatever part of the country that we may arrive at.

I agree with Tony's comments, that is what we are trying to do, to create an opportunity so that all aboriginal people, if they want to enter into self-government negotiations, have that opportunity to do that. It should not be myself, or anybody else, that makes that decision on their behalf. I think that is part of our reason for being involved in this process, because it was a process of inclusion, not an exclusion of people. We have situations where people have decided to co-exist together, irrespective of whatever designation they have, and I think that should be encouraged, the cooperation and development.

We also recognize that there are other parts of this country, in which that is not going to work. You alluded to it earlier, when you talked about those people, the designation of those people living on, and living off-reserves. In particular in the Maritimes, where I come from, because we changed our wording in our Constitution, it says nice things about aboriginal people being treated equally and fairly. We make those changes in the Constitution, or put those words forward, it is not going to change 400 years of attitudes in my part of the country. Our nations have been basically destroyed. It is going to take generations to overcome divisions, our people have had to face since confederation, and even before. We talked about the treaties. We waited 267 years for our first treaty to be honoured, and we are still waiting, so a lot of it is attitude.

We can change our worlds, but it is not going to change overnight. I regret to say at this point that I

have got to go, because I am due to catch a plane out of here, but I would like to thank Members of the Legislature here for giving us the opportunity to speak to you. I know every time I come north, the hospitality of northerners is second to nobody, and I know I have enjoyed that when I have come up to meet with the Metis Nation. I sort of felt a great sense of hospitality by the Members here today, and I thanked them for their kind words throughout the day. I also thanked them for the gift that has been given to us.

On that note, I hope that we can have the opportunity of returning some day, or at least talking to each other more on this issue and others, because I think it is very important that we work together through this process. We have a long way to go, and I think a lot of people have recognized that we have come a long way in this process, but we have a long way to go together to ensure that the aboriginal people in this country take their rightful place in confederation. We hope that we can realize that together, and make a better way of life for our children coming up, and our grandchildren, and those yet to be born. Thank you.

---Applause

CHAIRMAN (Mr. Ningark):

Mr. Fraser, on behalf of the N.W.T. Legislative Assembly, from each and every Member, I would like to thank you for coming to meet with us, no doubt from a very busy schedule. We hope to see you again in the near future. Thank you.

---Applause

The next speaker, I believe I have Mr. Pudlat, and Becky.

MR. BELCOURT:

Mr. Chairman.

CHAIRMAN (Mr. Ningark):

Yes, Mr. Belcourt.

MR. BELCOURT:

I realize that your committee Members, and the Members of this Legislature, will have many things they want to debate and say to each other about the accord. I was wondering, in view of the fact that I am the only person here of the four aboriginal groups, if there were any questions that would be specific that I might be able to answer on behalf of the Metis

National Council, perhaps I could take those questions, and then I will say my good-byes.

CHAIRMAN (Mr. Ningark):

Mr. Nerysoo.

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MR. NERYSOO:

Thank you, Mr. Chairman. Mr. Chairman, I want to indicate that it was approximately 16 items, and over 64 questions that we wanted to ask today, of which a great deal of them happen to be with aboriginal issues. We did not have the opportunity to get to all of them and, I am going to table, in this House, all the questions that we wanted to ask. I will be forwarding those questions to the National Aboriginal Organizations to respond to those questions, so that in our efforts to convince, if we have to convince, our communities, we will have more detailed answers to the question we wanted to ask about issues like the Senate, economic issues, and aboriginal issues, in order for us to deal with the communities properly, and provide the best answers to them. I will table those questions, hopefully, I will get the opportunity to be asking other questions in this House before we conclude this, but I just wanted to inform you about that. I think that is a better way of dealing with some of the concerns that we have.

CHAIRMAN (Mr. Ningark):

Thank you. As Mr. Belcourt stated, if there are any more questions from the committee regarding the Metis National Council, the floor is open, as he will be leaving shortly. He can respond to us for the rest of his time. Mr. Koe.

