



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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Speaker: The Hon. Richard Nerysoo, M.L.A.

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NORMAN WELLS, NORTHWEST TERRITORIES

TUESDAY, OCTOBER 31, 1989

MEMBERS PRESENT

Hon. Titus Allooloo, Mr. Arlooktoo, Hon. Michael Ballantyne, Hon. Tom Butters, Hon. Nellie Cournoyea, Mr. Crow, Mr. Ernerk, Mr. Gargan, Hon. Stephen Kakfwi, Mr. Kilabuk, Mr. Lewis, Hon. Jeannie Marie-Jewell, Mr. McLaughlin, Mr. Morin, Hon. Richard Nerysoo, Mr. Ningark, Hon. Dennis Patterson, Mr. Pedersen, Mr. Pollard, Mr. Pudluk, Mr. Sibbeston, Mr. Whitford, Hon. Gordon Wray, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Richard Nerysoo): Orders of the day for Tuesday, October 31, 1989.

Item 2, Ministers' statements.

Item 3, Members' statements.

Item 4, returns to oral questions. Item 5, oral questions. The honourable Member for Nahendeh.

ITEM 5: ORAL QUESTIONS

Question O138-89(2): Time Frame For Pipeline Down The Mackenzie

MR. SIBBESTON: Mr. Speaker, I would like to ask this question of the Minister of Energy, Mines and Petroleum Resources, with respect to the NEB announcement and the interest shown by Foothills Pipeline in the last couple of days about the possibility of a gas pipeline from the Beaufort, south. I am just wondering, as far as the Minister knows, how many years hence may it be before a pipeline is built? What is the earliest that a gas pipeline could be built down the Mackenzie Valley?

MR. SPEAKER: Thank you. The honourable Minister of Energy, Mines and Petroleum Resources.

Return To Question O138-89(2): Time Frame For Pipeline Down The Mackenzie

HON. NELLIE COURNOYEA: Mr. Speaker, the information that I would give to the Member would be hypothetical because I really do not know whether there will ever be any pipeline down the Mackenzie. However, the gas export permit gives a time limit that the earliest that gas can move from the Beaufort is 1996. An estimation is, if and when the plans begin to get under way for a pipeline, the estimation if everything began now in terms of the proper finances, the proper mechanisms and technical issues being put into place and hearings, etc., the earliest possible time that anything can start -- and this is just "if" -- four years would be the earliest possible time that anyone is estimating at this point. However, Mr. Speaker, I do not know whether there will ever be a pipeline. I know there are proposals for one but certainly the financial arrangements and the viability of getting a return on your dollar and paying for a pipeline -- all these things are just newly being explored at this time.

MR. SPEAKER: Thank you. The honourable Member for Nahendeh.

Supplementary To Question O138-89(2): Time Frame For Pipeline Down The Mackenzie

MR. SIBBESTON: Mr. Speaker, I am pleased that the prospect for a gas pipeline is some years down the road. I alluded to the problem I saw yesterday with respect to the government not saying anything about the Dene/Metis land claims, that any pipeline should be built only after the Dene/Metis land claims are settled. I am wondering if the Minister is prepared, in terms of any statements she makes, any press statements, any discussions that she has with the oil and gas industry, to state very strongly and unequivocally that there is not to be a gas pipeline, any pipeline in the North, unless and until the Dene/Metis land claims are settled.

MR. SPEAKER: Thank you. The honourable Minister of Energy, Mines and Petroleum Resources.

Further Return To Question O138-89(2): Time Frame For Pipeline Down The Mackenzie

HON. NELLIE COURNOYEA: Mr. Speaker, the subject of whether there should be a gas pipeline or not has not been fully discussed with the Dene/Metis, and again it would be completely presumptuous and hypothetical for me to allude to what the Dene/Metis will see as a reasonable course of action in the future. I realize the desire is to have the Dene/Metis claim concluded before energy resources move, or before a pipeline is built, and we all agree with that. However, I think these discussions will have to take place with the Dene/Metis and see if we can lend any support to have the settlement of the claim. As for an official position, at this point in time we have not discussed it because other than putting together information and the presumption or the planning of, if there should be a pipeline, what should be in place before then -- we have not done that yet.

MR. SPEAKER: Thank you. The honourable Member for Nahendeh, supplementary.

Supplementary To Question O138-89(2): Time Frame For Pipeline Down The Mackenzie

MR. SIBBESTON: Thank you, Mr. Speaker. I believe the Minister is avoiding the question and getting tangled up in presumptions and other airy type things. If she does feel that she does need to meet with the Dene/Metis, then is the Minister prepared to meet with the Dene/Metis in the next few weeks and months and ascertain what the Dene and Metis associations think about this matter and report back to the Assembly in the winter session on this point?

MR. SPEAKER: Thank you. The honourable Minister of Energy, Mines and Petroleum Resources.

Further Return To Question O138-89(2): Time Frame For Pipeline Down The Mackenzie

HON. NELLIE COURNOYEA: Mr. Speaker, we will continue the meetings with the Dene and Metis as we have in the past in planning anything around or looking toward any kind of decision-making regarding pipelines and where the development might take place on their land. Yes, certainly the meetings will continue, and I think that if the Member is wanting to have ongoing information I would be pleased to prepare that and have that information provided to him on an ongoing basis between now and the winter session as well. Thank you.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Aivilik.

Question O139-89(2): Research Into Birthing Centre In The Keewatin Region

MR. ERNERK: (Translation) Thank you, Mr. Speaker. My question will be directed to the Minister of Health. It is part of what I asked yesterday regarding a birthing centre in the Keewatin. Mr. Speaker, I wonder when the results of the research on a birthing centre will be completed.

MR. SPEAKER: The honourable Minister of Health.

Return To Question O139-89(2): Research Into Birthing Centre In The Keewatin Region

HON. NELLIE COURNOYEA: Mr. Speaker, I do not know whether we are doing research on a birthing centre. What we are doing at this point in time is having ongoing discussions with the Keewatin Regional Health Board in that area to ascertain the best way of handling that particular request. I think it is very much more what the final decision will be and how we are going to accommodate the request, and these discussions are taking place to try to find the best solution to that request, Mr. Speaker.

MR. SPEAKER: Thank you. Oral questions. Item 6, written questions. The honourable Member for Yellowknife South.

MR. WHITFORD: Mr. Speaker, it was for oral questions, not written questions. I had my hand up before.

MR. SPEAKER: Sorry, I have already called written questions. Do you want unanimous consent to turn back to oral questions?

MR. WHITFORD: Thank you. Yes, Mr. Speaker, I just have one question and I would like unanimous consent to return to oral questions.

MR. SPEAKER: The Member is seeking unanimous consent to return to oral questions. Are there any nays? Proceed, Mr. Whitford.

Question O140-89(2): Emergency Power, Yellowknife

MR. WHITFORD: Thank you, Mr. Speaker. The question is directed to the Minister responsible for the Power Corporation. Yesterday she announced a contract between the corporation and Nerco, dealing with joint efforts to supply power at least into the Yellowknife area. Would the Minister be able to let me know whether or not this is going to mean that there will be a more steady emergency supply of power to the city of Yellowknife this coming winter?

MR. SPEAKER: Thank you. The honourable Minister of Energy, Mines and Petroleum Resources.

Return To Question O140-89(2): Emergency Power, Yellowknife

HON. NELLIE COURNOYEA: Mr. Speaker, in the agreement that was signed between Nerco and the Power Corporation it does make provision for bringing other generators up from Pine Point to make sure that the past outages would not occur again. I cannot guarantee to the Member unequivocally that there will not be power outages but the deal did take into consideration moving two large generators from Pine Point into Yellowknife and, also, redesigning somewhat the feed into Yellowknife so that you would have more consistent power or an alternative. So yes, Mr. Speaker, I would hope that the arrangement that is made would allow much more even, consistent power to Yellowknife.

MR. SPEAKER: Thank you. The honourable Member for Yellowknife South, supplementary.

Supplementary To Question O140-89(2): Emergency Power, Yellowknife

MR. WHITFORD: Mr. Speaker, supplementary to the same Minister. The relocation of the diesel units from Pine Point, has this taken place? If not, when will they be in operation?

MR. SPEAKER: The honourable Minister for Energy, Mines and Petroleum Resources.

Further Return To Question O140-89(2): Emergency Power, Yellowknife

HON. NELLIE COURNOYEA: Mr. Speaker, the move has not taken place at this time but the arrangements to have them moved are being put together right now. The work is being

undertaken at this time to begin the move, unless in the last couple of days there has been acceleration of activity. I do not know whether I can say unequivocally, they have not begun to move at this time but they are not on location at this time.

MR. SPEAKER: Thank you. The honourable Member for Yellowknife South, supplementary.

Supplementary To Question O140-89(2): Emergency Power, Yellowknife

MR. WHITFORD: Thank you, Mr. Speaker. I am sorry that I have to continue on this point but last year we had a lot of problems because there was a shortage of emergency power. As a matter of fact, the day after I asked the Minister whether or not there was enough emergency power, the power did go out and, consequently, the government shut down for the day. Has anything changed, Madam Minister, since last spring, as to the emergency supply of power for the city of Yellowknife? Do we still have the same capacity as we had last spring, as we go into this winter?

MR. SPEAKER: Thank you. The honourable Minister for Energy, Mines and Petroleum Resources.

Further Return To Question O140-89(2): Emergency Power, Yellowknife

HON. NELLIE COURNOYEA: Mr. Speaker, I would be pleased to table the details of what we have done to improve the system and I will have that later this afternoon. I cannot tell you here, because I am not an engineer, exactly what has happened but there have been improvements made to the system. As well, there will be improved security with the improvement on the Snare line that should be coming and being upgraded and should be completed by March. In the meantime, there have been some realignments and some extra generation and reorganization that will allow for a more consistent power supply to Yellowknife. However, in more technical detail, and I know the Member has a background in power generation, I do not feel I am qualified to answer him in the detail that he probably would prefer but I will provide a report to him.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Deh Cho.

Question O141-89(2): Statistics Re Violation Of Seat Belt Legislation

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Justice. Again, it is with regard to seat belts. Mr. Speaker, on a number of occasions in our travels, members of the general public have not been applying the law of seat belts and I would like to ask the Minister whether or not there are statistics with regard to the violation of that seat belt law and whether or not the law enforcers have tended to charge people, not with violating the seat belt legislation, but with violating the Liquor Act. I would like to ask the Minister whether or not he has those statistics. Mr. Speaker, on one occasion I have requested I be charged for violating the Motor Vehicle Act but I guess the RCMP did not choose to enforce it. That is the reason why I am asking whether or not there are statistics with regard to violation of the seat belt law.

MR. SPEAKER: Just as a reminder with regard to oral questions that it should be anticipated that when one is asking oral questions that the Minister should have at least an idea of the information that is being requested by Members in the Assembly. In this particular case, I will allow the question to be answered but I will just remind Members of the process of asking oral questions in the future. The honourable Minister of Justice.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I will take that question as notice.

MR. SPEAKER: Thank you. The question is taken as notice. The honourable Member for Aivilik.

Question O142-89(2): Clarification Of Question O136-89(2), Revocation Of General Hunting Licences

MR. ERNERK: Thank you, Mr. Speaker. I would like to clarify this question that I asked yesterday, Question O136-89(2). The title of the question is "Revocation of General Hunting Licences". Mr. Speaker, when I asked the question yesterday, the Minister understood what I meant but his staff may not understand what I mean because this question relates to the loss of general hunting licences and compensation for general hunting licence so it sort of came out with no meaning at all. Let me ask this question to the Minister then. In January of 1989, the two brothers, Mark Nakoolak and Johnny Nakoolak, apparently lost all their hunting equipment at the floe edge and the Department of Renewable Resources took a statement from the two brothers – that is nine months ago, Mr. Speaker. I am wondering, under the compensation policy, if these two gentlemen from Coral Harbour can expect to get some compensation from the Department of Renewable Resources.

MR. SPEAKER: Thank you. The honourable Minister of Renewable Resources.

Return To Question O142-89(2): Clarification Of Question O136-89(2), Revocation Of General Hunting Licences

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. As I stated yesterday, I will be writing to the Aivilik Member in regard to this, what sort of action they would have to take in order to get compensation. Thank you.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Hay River.

Question O143-89(2): Instructions For Law Enforcement Officers Re Seat Belts

MR. POLLARD: Thank you, Mr. Speaker. To the Minister of Justice, through you sir, concerning a topic that Mr. Gargan raised, seat belts. Are there any instructions existing that say to the law enforcement person "Do not charge this particular person. Do not charge this particular group, or do not lay charges for seat belt violations in this particular community"? Is there anything of that nature that the Minister is aware of, Mr. Speaker?

MR. SPEAKER: The honourable Minister of Justice.

Return To Question O143-89(2): Instructions For Law Enforcement Officers Re Seat Belts

HON. MICHAEL BALLANTYNE: No, Mr. Speaker.

MR. SPEAKER: Oral questions.

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, tabling of documents. The honourable Minister of Health, or should I say the honourable Minister of Energy, Mines and Petroleum Resources?

ITEM 11: TABLING OF DOCUMENTS

HON. NELLIE COURNOYEA: Mr. Speaker, as Minister of Energy, Mines and Petroleum Resources I wish to table Document 26-89(2): Regulations of the Northwest Territories Power Corporation Act. Thank you.

MR. SPEAKER: Thank you. Tabling of documents. Item 12, notices of motion. The honourable Member for Tu Nede.

ITEM 12: NOTICES OF MOTION

Notice Of Motion 13-89(2): Policy On Militarization Of The Northwest Territories

MR. MORIN: Thank you, Mr. Speaker. I give notice that on Thursday, November 2, 1989, I will move the following motion: Now therefore, I move, seconded by the Member for Aivilik, that this House declare its support for the creation of a comprehensive policy on militarization of the NWT; and further that this policy be created with the full participation of all Members and the people of the NWT; and further, that a draft policy be tabled by the Executive Council at the sixth session of the 11th Assembly; and further, that any policy approved by the Legislative Assembly becomes the position of the Government of the NWT regarding military proposals and that this policy be communicated directly to the Minister of National Defence. Thank you.

MR. SPEAKER: Notices of motion.

Item 13, notices of motion for first reading of bills. Item 14, motions. The honourable Member for Aivilik.

ITEM 14: MOTIONS

Motion 9-89(2): Motion For Support Of Creation Of A Nunavut Territory

MR. ERNERK: (Translation) I will be reading the motion:

WHEREAS the report of the special committee on unity to the third session of the ninth Assembly, in Iqaluit, on October 22, 1980, as adopted, recommended that: "this Assembly declare its commitment in principle to a major division of the present Northwest Territories into an eastern and a western territory, subject to the expressed will, by public debate and by plebiscite, of the people of the Northwest Territories showing preference for the establishment of one or two new territories";

AND WHEREAS on April 14, 1982, pursuant to the Plebiscite Ordinance, a plebiscite was held in the Northwest Territories on the question: "Do you think that the Northwest Territories should be divided?";

AND WHEREAS the report of the chief plebiscite officer on the plebiscite on division of the Northwest Territories, 1982, revealed that a majority of 5586 of the total of 9890 ballots cast, or approximately 56 per cent of the total votes, favoured division of the Northwest Territories;

AND WHEREAS the eighth session of the ninth Assembly of the Northwest Territories, in session in Inuvik, Northwest Territories, on May 19, 1982, noting the preamble to the plebiscite on division and the results of the plebiscite, by motion recommended that the Government of Canada appoint, as soon as possible, a federal boundaries commission to consult with the people of the Northwest Territories and to recommend the exact boundaries of the new territory;

AND WHEREAS a boundary commission was not appointed by the Government of Canada and instead the matter of division of the Northwest Territories was referred to the Constitutional

Alliance of the Northwest Territories, composed of the Nunavut and Western Constitutional Forums;

AND WHEREAS on January 15, 1987, an agreement was reached between the Western Constitutional Forum and the Nunavut Constitutional Forum entitled "Boundary and Constitutional Agreement for the Implementation of Division of the Northwest Territories between the Western Constitutional Forum and the Nunavut Constitutional Forum";

AND WHEREAS by motion on March 12, 1987, the ninth session of the 10th Assembly approved Tabled Document 1-87(1), entitled "Boundary and Constitutional Agreement for the Implementation of Division of the Northwest Territories between the Western Constitutional Forum and the Nunavut Constitutional Forum";

AND WHEREAS by motion on March 12, 1987, the ninth session of the 10th Assembly moved that this Assembly recommend to the Commissioner that a plebiscite be held on the question of the proposed boundary as contained in Tabled Document 1-87(1); and that the date for the plebiscite be Wednesday, May 20, 1987; and that the plebiscite not take place if Tabled Document 1-87(1) is not ratified in the manner contemplated therein and formal notification of such ratification conveyed to the Commissioner prior to April 1, 1987, by the appropriate parties;

AND WHEREAS the Iqaluit agreement and the proposed boundary for division of the Northwest Territories was not ratified and the proposed plebiscite did not take place;

AND WHEREAS the 11th Assembly of the Northwest Territories has not expressed its views on these matters;

NOW THEREFORE, I move, seconded by the honourable Member for Amittuq, that this Assembly affirm its support for the creation of a Nunavut territory. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. The motion is in order. To the motion. The honourable Member for Aivilik.

MR. ERNERK: (Translation) Thank you, Mr. Speaker. First of all, I am very happy that the people from TFN, from the Dene and Metis associations, plus the Inuvialuit, are here today. I am very happy that they have been able to make it here. The agreements that have been reached in this motion, Mr. Speaker, have been stated. I believe it to be true that the agreements were made. If Nunavut got their own government, I would like it to be fully understood that a Nunavut government will be everybody's government. I would like to state that if there is the creation of a Nunavut government, everyone will be able to come to live in Nunavut.

To the Inuit people, Nunavut is our future, because we have to think of the younger generation. That is why we have been wanting to create a Nunavut territory, because we would like to plan ahead for our younger generation. I think we have to be fully understood by the other people that as Inuit people we do not want to create two different things. We are not separatists. We want to be understood very clearly on that point. We have never been separatists and we will never be separatists in the future.

Mr. Speaker, I will not be speaking at length because the motion that has been made is very clear. We have not really stated in the 11th Assembly whether we are in support of Nunavut or not, and for that reason I would like all people to vote in favour of my motion. Thank you.

MR. SPEAKER: Thank you. Secunder of the motion, the honourable Member for Amittuq.

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I believe, like my colleague, the honourable Member for Aivilik, that it is time that we deal with the Nunavut territory since we have not had

a position on this in this Assembly since our election. I believe that Nunavut is a dream; it is a dream of the Eastern Arctic people, the Inuit. It is a dream whose time has come to be realized. Now, especially with the TFN claim being very close to being agreed to by the two parties, we should endorse the creation of Nunavut as a responsible government in the Northwest Territories.

Co-operation Is Key To Future Development

There are many reasons for this dream to be realized, and everyone here knows and everyone in the Northwest Territories knows that the government would be a public government in Nunavut, fundamentally rooted in our values in Nunavut territory and in our traditions. A dream of ensuring Inuktitut as the main language in Nunavut territory and our government would ensure that the Inuktitut language would be enhanced and used in the school system. We dream of making laws and policies which truly reflect the needs and conditions of Nunavut territory. We feel we are the ones who should be determining our future, just as we are the ones who will be determining our future through the land claims as Inuit. However, it is not our intent to single-handedly determine events in Nunavut. We will be including our friends who have helped us through our political evolution. We believe in partnership. The partnership is based on mutual respect and co-operation and this partnership is a key to our future events. It is our tradition that it is only through co-operation that we survive. This has been shown in the Legislative Assembly at the present time. Even though in our Territories the Inuit are a majority, the Inuit have put their trust in the MLAs for Kivallivik and Iqaluit and Kitikmeot West. We do not develop a government along racial lines. That mutual respect will be enhanced and the people who come into our Territories will be encouraged to learn our language and our culture and our values.

I believe that it is a dream we would like to achieve in the near future, for if we stay as one territory, the government is so far away from our territories, it is difficult for the Nunavut caucus to foresee what the desires of our constituents are, because of so many complexities in our society in the NWT. It will be easier for Denendeh people to achieve their aspirations, I believe, and the government which will be created will be a public government. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. To the motion. The honourable Member for Baffin Central.

MR. KILABUK: (Translation) Thank you, Mr. Speaker. The motion is very clear and very understandable. This has been known by the people of the NWT. Sometimes this has not been supported previously by the Legislative Assembly, but I am very happy about the fact that in the 11th Assembly we are now dealing with this issue. I expect in the future that this will go ahead. The people we represent have been asking questions about the plebiscite for division as to what is happening with the plebiscite that was held. I am sure that they will believe this more because the Legislative Assembly is dealing with this and I am sure they will be happy about the motion if the motion is passed.

My constituents are in support of this and I will be in support of this myself. I would like you to be aware of the reason I stood up for this motion. I know this is not an easy task because the NWT is a very, very large territory and the negotiators have worked very hard on this issue. I know that it is very hard work to work in the government and I expect that this will be enhanced in the future. I am sure that the offices or the place where people work are not going to change right away and they will remain in the capital city for a while even though we have Nunavut, but they will be devolved eventually. I will be in support of this motion, Mr. Speaker, and I hope that everyone else will be, too. Thank you.