MR. KOE:

I will save my comments for a Member's statement, or something.

CHAIRMAN (Mr. Ningark):

Thank you. Ms. Mike.

MS. MIKE:

Mr. Chairman, since I sent you a note, this is the question that I asked to the Chairman of the committee within our government. Perhaps, while he is here, he can respond to it, but this time through you, Mr. Chairman. I would appreciate it if Mr. Kakfwi

could respond, instead of Madam Premier, because the first time I asked it, and she responded, I think she got confused with the two M.P.s.

My question was, Mr. Chairman, in relation to the representation currently enjoyed by the Northwest Territories in the Senate. If division occurs, the existing territory will be smaller in both population and size. Perhaps the Chairman of the special committee can tell me what guarantees we have that the existing territory will retain its one Senate seat. That was my question. Thank you.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Lewis, point of order.

Point of Order

MR. LEWIS:

Yes, Mr. Chairman. I believe that our witness has been with us a long time now, and there was a question asked, if there were Metis issues that he could deal with, he would be quite happy to hear them, and I think we should show some courtesy by allowing Mr. Belcourt to go now that we have been finished with the issues that he has raised, because he has been very patient with us. I still respect my colleague's right to ask whatever she wants, but I think it would be a very good gesture, if we allowed Mr. Belcourt to leave now.

---Applause

CHAIRMAN (Mr. Ningark):

Thank you. Perhaps Mr. Minister, the Chairman of the Constitutional Reform, could respond later, and I would like any Member who wishes to ask Mr. Belcourt of the Metis National Council, to do so. Mr. Nerysoo.

MR. NERYSOO:

Thank you, could I ask, Mr. Chairman, if Mr. Belcourt could provide us with a copy of the Metis Accord, the details.

CHAIRMAN (Mr. Ningark):

Mr. Belcourt, could you provide us with that copy as requested by Mr. Nerysoo.

MR. BELCOURT:

I have a copy of the Metis Nation Accord that was circulated previously, and I certainly would be happy to provide that.

CHAIRMAN (Mr. Ningark):

Thank you. Any further comments directed to Mr. Belcourt before he leaves. Mr. Belcourt.

MR. BELCOURT:

I would just like to thank you again, Mr. Chairman, for the opportunity to be here. The Metis National Council is very grateful to be given this chance to meet with Members of your Legislature, and to participate in this very, very important debate. I can assure you that questions that are tabled for us will be answered promptly. I would also like to say that we are very anxious to help out as much as we can in trying to explain the Metis Nation Accord, and the entire constitutional package. If some Members of this Legislature are planning some public meetings in the future, if you would let us know, we would certainly see how we might get a representative to attend the meeting, and help out in the communities. That is our number one objective for the next 30 days. Again, I thank you very, very much.

---Applause

CHAIRMAN (Mr. Ningark):

Mr. Belcourt, on behalf of the N.W.T. Legislative Assembly, the committee, the Ministers, the ordinary M.L.A.s, and all the people of the N.W.T., especially Yellowknife, we would like to thank you for taking the time from your very busy schedule to meet with us. It is always a pleasure to have meetings with national leaders. Thank you.

---Applause

CHAIRMAN (Mr. Ningark):

Seeing that the time is not yet 7:00 p.m., I would like Mr. Kakfwi to respond to Ms. Mike's question.

HON. STEPHEN KAKFWI:

Mr. Chairman, thank you. Both of us, the Premier and myself, were involved in the negotiations, in some parts she was more involved than I was, in others I took the lead. In any case, on the Senate issue, as far as the territories was concerned, when they worked out the numbers, we agreed that each

territory would basically have one senator, which is what we have now.

The existing territories would be guaranteed one each. As far as the Nunavut territory is concerned, there is no guarantee that the Nunavut territory, when created, will get a Senate seat. I cannot hear you. If you want to let me finish, then you can...

CHAIRMAN (Mr. Ningark):

Order please. Mr. Kakfwi, please continue.