MR. SPEAKER: Thank you. To the motion. The honourable Minister of Justice.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I, too, will support the motion. Mr. Speaker, I want to put on the record my understanding of what this motion means.

My support of this motion is dependent on certain principles being followed when Nunavut and the new western territory is created. Those principles are outlined in the Boundary and

Constitutional Agreement for the Implementation of Division of the Northwest Territories between the Western Constitutional Forum and the Nunavut Constitutional Forum, signed on January 15, commonly known as the Iqaluit Agreement.

The most fundamental principles that must be followed are found in part one, under matters of general concern: number one, the boundary as outlined in the agreement; number two, constitutional mandates and agenda of the forums. Mr. Speaker, another important principle for me is found in the official summary of the boundary and constitutional agreement between the Western Constitutional Forum and the Nunavut Constitutional Forum. It outlines a process and if I could, Mr. Speaker, I will read that process into the record: "Before division may take place the claims boundary must be ratified by the aboriginal organizations concerned; the leaderships of the member organizations of the two forums and the Legislative Assembly must approve the agreement. The boundary must be ratified by a Northwest Territories-wide plebiscite and the residents of each jurisdiction must ratify their new constitution. This will be by plebiscite unless agreed to otherwise."

Mr. Speaker, these are the principles that I have accepted in the past. I continue to be consistent with my principles. I have only one other concern, Mr. Speaker, as I support this motion. It is that the federal government will pay the extra cost to each territory in creating two new territories. Thank you very much, Mr. Speaker.

MR. SPEAKER: Thank you. The honourable Member for High Arctic. To the motion.

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I will make a brief comment to the motion. I have been dealing with this issue since 1982 and I was in support of the plebiscite dealing with this issue, to divide the Territories. It has been seven years since the plebiscite was held. Even up until today I have not heard Nunavut residents saying that it is taking too long, please forget about it. I have never heard such a thing in the Nunavut area. They have been dealing with this issue up to today, although there are some issues that are not resolved with regard to the boundary. I am sure that the boundary issue could be ratified in the future because the Constitutional Alliance, from the Nunavut and from the West, worked very hard with each other in trying to draw the boundary line. Up to today we will have to deal with this for our younger generation. Perhaps starting today we will have to think about our future because our future is our younger generation's time.

We do not dislike the people from the treeline but we have different cultures and different ways of life and we have to have different legislation, and it is now evident and that has been documented. We have to fix the future for our younger generation. Also, the people in the western region have to start planning and do some work for their future.

Today we have stumbling blocks due to some of the legislation, perhaps due to the fact that we have different ways of life. I will be in full support of the motion and, also, I like the motion because we can wake up our people. We can remind them about the plebiscite and that it is not a dead issue. Thank you.

MR. SPEAKER: Thank you. To the motion. The honourable Member for Baffin South.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I, too, am in support of the motion. Ever since the last plebiscite in 1982 – I do not know how many people have changed their minds about the plebiscite. I am sure that there are people who have changed their minds since the last plebiscite. During the plebiscite it was evident that the Inuit people wanted division and the people I represent from Baffin South are still in support of the division. I would like to say that I am in support of the motion so that the people I represent will know where I stand.

Broader Knowledge Of Issues Is Needed

I do not know of anyone in the Northwest Territories who knows about these things. One of the concerns that I have about the division is there are not too many people who have knowledge

about this. I think the people are not too aware of these things and I am concerned about that but that did not change my mind about the division. After Members of the Legislative Assembly have supported the motion, the people who are listening to us -- I am sure that the public will have to be orientated more about division, land claims, and self-government. Therefore, everyone has to work toward this, not only the Assembly or the negotiators. I have to support this and the people in my constituency will have to support this too. After we deal with this division motion, the people will have to broaden their work and we have to help them out to teach them what the issue is.

I would just like to reiterate that the Baffin South people are in support of the division. I have never met a person who opposed the division but we have to have a very good understanding as to why we need the division. The people who deal with this are aware of the issue but some people are kind of ignorant of the issue. I am very happy about the motion. Thank you.

MR. SPEAKER: Thank you. To the motion. The honourable Member for Natilikmiot.

MR. NINGARK: (Translation) Thank you, Mr. Speaker. I am in full support of the motion myself. We are aboriginal people of the NWT. In the old days we did not have papers or pens and we used the resources of the land. We survived through the animals and through the plants. They used to walk out on the land just carrying whatever their equipment was and that is how we come to be here today. They used to go hungry and they would die in the ocean and they would freeze in the cold winter months, but they never left the land although all these natural disasters happened to them. They were very patient. They lived on the land even though they had this harsh environment and they survived it. They could live with the ocean, the snow, and the land.

Later on, the Europeans came and the Inuit people taught them how to survive in the harsh environment; they had Inuit helpers and that is how they survived. The people from across the ocean named some of the lakes and rivers in English names, but the Inuit people had lived on the land and they had named it. The European people came to our land and stated that it is their land now and took over and used English names. And the Inuit people, it seems, are trying to get their land back. All the Members of the Legislative Assembly, I am sure, have the best knowledge of self-government, about unity. We also deal with issues of self-government in respect to these. I am in support of the motion. Thank you.

MR. SPEAKER: Thank you. To the motion. The honourable Member for Pine Point.

Issue Of Where Boundary Line Will Be

MR. McLAUGHLIN: Thank you, Mr. Speaker. Over the previous two Assemblies, I have been consistent in my attitude toward division. I travelled around the Territories primarily involved in recreation before I was an MLA and when the division issue came up, my heart wanted me to be against division. When the plebiscite was held, I basically was neutral on the issue; I did not campaign on either side; I tried to explain the pros and cons of division to my constituents; and at that time, the majority of the people in the Territories wanted division. I have always said that even if the majority of the people in the West were against it, if an overwhelming majority, something like 80 per cent of the people in the East wanted it, I would not stand in the way of the Nunavut territory being created. However, when you take a piece of land and divide it into two pieces of land, somewhere there has to be a boundary, and people in the West, as well as people in the East, are concerned about where the boundary is going to be.

That concern came home to me when I was up in the Kitikmeot while I was Minister of Social Services. At a regional meeting, members started saying "If Holman Island is going to be in the West and maybe Coppermine and Cambridge Bay" -- because there were little fractious arguments going on in those communities at the time -- "what will happen to our region?" So it is not just some people in the West who are worried about it. I think that where that boundary line is, is important. When we agreed to the Iqaluit Agreement, part of that agreement was that there be a plebiscite and the plebiscite ballot would have a map with a line on it so that when you voted

in favour of the creation of two territories, you would know which land was going to be on which side of the line.

Though I am in favour of the principle of creating Nunavut territory, none of those conditions are part of the actual motion here. There is a lot of preamble but preambles do not give you the security of that happening. I stick with my commitment that since the majority of the people in the Territories were in favour of division and a vast majority of the people in the East were in favour of the creation of a new territory, I am in favour of the creation of a new territory. However, it is subject to a plebiscite being held across the Territories and part of the plebiscite has to have a map of the Territories with a line drawn on it so people know exactly what they are voting for.

So I will not be supporting the motion because I do not think it provides the security of a plebiscite that everybody can vote on. I cannot vote in favour of the motion because it does not address the issue of where the boundary lines are going to be. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. To the motion. The honourable Member for Kivallivik.

HON. GORDON WRAY: Thank you, Mr. Speaker. I was not going to speak, but after I heard the comments from the Member for Yellowknife North and now the Member for Pine Point, I cannot resist.

Motion Not Committed To Any Process

The motion is deliberately worded so that this House is not committed to any process, is not committed to whatever conditions were created in the past, or what conditions will be created in the future. It was worded so that Nunavut could take place one year from now, 20 years from now, 50 years from now. It was deliberately done that way. The mover of the motion is simply asking that this House reaffirm the support for Nunavut, without any conditions. That is all it wants to do, because we know that if we try and put conditions in this motion we will be here for the next six or seven days; so when I hear the Member for Yellowknife North and the Member for Pine Point attempting to interpret the motion and put their conditions on the motion, then I react, simply because they can say whatever the hell they like, Mr. Speaker – sorry, excuse me...

MR. SPEAKER: Thank you. The honourable Member has withdrawn the remark, for the record.

HON. GORDON WRAY: The fact is, Mr. Speaker, that this motion does not commit us to any preconditions or future conditions. It simply affirms the support for Nunavut. That is all it does. Thank you.

MR. SPEAKER: Thank you. To the motion. The honourable Member for Iqaluit.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. As the MLA for Iqaluit, particularly as the MLA for Iqaluit, I am very pleased to address this motion. Mr. Speaker, my constituents spoke very clearly about their belief in Nunavut in 1982 when they voted on the question: "Do you think that the Northwest Territories should be divided?" Seventy-two per cent of them turned out, and 80 per cent of them voted yes to the question. I may note that my constituency then and now is composed of roughly equal numbers of Inuit and non-Inuit, with the Inuit being in a slight majority.

Mr. Speaker, I ran on a platform of the creation of Nunavut when I ran for election to this Legislative Assembly 10 long years ago. I still believe in Nunavut, Mr. Speaker. For our people, it is a way of life, it is a way of thinking, it is a vision, it is our hope. Nunavut for us is self-government, self-determination, a greater measure of control over our lives.

Mr. Speaker, we also know that Nunavut will not magically end our problems or challenges. It will not be any easier to govern, and in many ways will undoubtedly be harder. We know that we have the challenges of developing our economy, which is largely undeveloped compared to the western part of the Territories. The potential is there in our land and resources – industries like tourism – but it is yet undeveloped. We still lack basic infrastructure; we still lack control of the

levers required to develop these resources. We have the challenge of costs, particularly in the current climate. I did not know it was going to cost money to establish Nunavut; I was reminded of that by my colleague from Yellowknife.

Question Of Costs

Mr. Speaker, let us not be too daunted by the question of costs. One study showed that the estimated cost in 1982-83 dollars of establishing Nunavut, at \$296 million, would amount, according to my calculations, to well under one per cent of the present federal budget. One day's expenditure with estimated annual incremental costs of implementing Nunavut in 1982-83 dollars of around \$108 million would, again according to my calculations, correspond to about eight hours' worth of expenditures for the federal government. These are challenges we must overcome, but they are not impossible.

The other challenge is the settlement of a land claims boundary as a basis for a political boundary. We have gone nowhere in resolving that question for three long years, Mr. Speaker. We have the challenge of training a bureaucracy so that it will be our own people rather than imported transient public servants.

Mr. Speaker, my constituents are getting frustrated. They lash out at Yellowknife, they complain about centralization, they complain about a remote, ignorant, distant bureaucracy...

MR. LEWIS: You are in charge of it.

HON. DENNIS PATTERSON: ...but they are not really angry at the good citizens of Yellowknife or the good MLAs of Yellowknife...

HON. MICHAEL BALLANTYNE: Only sometimes.

HON. DENNIS PATTERSON: ...or even the good bureaucrats of Yellowknife, or even our government, Mr. Speaker. They are saying, I think, what the special committee on unity observed in its report to this Legislature in 1981, and I quote: "The Government of the Northwest Territories was set up and evolved without the full understanding and consent of the indigenous people. Now that they do understand, full consent is denied. Loyalty and commitment, hence the very stability of a jurisdiction, rely upon consent. A government must pay for imposition with continual dissatisfaction, tension and significant dissent." We in the Northwest Territories encounter them every day, and I can tell you all about that as well as anybody.

Mr. Speaker, my constituents, and many, many people in Nunavut, are saying what a former colleague of ours from Kitikmeot, Mr. Kane Tologanak, once stated, I thought very simply: "We want to pick up our blocks and go home. We want a government closer to home." We want a government more reflective of the unique region we represent, which is a distinct area with climate, ecology, economy, history and culture in common. Some of our people are concerned that Nunavut is on the back burner, or no longer an issue, that it is being lost sight of with the challenges that we all face in the day-to-day problems of running a jurisdiction of this massive size.

Mr. Speaker, in my opinion, once the Tungavik Federation of Nunavut reaches an agreement in principle -- which I am optimistic may well occur before the end of this year -- there will be more inspiration, more hope, that we can finally take the step toward creating the Nunavut territory.

TFNM Claim Premised On Creation Of Nunavut Government

We know that the TFN claim is premised on the creation of a Nunavut government. The way we had always hoped it would go is that the claim would be implemented in conjunction with the implementation of the new territory. The claim is taking shape and the Nunavut Constitutional Forum has done a lot of good work on the design of the Nunavut government, mainly based on the territorial public government model. It is reflected in the document "Building Nunavut". It

shows the Nunavut government will not be an ethnic government. It will be open to participation from all. It will respect the rights of all minorities. I echo Mr. Allooloo's comments, Mr. Speaker, that our people are tolerant and co-operative, by and large. We do not always see those same attitudes, perhaps because of a different history and a different population make-up, here in the West. You may well have a greater challenge in finding a consensus on new forms of government.

But we have done much work toward Nunavut. The preamble to this motion outlines the long process we have followed and it does not even refer to previous motions of this Legislature in favour of division in the early 1960s, nor does it note the bill introduced in the House of Commons in the early 1960s, which would have created two new territories of Nunatsiaq and Mackenzie by 1963, if the government of the day had not changed.

However, in the chronicle of the work and the progress, Mr. Speaker, we see a serious blockage in 1987 following the signing of the Iqaluit Agreement. The expected agreement on the land claims boundary as a basis for a political boundary floundered – agreement was not reached. And that failure to settle the land claims boundary has not just jeopardized political development in the NWT, it has jeopardized the final settlement of the land claims themselves, which is a first priority of my constituents.

Mr. Speaker, Nunavut is fundamental to us. I would even say it is sacred. Let us work together to settle the claims boundary as a basis for a political boundary; settle the land claims to prepare for the challenges I have outlined, of implementing division, and to achieve our goal. Qujannamiik.

MR. SPEAKER: Thank you. To the motion. The honourable Member for Yellowknife South.

Division At This Time Not Supported

MR. WHITFORD: Thank you, Mr. Speaker. I have only a couple of comments to make on the motion. A year ago today, as a matter of fact, I was elected by the good people of Yellowknife South. One of the things that had come up during the campaign – it was not an issue that I had raised, but it was a question that was asked in one of the forums that I attended, and from time to time on the street – was a question about the division of the NWT. I know this motion is not for division; it is to support the concept of Nunavut. This topic had come up at these meetings and my opinion was sought. The people of Yellowknife South at the time told me that they did not support division of the NWT at this time.

Now that does not mean I am not supporting the motion, Mr. Speaker. What it does is express a point of view of the people who live out of the area that we will be calling Nunavut, the Eastern Arctic. It is a point of view of people who perhaps seldom travel to that area of the NWT. Myself, I have been across the North and I have seen the difference of culture and language, the ways of life of the people there, and when I look to the West and see the differences we have here, and how these differences, over the years, have become homogenized, somewhat, with the South, I admire the desire of the people in the Eastern Arctic to maintain their tradition and their culture, their language, their customs, and perhaps are saying to me – to the people of Yellowknife South, through me – that they want to do this. And the people of Yellowknife South are saying, yes you can, but not at this time. Perhaps not this year or five years or 10 years from now, but yes, some day.

Maybe what we have to look at, although I do support this motion and probably will be voting in favour of it, is that I am afraid that it will be misinterpreted into division. If I can be assured that division is not going to be an immediate step to the creation of the Nunavut concept, then I would be much more in support of it.

Facts Needed Before Division

At this point in time I do not want to see division until a lot of facts have become known. Where will this boundary be? What will happen to the Beaufort? Because if we continue to receive the majority of our finances from Ottawa and we have to divide this amount of money into two to support two territories, we will end up with two "have-nots", and we will probably be worse off than we are presently.

At the present time the Inuit language is well supported by this government. I see that they are treated, in some ways, far better than the Dene and Metis in this area. Just as an example, the other day when the honourable Member for Rae-Lac la Martre did not have his interpreters here. There was no question at all of this government's intention to have the unilingual Inuit Members fully served by having the interpreters here and all of the equipment that goes with it. It was only through a show of support for the Dene languages that this issue was brought up and was recognized.

Perhaps we can make some concessions in the next few years to smooth the way for this transition that will take place in the years to come by having, maybe not so much the Legislative Assembly going from community to community as we have been doing, but by having an agreement where we will have an East/West alternation in the sitting of this Assembly to show that, although at this time the people support the concept of Nunavut, we are not quite ready for it. By making this gesture more than this, of course, we will support this and move toward a time when the two territories can support themselves.

The high side of supporting this motion is that it will recognize, by this government, the uniqueness and ensure a certain amount of preservation of the language, the customs and expectation and desires of the Inuit people for that. On the down side, it is going to be expensive. We do not know all of the facts yet. I certainly do not, and the good people of Yellowknife South do not. The down side again is that it will weaken the position of the western native peoples. They are going to become a minority in the West and I would rather not see that until a point in time where the native peoples, the Dene and the Metis, can have a certain amount of assurance that their ways of life, that their customs and languages are recognized.

I have perhaps said more than I had intended, Mr. Speaker, but it had to be said that the people of Yellowknife, although far from the coasts, both Hudson Bay and the Beaufort and the people that live there, that the reason that they are saying, "We do not want division at this point in time", was for those particular reasons that I mentioned. Although I support the concept and the desire of the East for the creation of a Nunavut territory, I do so only on the assurance that, or perhaps the expectation or the hope or desire on my part, that division will not be hastily entered into, not without all of the facts being known. Thank you.

MR. SPEAKER: Thank you. To the motion. The honourable Member for Hay River.

MR. POLLARD: Thank you, Mr. Speaker. Mr. Speaker, I will be supporting the motion. I think there has definitely been a sustained will on the part of the people from the East to have their own territory, to have their own homeland and I support that. This came up in my election campaign in 1987, Mr. Speaker, and I said at that time that if those people wished to divide, they wished to have their own homeland, then I will support that. I do not believe in holding people against their will, Mr. Speaker.

AN HON. MEMBER: Hear, hear!

--Applause

Qualified Support For Motion

MR. POLLARD: I have no problem with supporting the motion but I do not want it to appear, Mr. Speaker, that I am going to write a blank cheque. Inasmuch as Mr. Wray has said that there is no

need for terms and conditions, I really feel that, as a politician from the West and as a representative from Hay River, I would not be doing justice to my constituency or to the western part of the Territories if I did not say that I have some concerns about where the boundary is going to be. I have some concerns about how it is going to affect us financially. I have some concerns about everybody in the Northwest Territories knowing absolutely in no uncertain terms the ramifications of division to everybody up here.

I, like Mr. Ballantyne, -- and I mean that I, the same as Mr. Ballantyne, not that I like Mr. Ballantyne, Mr. Speaker...

---Laughter

...would rather see the federal government pay for the formation of Nunavut and the ultimate division of the Northwest Territories. I think we would be less than responsible if we had two have-not territories. I think Mr. Whitford mentioned that.

Mr. Speaker, I think the main issue facing the Northwest Territories right now -- there are two, and those are the settlement of the land claims in the East and the land claims in the West and I, for one, want to see those land claims settled as soon as possible, Mr. Speaker. From those land claim settlements there is going to spring constitutional development and there is going to spring the ultimate division of the Northwest Territories. So I would say, in supporting this motion, that there have to be a number of things take place in the next little while in order to make this thing go ahead quickly. The East will always have my support in this matter, Mr. Speaker. Thank you.

---Applause

MR. SPEAKER: Thank you. To the motion. The honourable Member for Yellowknife Centre.

MR. LEWIS: Thank you, Mr. Speaker. Although I come from Yellowknife and represent the centre part of that city, the business district of that city, I feel very strongly that people live by their dreams and their visions. I will not spend a long time developing what we mean by dreams and visions but I know that this vision has been around for a very long time. The people have dreamed about having their homeland one day. Since that feeling is not on the back burner, it will never go away, and since the very last piece of work that I did before leaving this government, as a public servant, was to develop for the Commissioner, Mr. Parker, a position that I thought should be taken on the whole issue of the creation of Nunavut -- the last words of that document were that Nunavut was inevitable one of these days -- for that reason I will be supporting the motion.

MR. SPEAKER: Thank you. To the motion. Final argument to the mover of the motion. Mr. Ernerk.

MR. ERNERK: (Translation) Thank you, Mr. Speaker. I will not be elaborating what I have said in regard to my motion because I have already stated it. Also, my honourable colleagues have also already mentioned about the language issues today. There are a lot of people in this Legislative Assembly who have been dealing with the Nunavut issue, such as Ludy Pudluk, Dennis Patterson, Steve Kakfwi, and they were some of the first Members -- and there are also a lot of other Members of the Legislative Assembly that have dealt with this issue before, and I think that it is understood by everyone. If I were able to say that we will have Nunavut on this date, if I could specifically designate a day when Nunavut is going to be a reality -- but I am sorry I cannot say that. We have to wait for that day; we have to wait for the Tungavik Federation of Nunavut and also the Dene and Metis people as to where the boundary is going to be drawn when Nunavut occurs.