HON. STEPHEN KAKFWI:

The negotiations on the Senate, were quite intense and at times fast-paced. In any case, what we got was assurance that we would get one seat for the existing territory. As far as a new territory is concerned, for whatever reasons, perhaps it seemed hypothetical at the moment, it seemed insurmountable in regard to the way that they were figuring out numbers between the House of Commons and the Senate, that issue was not addressed.

There is an understanding that we will continue to work through the fall to get some assurance, in the event that the Nunavut territory is created, that there will be at least one Senate seat assured to this new territory. I should add that the idea that there will be aboriginal Senators, as well, was also not resolved in the current round, but it was agreed that by

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October/November all parties will make best efforts to come to some sort of an agreement on how aboriginal people could be represented in the Senate. That is understood, we are going to try and follow-up with our own assurances in that area.

In response to the question, very short, there is no assurance for the Nunavut territory, as far as Senate representation is concerned, at this time.

CHAIRMAN (Mr. Ningark):

Ms. Mike.

MS. MIKE:

Thank you, Mr. Chairman. On the fact sheet that we have titled Our Future Together, subtitled Responsive Institutions, it says that generally, the agreement provides for the following: equal provincial representation with six seats per province and one

per territory for a total of 62. It is not so much my concern that Nunavut is going to be left out, because Mr. Adams is from the Nunavut territory, but if we do get division, is there any guarantee for the western part to have a seat? For you, Mr. Kakfwi.

CHAIRMAN (Mr. Ningark):

Thank you. Mr. Minister.

HON. STEPHEN KAKFWI:

Well, no offence to Mr. Willie Adams, but the understanding is that, within a certain period of time, if this new Senate is accepted, there will be an election, or this Legislature will be given some mechanism by which they could choose a senator of their own. Therefore, Mr. Adams, may or may not, be in that equation.

CHAIRMAN (Mr. Ningark):

Thank you, Mr. Minister. It is 7:00 p.m., we have decided to adjourn by 7:00 p.m. I will now rise and report progress.

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Ningark):

Thank you.

---Applause

MR. SPEAKER:

Item 19, report of committee of the whole. Mr. Chairman.

ITEM 19: REPORT OF COMMITTEE OF THE WHOLE

MR. NINGARK:

Mr. Speaker, your committee has been considering committee report 10-12(2), committee report 18-12(2) and Ministers' statement 82-12(2) and wishes to report progress. Mr. Speaker, I move that the report of the chairman of the committee of whole be concurred with. Thank you.

MR. SPEAKER:

Do we have a seconder? Mr. Koe. Motion is in order. All those in favour? All those opposed? Motion is carried.

---Carried

MR. SPEAKER:

Item 20, third reading of bills. Item 21, Mr. Clerk, orders of the day.

ITEM 21: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Speaker, the meeting of the Ordinary Members' Caucus at 9:00 a.m. tomorrow. Orders of the day for Tuesday, September 29, 1992.

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Oral Questions
6. Written Questions
7. Returns to Written Questions
8. Replies to Opening Address
9. Petitions
10. Reports of Standing and Special Committees
11. Reports of Committees on the Review of Bills
12. Tabling of Documents
13. Notices of Motion
14. Notices of Motions for First Reading of Bills
15. Motions
16. First Reading of Bills
17. Second Reading of Bills
18. Consideration in Committee of the Whole of Bills and Other Matters

- Tabled Document 9-12(2)

- Tabled Document 10-12(2)
- Tabled Document 62-12(2)
- Tabled Document 66-12(2)
- Tabled Document 70-12(2)
- Motion 6
- Committee Report 10-12(2)
- Committee Report 17-12(2)
- Committee Report 18-12(2)
- Bill 9
- Bill 31
- Bill 32
- Bill 33
- Minister's Statement 82-12(2)

19. Report of Committee of the Whole

20. Third Reading of Bills

21. Orders of the Day

MR. SPEAKER:

Thank you, Mr. Clerk. This House stands adjourned until 10:00 a.m. Tuesday, September 29, 1992.

---ADJOURNMENT