We, the people of the Eastern Arctic, the majority, especially the Inuit people, we always called our part of the territory Nunavut; we have always tried very hard to get the creation of Nunavut; and we will not rest peacefully until it is created; we will stay awake until we get our wish. As far as we are concerned, whenever there is some problem coming up, it is a comfort to us that

we have our Nunavut. I would like to say in regard to if we were to get Nunavut that we have already planned for it. If we were to create Nunavut, TFN has already made some plans in regard to land and the government and we could do legislation -- we have been dealing with this for quite a while in the Nunavut area so we know approximately what we would be able to do and we have already planned for it. But, Mr. Speaker, it was very nice to hear some of the Members -- not from all but from some of the Members -- supporting the motion, that there is no other way but to create Nunavut.

I know if Nunavut was to be created, there is going to be a lot more people coming up to our area. If Nunavut is created, I would like Nunavut to be a reality in the near future. We are waiting for it to happen because it is the wish of our constituents and it is good for our future. Thank you, Mr. Speaker.

Motion 9-89(2), Carried

MR. SPEAKER: Thank you. To the motion. The mover has requested a recorded vote. All those in favour, please rise.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Crow, Mr. Arlooktoo, Mr. Kilabuk, Mr. Pedersen, Mr. Pollard, Mr. Zoe, Mr. Sibbeston, Mr. Morin, Mr. Pudluk, Mr. Ernerk, Mr. Lewis, Mr. Whitford, Mr. Wray, Ms Cournoyea, Mr. Allooloo, Mr. Ballantyne, Mr. Patterson, Ms Marie-Jewell, Mr. Ningark, Mr. Gargan.

---Applause

MR. SPEAKER: All those opposed? All those abstaining?

CLERK OF THE HOUSE (Mr. Hamilton): Mr. McLaughlin.

MR. SPEAKER: Thank you. The motion is carried with a vote of 20 for, no votes against, and one abstention.

---Carried

Item 14, motions.

Item 15, first reading of bills.

Item 16, second reading of bills. Item 17, consideration in committee of the whole of bills and other matters: Tabled Document 18-89(2), Seize the Day; presentations of witnesses from the Constitutional Alliance; report of the standing committee on legislation; Bills 22-89(2), 10-89(2), 2-89(2), 19-89(2), 24-89(2), with Mr. Pudluk in the chair.

ITEM 17: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER PRESENTATIONS OF WITNESSES FROM THE CONSTITUTIONAL ALLIANCE

CHAIRMAN (Mr. Pudluk): Will the committee come to order? We are dealing with Tabled Document 18-89(2), Political and Constitutional Development in the Northwest Territories. Before we go any further I would like to take a 15 minute coffee break.

---SHORT RECESS

Appearance Of Witnesses From The Constitutional Alliance

CHAIRMAN (Mr. Pudluk): Will the committee come back to order. Does this committee wish to bring in the witnesses at this time? Is that agreed? We do not have a quorum. Now we have a quorum.

(Translation) I wonder if the witnesses that are present could enter the ropes. (Translation ends) For the record could you please introduce yourselves and your organizations?

MR. GRUBEN: Thank you very much, Mr. Chairman. My name is Roger Gruben. I am the chairman of the Inuvialuit Regional Corporation and with me I have Mr. Les Carpenter, who is the deputy chairman of the IRC.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Gruben. We will give you 20 minutes for your opening remarks. You can proceed now, Mr. Gruben.

Presentation From Inuvialuit Regional Corporation

MR. GRUBEN: Honourable Members of the Executive Council and the Legislative Assembly, it is with great pleasure that we speak to you today on behalf of the Inuvialuit Regional Corporation which, as you well know, represents the interests of the 3500 Inuvialuit of the Western Arctic region. Thank you very much for inviting us to speak.

We wish to speak on a subject of major importance to the Northwest Territories and that subject is political and constitutional development. All residents, the Inuvialuit included, have given much thought to this topic for several years and, Mr. Chairman, I will have you know that in preparing this address we have sought the advice of the municipal councils within the Western Arctic region.

Self-Government For The Northwest Territories

First, we shall speak briefly to the matter of self-government for the Northwest Territories itself, as a jurisdictional entity. The Inuvialuit share fully the common aspiration of all Northerners for continuing devolution of powers from Ottawa to Yellowknife so that the GNWT can act with the same scope of jurisdiction as the existing provinces. Similarly, we share the eventual goal of constitutional autonomy and security for the NWT as one of the provinces in the federal state of Canada. However, we mention that the GNWT must address early the serious difficulties in respect of public finance mechanisms in becoming a province. The NWT cannot lose the deficit grant system for replacement by the present federal-provincial equalization program, as its structure would be inappropriate and inadequate in meeting the needs of northern provinces. The equalization system, based on measuring the fiscal capacity of provinces on simply a per capita basis, cannot work fairly for the NWT given our very small population. As well, equalization payments are not determined on a needs basis, and given its size, climate and terrain, the NWT's costs for government services are more than three times those of any province. Finally, we as members of the IRC state that we remain adamantly and unequivocally opposed to the Meech Lake Accord.

Aboriginal And Northern Self-Government

Secondly, we wish to address the topic of aboriginal self-government and northern self-government. We understand and support the aspirations of all aboriginal peoples for self-government and agree that this matter must be addressed early and effectively in such forums as the First Ministers' Conferences. The special rights and interests of aboriginal peoples must be protected. However, as we say that we would like the Members to know that we believe in the issue of equal rights for all residents in respect of public governments on the basis of fundamental democratic principles. Indeed, the fundamental rights and freedoms of all Canadians as guaranteed by the Charter of Rights and Freedoms must be protected and enhanced. Inequality does not promote progress for anyone. We emphasize that the concepts of aboriginal

self-government and of public government must be clearly articulated and defined so that the interests of all Northerners are clearly recognized and dealt with fairly.

The NWT And Possible Division

Thirdly, we must speak briefly in respect to the matter of a possible division of the Northwest Territories. Fully appreciating that other groups are entitled to differing viewpoints, it is the position of the Inuvialuit that division is not in our best interest, at least not for the foreseeable future. The IRC is releasing a separate position paper, of today's date, setting forth at length our reasons for this position. We also mention, in particular, that if division is ever to be pursued for the Northwest Territories, that the Inuvialuit will insist upon a strong, independent, regional autonomy in respect of government in the Western Arctic region. We will have additional comments in respect of this particular issue at the conclusion of our comments on the political discussion paper, Mr. Chairman.

The Constitutional Alliance

The IRC supports the continuing existence of the Constitutional Alliance as it has a mandate to build constitutional processes, and provides a very useful forum for communication and bringing together divergent views and facilitating the development of consensus solutions on such matters as devolution to the Northwest Territories. The IRC states strongly that we will participate fully and effectively in the work of the Constitutional Alliance, but we also ask that those who are the members of the Alliance be as committed as we are to participating fully and effectively within the framework of the mandate of the Alliance as well.

With that, Mr. Chairman, I would like my colleague, Mr. Les Carpenter, the deputy chairman of the IRC, to speak very specifically on the issue of northern community self-government and he will be making some very specific references to experiences that he has had as a member of the municipal council of Sachs Harbour as well.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Gruben. Mr. Carpenter.

Northern Community Self-Government

MR. CARPENTER: Mr. Chairman, we wish to set forth the IRC position in respect of northern community self-government. Indeed, honourable Members, the IRC sees this as the major sphere for emphasis in political and constitutional development. We want to deal with this topic for the remainder of our address to you. This is the approach we believe to be the soundest in building self-government for it is necessary to construct solidly from the communities upwards.

It is the communities themselves that have articulated the concept of "prime public authority" or community self-government, now seen embraced as public policy in the Charter Communities Act. We share fully the enthusiasm of the Assembly for this initiative whereby there will be a consolidation of existing municipal powers, and a transfer of additional powers to community governments. This approach sees a transfer of power and authority to community governments, and seeks to remove the historical, limited role for communities of simply having an advisory and consultative function, or at most administering a program devised elsewhere. We believe the charter community as prime public authority is the only route to truly cost-effective government and is the only means to true self-determination.

The Inuvialuit see clearly the value of their land claims settlement in achieving self-development in an economic, cultural and social sense, in achieving meaningful equality of opportunity and in integrating effectively into the mainstream of Canadian society. Just stop and reflect upon the tremendous changes in the Western Arctic region in the past five years since our final agreement in 1984. We are at the very centre of northern economic activities; we are no longer "sitting on the outside looking in".

Importance Of Charter Community Concept

Having said that, we emphasize that one important aspect of our land rights proposal in 1977, Inuvialuit Nunangat, our agreement in principle in 1978, and our final agreement in 1984, not yet realized is our belief in the importance of self-development and self-determination in the political context through governmental institutions. The time has now come to achieve this goal, and we believe that the charter community concept can be one significant vehicle. The IRC is prepared to lend its full support by assisting the communities of the Western Arctic region in achieving effective community government.

The IRC can be a catalyst and advocate; a participant in the process for negotiating a framework agreement for the transfer of powers to the communities; a provider of resource support and assistance to the communities as active participants in ongoing negotiations with the GNWT. We emphasize that it is the communities themselves which must determine what powers they want through a community-based process. As well, communities will differ in their views in this regard. But for the prime public authority concept to work, adequate resources for the communities are critical. Authority without sufficient manpower, financial support and infrastructure is no meaningful authority. Moreover, a long-term plan must be developed.

However, to make the charter community initiative work, there is one missing ingredient at present. The undoubted desire and will of the Executive Council for the charter community concept to be implemented must be transferred to the GNWT bureaucracy. The GNWT bureaucracy must not be allowed, whether intentionally or inadvertently, to frustrate the transfer of power to communities because such is seen as a loss of power or jobs for the bureaucracy. A new mechanism, perhaps through a clearly identified individual at the level of the Executive Council charged with the responsibility of implementation of the charter community concept, and with the authority to cause change within the bureaucracy, is very much needed. As well, regional directors must have the authority to effectively implement the concept, including the authority to move across departmental lines to do so. The GNWT must negotiate meaningful and effective transfer agreements, with adequate resources, for such programs and services as housing, public works and education. The challenge now is to overcome bureaucratic resistance, inertia and the protection of the status quo in order to effectively implement the policy decision with respect to charter communities taken by the Executive Council and Legislative Assembly.

Honourable Members, we support whole-heartedly your bold initiative for community self-government and self-determination through the prime public authority concept and the charter community mechanism. Together, let us truly "seize the day" and make our future one of meaningful self-government in the communities of the NWT.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Gruben.

MR. GRUBEN: Mr. Chairman, I wanted to say a few words about the issue of division and as I mentioned earlier at the beginning of my presentation, that we are tabling as of today's date the Inuvialuit's comments and statements in respect of the issue of division of the Northwest Territories.

Division Of The NWT

As we stated earlier, the Inuvialuit remain fundamentally opposed to the issue of division at this particular time. We are not saying that we are totally against the issue of division for all time, but we are saying that we are against it for the time being. We do not think it is in the interests of any particular group in the Northwest Territories for some very obvious reasons, and they are stated in our paper that we have tabled today.

I heard someone say earlier that to be a responsible government you have to make some very difficult choices, and to be a responsible government you had to make a choice today as to whether you affirmed the creation of Nunavut. That is a very honourable objective to have, and I would agree with the honourable Member who mentioned that you are responsible by passing

that resolution. I would also say to the Executive Council and to the Members of the Legislative Assembly who together make up the government and as well to the people of the NWT, that in some cases and sometimes, as we are acting responsibly, are we embarking on an irresponsible mechanism for achieving what we want to achieve, and that is the creation of Nunavut?

For instance, I would ask that this Legislative Assembly look very, very seriously at the issue of the creation of economic instability for the people of this territory, particularly in light of the applications for the export of gas from the Mackenzie-Delta-Beaufort area by three companies, namely Esso, Shell and Gulf. Are those companies willing to spend \$11 billion dollars for the construction of a pipeline through the Mackenzie-Delta-Beaufort area and down the Mackenzie Valley now that we have reintroduced the concept of the creation of Nunavut, which is going to create instability? I am sure that all of us here realize that if you are in the shoes of the developers, that you want stability before you begin to spend your dollars or commit your dollars. Is this Legislative Assembly and is the Executive Council going to take the responsibility that they have introduced economic instability in light of this particular project with the introduction again of a particular phase of discussion and debate on Nunavut, in the absence and I must repeat this, in the absence of the kind of work that is going to have to be done to allow the people of the North to make an informed and reasonably justified decision as to whether they wish to continue their support for the creation of Nunavut?

Money Better Spent On Community Development Than Creation Of New Territory

Now when I talk about some of the information that has to be addressed, our Government Leader, very rightly, earlier this afternoon spoke on the issue of the costs for the start up of a new territory. If it is going to cost us X millions of dollars, if that is going to be the expenditure for the creation of a new territory, when you put it in respect of how much money Canada spends, if it is one per cent of the overall expenditure of Canada for the creation of Nunavut, I ask you, as the Legislative Assembly, would not that money be better used to upgrade the services and the facilities and the programs and the program delivery in your communities that you are asking for now, rather than spend that money on the creation of a new territory and rather than spend that money on the set-up of the infrastructure?

When I speak very specifically to that issue, I happen to speak from the point of view of someone who has travelled to many communities throughout the North. A few years ago I was in Pangnirtung and I was holding a meeting there when I was the chairman of Nunavut Constitutional Forum. I know that at that time Pangnirtung needed a new community hall. Do they have a new community hall at this particular time? I ask you to think about the merits of whether you wish to have this Legislative Assembly or subsequent Legislative Assemblies expend money for the creation of a new territory at the expense of a new community hall for any one particular community. Those are the kinds of information items that I think have to be addressed to allow the people of the NWT to make their decision based on the best information available to that date, in respect of costs.

We always hear that there is a dream for the creation of Nunavut and I must say that at one point I had the same dream for the creation of Nunavut and I still believe that people of the Eastern Arctic should pursue that dream to create Nunavut. We will support you to have that right to pursue and create Nunavut, but the qualifying statement that we always make is to know what you are getting into. Get the information that you require to make yourselves feel comfortable, to make me feel comfortable, that we are doing the right thing. We have to know.

Right Of Choice

I must say that those who are promoting Nunavut should indicate to the Inuvialuit that it is going to be our choice and our choice only, through a vote or through a plebiscite as to whether we wish to join a western or eastern territory. The same way we say to you as Eastern Arctic Inuit that you have the right to pursue the creation of Nunavut, you must offer the same right to us that we have the right to decide where we wish to be if there is going to be a Nunavut. Nobody should tell another group what they can and cannot do.

We also make it very clear that in the event of the creation of Nunavut that the Inuvialuit region has to maintain a regional autonomy. Regional autonomy in the sense that we are not going to try to break away or secede from the Territories as a whole. We will still operate under the general principles and guidelines of whichever territory we are in. But we still maintain the right for the delivery of those programs and services as we ourselves define within those guidelines and parameters.

We also have to address very seriously the relationship that has to be developed between the claims created institutions and any new form of government. I know that there certainly has not been that kind of research done. We identify that this kind of work has to be done before we can have the plebiscite.

Mr. Chairman, as we talk about items that have to be addressed before there is the plebiscite for the creation of Nunavut, we must approach this from a realistic standpoint. Are we going to have a lowering and lessening of services to the people of the NWT as we achieve our goal? That is where this Legislative Assembly and that is where this Executive Council must prove and show to the public that they are responsible. If they wish to say that they are responsible for making a decision, let them be responsible for accepting the implications of that decision. We thank you very much.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Gruben. Are there any comments or questions from this House? Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, may I suggest that the committee ask questions, if they have any, of the witnesses but perhaps we could save general comments and discussion until after all the presentations.

CHAIRMAN (Mr. Pudluk): Is the committee agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Can we invite the Dene and Metis in the House? Welcome to committee. Could one of you introduce all of you and the organizations?

MR. ERASMUS: Thank you, Mr. Chairman. We have before you a number of representatives of the Dene/Metis who would like to bring forth our concerns on self-government in the North. We would like to make our presentation in two parts. On the one hand we have the president of the Metis Association, Gary Bohnet, who will begin; myself, Bill Erasmus, president of the Dene Nation, will conclude the first part; then we have community representatives, more specifically from this region we have Frank T'Seleie, Fort Good Hope, on my right; we have John Tetso, Chief, Fort Franklin, on my extreme left; and also Jim Allard of Fort Good Hope. If we can begin with president, Gary Bohnet.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Erasmus. You have two groups and we will try to give you 20 minutes for each group. Thank you, proceed.

Presentation From The Dene Nation And The Metis Association

MR. BOHNET: Good afternoon, Mr. Chairman, Members of the House, and those others who have joined us here today. Constitutional and political development is the most crucial issue of our times in the Northwest Territories. We are thankful for this opportunity to address the Legislative Assembly. The Assembly's debate on this issue is an important stage in the evolution of our society. Constitutional and political development has been much discussed among all of us here and our predecessors. Certain understandings and formal agreements have been reached in the past and progress has been achieved, though often ambiguously, on different fronts – devolution,

the Constitutional Alliance, community development, native claims, and native self-government come to mind.

The Dene, Metis, and Inuit, through the Constitutional Alliance, have spent many years working with Members of the Assembly to develop a constitution for the Northwest Territories. This process involved public input as well as the negotiations between members. The result was the Iqaluit Agreement, signed by all the members of the alliance, which outlined principles to be followed in drafting a constitution. This is an important document. It opens the door for the eventual establishment of a constitutional and appropriate public government system in the North. Our presentation, as well as Fort Good Hope's on community government, are based primarily on the direction set forth by the Iqaluit Agreement.

Constitution Must Accommodate Unique Cultural Mix

The development of our governing institutions will determine how our society balances individual and collective rights. Our constitution and political system must accommodate and enhance our unique cultural mix and entrench aboriginal rights. In the rest of Canada, aboriginal people are a small minority and they are often segregated from mainstream society; their culture does not have to be accommodated. In the North, we have a unique opportunity to encourage interaction and co-operative growth between our cultural collectives.

Our society consists of native and non-native cultures equally, and there has been convergence between them. Dene/Metis have learned new technologies from the people who have settled on their homelands – health care and transportation are some instances. Non-native people have brought their culture with them and this foreign culture has controlled and shaped our current governing institutions. However, in the Dene/Metis communities we have seen an adjustment of non-native culture to the Dene/Metis world view. Individuals living in these smaller communities recognize and respect the Dene/Metis culture and the special relationship the Dene/Metis have with the land and resources. It is this recognition and respect of native cultural values that must be incorporated in our governing institutions and their decision-making processes.

Government, in the past, has attempted to accommodate aboriginal rights. This is reflected in the 1982 amendments to the Constitution of Canada which protected aboriginal rights. But these rights are not defined and have to be interpreted through existing treaties and Metis scrip, land claims agreements, further constitutional amendments and, in the future, self-government agreements. Here in the North we have the unique opportunity to also define aboriginal rights in our constitution and political structures.

At present, the Dene have only the treaties to protect and recognize their culture and rights. These treaties are a special ongoing obligation by the federal government to protect the Dene interests in return for sharing the land. This obligation has created a great deal of programs and services for the Dene, the majority of which have been transferred to the GNWT for administration. These programs and services are operated with little Dene involvement and we are reviewing how they are operated with both governments through the tripartite treaty committee. This Assembly is the major vehicle through which Dene and Metis people have input into how their services are administered. This must change. We must either create exclusive programs and services for the Dene or address the involvement of the Dene in the operation of programs and services through community self-government negotiations and political and constitutional development.

Discrimination Against Metis Must Cease

The Metis of the Northwest Territories put this government on notice. No longer will the Metis of the Northwest Territories be the forgotten people. Here in the Northwest Territories or anywhere else in Canada Metis people have been systematically discriminated against by the delivery of native programs and services. This, despite the fact that the Metis are recognized as native aboriginal people in the Constitution of Canada. The programs and services provided to other native people are not uniformly provided to the Metis. Inuit, Inuvialuit and treaty Dene people with mixed ancestry are provided with these programs and services; however it appears

that the territorial government is perpetuating this discrimination against the Metis. Special provisions must be made through the negotiation of self-government and the development of the constitution for the Northwest Territories to reverse these discrepancies in the delivery of programs and services to Metis.

The Dene/Metis final land claim agreement is nearing completion and this agreement will create management institutions for the environment and resources of Denendeh. We feel this is a positive step, but foresee that building a northern society which has a special respect for the environment and resources also depends on the evolution of the public governing institutions. These institutions will exercise the ultimate jurisdiction over this vast land, its resources and its people.

People in the North have a special degree of respect for the land, particularly native people. The land and the water are regarded as a renewable resource to be protected for future generations. This is the last area of Canada that remains somewhat untainted by development and non-renewable resource exploitation, but our environmental problems, locally and globally, are becoming more apparent and the danger is imminent. With proposed pipelines and greater mining activities we must collectively, as a northern community, make the appropriate decisions to balance our environmental and development objectives and native and non-native values. I would also include pulp mills in there.

How do we go about creating decision-making institutions which will address this special balance? We must look at the traditional Dene/Metis collective as a model. We already have in place a traditional non-native political infrastructure, though it does incorporate two major governing principles of the Dene/Metis -- consensus decision-making and the communities' involvement in the decision-making process.

Consensus decision-making is used in this House in its deliberations, as it is in many liberal democracies throughout the world. This manner of decision-making attempts to address the diverse nature of cultural and individual interests within a society. In Denendeh, our communities are becoming somewhat independent from central government and they all desire greater control. Over the years these communities have become more capable of taking on a governing role. The community is an ideal model of consensus building and its example must influence the development and principles of our central government. At this time I would ask Mr. Erasmus to continue.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Erasmus.

Communities Should Be Utilized In Development Of Constitution

MR. ERASMUS: Thank you, Mr. Chairman. Communities are not only the first step in decision-making but also they are the first step in consensus building. Northern communities have special knowledge about the environment and its resources; they know best of their own community affairs. Therefore, communities must be fully utilized in the steps of decision-making. Knowledge and information, after all, are the fundamental tools in decision-making. We do not advocate the development of community states. We recognize the limited technical capabilities of the communities and the fact that some decisions and administration are more appropriately dealt with by regional and/or territorial governing institutions, but these other institutions must involve the communities fully in their deliberations and, in fact, should be accountable to the communities.

Today we are presenting some of our basic views on the evolution of governing institutions in a northern society; as well, the Dene/Metis have started at the community level to design government systems. This work has addressed the process of decision-making, the structure of governing institutions, and how the collective interests of the Dene/Metis can be addressed while protecting individual rights.

The collective interests of the Dene/Metis must be addressed at the community, regional and territorial levels. In this manner we will be able to create a government system which recognizes and entrenches the aboriginal right to self-government as a collective interest. The Dene/Metis collective right to self-government will also respect and recognize the rights of individuals. This is why consensus decision-making is so important to the Dene/Metis. Through the consensus process individuals within the collective are fully involved in decision-making. This results in an individual's right to participate and implement decisions as part of the governing principles.

As you can see the issues to be addressed by the constitutional and political development of our territory are complex. The Dene/Metis are committed and willing to participate in the development of our constitution. The Dene/Metis also believe that discussion and debate of common constitutional principles have been completed in the Iqaluit Agreement. What is needed now is a commitment by all northern people. This commitment must build on past constitutional principles, decide on division of the territory and secure the co-operation of the federal government in realizing our aspirations.

Northern people must concentrate their efforts to arrive at the common goal of all northern people -- greater autonomy -- and this must be negotiated with the federal government. Unless all northern people work toward this objective the results will be weak. The Legislative Assembly and the native organizations must continue to discuss and clarify common interests in the development of our constitution.

Points To Be Considered And Addressed

To date the Constitutional Alliance is and should continue to be the mechanism in which to continue our co-operative constitutional discussions and negotiations. The alliance's mandate must receive recognition and commitment by its members, including the Legislative Assembly, by considering and addressing the following:

- 1) All political and constitutional development issues must be reviewed by the alliance. This includes community self-government negotiations; devolution of responsibilities from the federal government and structural and operational changes in the Government of the NWT.
- 2) Public participation in the development of a northern constitution has lost its momentum. To obtain northern support for political and constitutional development the alliance must conduct public hearings and working sessions.
- 3) The Dene/Metis have approached the federal government to negotiate Dene/Metis self-government in the claim negotiations for the completion of the final agreement by March 31, 1990. This will provide the guarantees that the Dene/Metis require for the protection of their aboriginal and political rights. We see this as a complementary process to the development of a northern constitution and are working with the Executive Council to facilitate the process. The Legislative Assembly should support the necessary changes to the comprehensive claims policy, which will allow us to include the recognition and negotiation of constitutional protection of aboriginal self-government as part of our claim. This will allow for a greater degree of certainty for the Dene/Metis; and this will provide a building block for the establishment of public government.
- 4) Another commitment sought by the Dene/Metis is the decision on changing the electoral boundaries and the number of seats in the Legislative Assembly. Guaranteed representation in this Assembly has been agreed to in the Iqaluit Agreement. There is no reason then, as an interim measure, that this Legislative Assembly cannot reaffirm this decision by allowing these seats to be set aside for elected native representation.

Government must also recognize that claims institutions will affect public government. The Dene/Metis will also make a commitment to examine their own institutions to ensure that they complement public government institutions and provide the necessary linkages between claims institutions and the Dene/Metis caucus.

In conclusion, the Dene/Metis in the communities have been working on the development of government systems for the North. The communities have also recognized that regional and territorial levels of decision-making are relevant and a basic element of government. In this comprehensive design work, we have arrived at a unique mixture of protecting collective and individual rights and interests, as well as detailing the flow of decision-making from the community level to the territorial level. The community of Fort Good Hope has, for the past 15 years, been struggling to practice this type of government within current structures. Over the years they have been frustrated by the government's administration and the restrictive nature of the present legislative framework. We hope that their presentation will influence the commitment of this Assembly to aboriginal self-government and the place of communities in a future public government.

Mr. Chairman, that is the formal presentation that President Bohnet and myself wanted to convey to you. We would like this document tabled and have it in conjunction with a document that we tabled almost a year ago in Yellowknife at the Legislative Assembly. The document was Tabled Document 51-88(2), tabled on November 2, 1988. These two documents give a general framework of what we are talking about as Dene/Metis people in Denendeh. The communities of Fort Good Hope and their regional representative now would like to present their case. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Erasmus. Could those documents be circulated so each Member could have a copy? Thank you very much for your presentation. Go ahead.

Presentation From Fort Good Hope Community Council

MR. T'SELEIE: Good afternoon. Thank you, Mr. Chairman. My name is Frank T'Seleie; I am from the community of Fort Good Hope and on behalf of the residents of Fort Good Hope, I would like to express our appreciation to the Legislative Assembly for granting us this opportunity to express our views and present our proposals regarding community self-government and aboriginal self-government. While these two concepts are closely inter-related, they are not identical. It is important, therefore, that any comprehensive proposal define and carefully distinguish between the two. I would like to suggest the following interpretation.

Community Self-Government

Community self-government refers to the institutions of local government and the powers and responsibilities retained by these governing bodies which enable them to represent, make decisions on behalf of, and deliver services to all bona fide residents of the community. It also refers to the relationship to, and the distribution of powers between the community, the Government of the Northwest Territories, and to a lesser extent, the Government of Canada.

The following is a list of general principles and assumptions about community self-government which we endorse:

a) In general, on most matters, the relationship between the community government and territorial government is one of a shared responsibility and jurisdiction. We see the Government of the Northwest Territories as being responsible for: the generation of most public revenues; the establishment of broad goals, objectives, and standards via legislation, regulation and policy; the setting of broad parameters for the delivery of programs and services; a source of scarce, specialized and expensive expertise which is available to both levels of government; and the protection of the general interests of all NWT residents.

We see community governments being responsible for: specific day-to-day planning within their boundaries; the approval and licensing of specific projects; the adaptation and application of territorial objectives and standards to their community in a manner which meets its specific needs; and the refinement and delivery of programs and services to local residents.

b) The extent of the relationship between the community government and the Government of Canada would be more limited. It would be defined primarily by the nature and extent of the

interest the federal government retains in surface lands and minerals after claims and other constitutional initiatives have been completed. However, the nature of the relationship would be the same; the federal government would represent the general interests of Canadians while responsibility for local and specific interests would rest with the community.

Regardless of which level of government the community government is dealing with, the normal practical expression of this relationship would be that most plans or projects would require some form of approval from both levels of government before they could be implemented, the plan the local authority approves being much more specific in nature.

c) We support the principle that as a rule, territorial government departments or agencies providing programs or services within a community should do so under the umbrella authority of the community council.

d) Notwithstanding c), community governments will only assume responsibility for programs, services or other public matters in accordance with their own priorities and capacities.

e) Training for individuals and developmental strategies to involve residents in the evolution of their community are essential to the success of these objectives.

f) Adequate levels of public funding must be available to community governments to enable them to fulfil their duties and responsibilities properly.

g) Regional government may prove to be a very important level of administration in the future. However, we include regional government within the framework of community self-government because we see regional institutions only being created on the initiative of interested communities to act as their agents for the purpose of more efficiently or effectively managing some aspects of community government authority. However, this does not preclude the possibility of additional delegations of authority from the territorial government to a regional body in cases where both the territorial government and affected community governments agree.

We offer these principles as guidelines for the co-operative development of models for community self-government.

Aboriginal Self-Government

Aboriginal self-government or, speaking more specifically, Dene/Metis self-government refers to the political rights, authorities, and responsibilities retained and exercised by the Dene/Metis as a distinct group of original people who are recognized as such within the Constitution of Canada. These collective rights are distinct from the individual rights we enjoy with other Canadians as citizens of Canada. Since the Dene/Metis are directly and substantially affected by three levels of government: federal, territorial and local; and since each of these levels is subject to the Canadian Constitution, our collective rights, authorities and responsibilities as aboriginal peoples need to be clarified at all three levels.

The questions then become, what form or forms could aboriginal self-government assume, and how would they interact with the three levels of government? There are a number of ways in which the concept of aboriginal self-government could be concretely expressed. We will suggest four:

a) Separate and exclusive jurisdiction. Institutions could be created which would represent, be accountable to and provide services exclusively to the Dene/Metis. The most common example cited is Indian reserves in southern Canada, although most Indian bands would be quick to agree that the current extent of band control is far too narrow, and the opportunities for the federal government to meddle in band affairs far too broad. This approach is assumed by some to be the only form self-government can take. While we believe that exclusive Dene/Metis jurisdiction is desirable for some matters at both the local and territorial levels, it is not the only, or even the best, expression of aboriginal self-government for others.

b) Entrench specific aboriginal rights within a constitution. It might be desirable to protect aboriginal interests in some areas by entrenching certain rights in the Canadian or a northern constitution. Some examples might include language or education rights and will certainly include rights defined in each aboriginal group's final claims settlement. In this manner, obligations are created for government, and, if they fail to fulfil these obligations, a court of law can intervene on behalf of the affected people.

c) Guaranteed representation. This method would ensure that the Dene/Metis are present and formally participate in the decision-making process in the Legislative Assembly. It could be accomplished directly by appointment or election by the Dene/Metis, or indirectly by drawing constituency boundaries in such a manner that Dene/Metis clearly constitute a majority in a number of ridings. We prefer the direct method.

d) Shared or concurrent jurisdiction. This method is in addition to guaranteed representation in that certain decisions made by a body on which the Dene/Metis are represented would require the approval of a majority of the Dene and Metis representatives as well as a majority of the whole group. It would probably only be applied to decisions which affected the Dene/Metis in very direct, distinct and fundamental ways. Any amendments to specific aboriginal rights defined in a constitutional document would be one obvious example.

These four expressions of aboriginal self-government are not mutually exclusive. We will be proposing that all four be applied to all three levels of government later in this presentation. We will also be discussing the principles of community and aboriginal self-government in greater detail and making some suggestions regarding the institutions of government that we believe will come closest to meeting our needs.

Constitutional Principles In The Iqaluit Agreement

In March of 1987 the Legislative Assembly formally approved the boundary and constitutional agreement reached by the Western and Nunavut Constitutional Forums earlier that year. While a second motion regarding a plebiscite on the boundary for division of the NWT fell by the wayside as a result of difficulties encountered between the Dene/Metis and Inuit regarding a boundary for claims, the motion supporting the constitutional principles elaborated in the Iqaluit Agreement still stands. The definitions and principles for community and aboriginal self-government offered above are entirely consistent with the Iqaluit Agreement, as are the proposals which follow.

Within Municipal Boundaries

The structure of community government is intended to serve all local residents. Therefore, it is important that all bona fide residents have full rights to participate in and be represented by the community government. We do not support a form of community self-government that is exclusively intended for the Dene/Metis. However, there may be some specific areas of concern which are the exception to this rule. These will be discussed further in the sections on aboriginal self-government.

The governmental structures and procedures used in any NWT community should meet the specific needs and values of that community. Each community should be able to draft and approve its own constitution or charter, including structures and procedures. The present Charter Communities Act goes a long way to providing for this possibility. However, it is fundamentally deficient at present because it does not explicitly recognize aboriginal self-government and provide for ways in which it can be expressed at the community level.

It is also questionable whether an act by itself, passed in the normal fashion by the Legislative Assembly, is enough to satisfy the Dene/Metis that their right to participate in the establishment and retention of a suitable form of community self-government, including the local expression of

aboriginal self-government, is secure. This aspect will be discussed in the sections dealing with the territorial level of government which one of my chiefs will be addressing today after me.

A community government operating within the conventional municipal boundaries would exercise the conventional powers and duties of a municipal government. In addition, the community government would reserve the option to assume responsibility for the delivery of programs and services which are provided by the territorial government for the use or benefit of that community's residents.

I stress "reserve the option" because at any point in time a community may have neither the desire nor the capacity to handle many of the services which could be included in this category. The full range of possible transfers are too numerous to mention but they would certainly include economic development, education, housing, health and social services.

The principle guiding this transfer of responsibility is that the communities must have the authority to exercise considerable discretion when they adapt and apply programs, services, general standards and funds to meet the specific needs of the communities. This same principle should apply whether it is the community government itself or some other sanctioned local public body that is providing the service. Similarly, the principle should apply whether the vehicle for the transfer is devolution or delegation. Mechanisms must be found to guarantee that this principle must be adhered to by all future governments in the North.

Beyond Municipal Boundaries

After claims there will be two broad categories of lands outside the municipal boundaries: those privately titled to aboriginal people and those that are not. In our opinion these lands should be treated as one of the purposes of self-government, that being whatever jurisdiction over these lands resides at the local level, should rest with an exclusive Dene/Metis self-government institution. However, we understand that non-aboriginal residents would probably object to being entirely excluded from participating in land management at the local level and we are open to considering options. At a minimum the Dene/Metis must retain exclusive jurisdiction over lands outside municipalities which are titled to us by claims. One suggestion for dealing with the remaining 80 per cent of the lands would see them be governed by a local body, one half of whose members would be appointed by a community government and the other half by the local Dene/Metis self-governing institution. In this manner the community government and the Dene/Metis could share equally in decisions regarding most lands in their area, in accordance with certain pre-established principles which emphasize conservation and significant benefits from development accruing to the region.

The next inevitable questions are, how would the local exercise of authority interact with the territorial or federal jurisdictions? How would they interact with the management of boards being created by claims?

To answer the second question first, the boards being established by claims are being designed primarily to ensure some participation of the Dene/Metis in the decision-making at the territorial level. There are territorial lands and water boards in operation today. It is reasonable for the purposes of this discussion to treat the boards created by claims as aspects of the territorial and federal governments. A formal recognition of our local jurisdiction will go a long way toward eliminating problems and facilitating sound, responsible development plans and decisions which really do address the local, territorial and national needs -- objectives which we all agree are the only reasons development projects should be initiated in the first place.

Regional Government

We have made two observations about regional government in our statements of principles. First, we see regional institutions as agents of communities, created by interested community governments to administer some aspects of community authority. Second, we observed that while regional institutions would clearly be subservient to the needs and wishes of the communities

which created them, this does not detract from the important role such bodies might play in the future.

There are very compelling practical reasons to believe that regional bodies will have much to offer, whether it is the management of a regional high school or health facility, or whether it extends to pooling the management of lands outside municipalities for the purpose of approving, monitoring and participating in major development projects passing through a region. The point to remember is that while the focus of this presentation is on community and aboriginal self-government, aspects of both may well be expressed in future by community and aboriginally controlled regional institutions.

That concludes my part of the presentation. Chief John Tetso will address more the territorial aspects of self-government. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): I believe the time allotted for this group is up. Does the committee agree that we continue with their presentation? Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, I was wondering, we have a document which the Dene Nation referred to. It is the document being presented by the Fort Good Hope community council. I am just wondering, there are some 80-odd pages and I am just wondering, did the witnesses here intend to read all of these pages? What was the nature of the next presentation? Because while I appreciate their efforts to make the presentation I do find it lengthy and there are other matters to be dealt with later today and other organizations that also have to make their presentations. So, I am just wondering what their plans were and how much longer we have on this.

CHAIRMAN (Mr. Zoe): Mr. Allard.

MR. ALLARD: Thank you, Mr. Chairman. We have about 10 or 12 papers left. We summarized that whole book and John has about seven pages and I have about seven also. We have about 14 pages left.

CHAIRMAN (Mr. Zoe): What is the wish of the committee? Do we continue with their presentation until they conclude? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Chief John Tetso.

Aboriginal Self-Government At The Territorial Level

CHIEF TETSO: Thank you, Mr. Chairman. My name is John Tetso, Chief of Fort Franklin. Aboriginal self-government. The territorial level of government is by far the most difficult institution for the Dene/Metis to come to grips with. It is an institution which was plopped in our midst by the federal government and provided with an incredible amount of power over our lives.

We have talked for years about more power residing with the communities and with aboriginal peoples. But the problem is actually getting worse. The growth in the size of government; the continued importation of so-called experts from the South whose expertise is derived from non-aboriginal values, objectives and models; the security and self-confidence that grows within the GNWT bureaucracy as the current system becomes more and more entrenched; the lack of accountability to aboriginal communities; all these factors are contributing to the entrenchment of a bureaucracy that feels more and more comfortable when it tells us what is good for us, where we want to go and what we are going to do. For many of us the task of remaking the current government into one which we genuinely feel a part of can seem utterly hopeless. It is not surprising that often we resist even contemplating what changes might be required to turn the territorial institutions around.

The current system is premised very much on southern values. It is predicated on the assumption that the role of government is to represent only individuals, many individuals with diverse needs and aspirations. It does not take into account the existence of aboriginal people as distinct cultural entities which have specific interests and rights to be represented and protected.

Community And Territorial Government

The community governments and a territorial government should together constitute equal pillars upon which the northern structure of government is built. Connecting the two pillars and giving them strength would be the definition of aboriginal self-government and its varied applications throughout the structure. It would be distinctive because it would recognize the collective rights of aboriginal people and provide ways in which we would be able to exert a collective influence on the decisions of government. However, it would extend a similar opportunity to non-aboriginal people and it would protect the rights of the individual as well.

Guaranteed Representation In The Legislative Assembly

We support a system which provides for the direct representation of cultural communities in the Legislative Assembly. We strongly encourage this approach for the following reasons:

MLAs must be elected for the express purpose of representing cultural communities as well as to perform the normal duties of representing the general interests of the whole population and defending the rights and meeting the needs of individual constituents. The only practical way to ensure that cultural communities are represented is to have each MLA elected by members of one cultural community. In this way the MLA will know exactly who he or she represents and who he or she is accountable to. For their part, his or her constituents will have greater confidence that their MLA will, in fact, represent their collective interests.

The objective is consensus between cultural communities and the only way that can be addressed is to have an identifiable cultural caucus in the Legislative Assembly representing each cultural community. These cultural caucuses, to be genuine, must be comprised of MLAs elected directly by Members of a cultural community to, among other things, represent their collective interests as a cultural group. Using the direct election method will prove to be a simpler tool in the long run for ensuring that fair representation of each cultural community continues indefinitely.

The numbers of seats each cultural community would be entitled to would be based upon their proportion of the total population, although there would probably need to be a guaranteed minimum number of each group requires to participate effectively in the Assembly. While the original voters list would appear to be based primarily on race, its subsequent make-up need not remain so. Culture is a mindset, a set of common values and interests, a collective expression that individuals can identify with. There is no reason why there could not be a formal process whereby an individual would apply to join a different cultural community. The advantage of this system is that each cultural community would be guaranteed meaningful representation regardless of the demographic change in the future, while at the same time no individual's political rights to participate or to be fairly represented will have been tampered with or compromised.

It would also free the concept of culture from a strictly racial definition. The apparent disadvantage of requiring separate voters lists and constituencies for cultural communities would actually not be disadvantageous at all when compared to the nightmare in future of trying informally to guarantee cultural representation by the contrived placing of lines on a map.

Another important reason for using the direct election method for selecting MLAs is constitutional. The only way that aboriginal people can have any confidence that their right to representation in the Assembly will be guaranteed is if that right is specifically spelled out and guaranteed in a constitutional document. The direct approach would be far easier to define and protect in a

constitution than an indirect method which tries to guarantee the objective in a more circuitous fashion.

Guaranteed Representation In The GNWT

The principle of guaranteeing cultural representation could also be considered in other areas within the GNWT, on the Executive Council, on territorial boards and agencies and within the bureaucracy.

The Executive Council. In our view the principle of guaranteed representation is essential to the recognition of aboriginal rights to self-government and to its practice. The Executive Council is the source of a great many decisions of critical importance to all northern residents. Therefore each cultural community must be guaranteed representation on the Executive Council.

Territorial boards and agencies. All three aboriginal claims in the NWT include provisions for guaranteed aboriginal representation on specific management boards. These boards focus on claims-type issues: land and water management and wildlife. The principle of guaranteed representation should be applied to other areas in which territorial boards or agencies are required, with one significant difference. Aboriginal claims are essentially lands and resources agreements between the aboriginal groups and the Government of Canada. Accordingly, the boards creating include representatives of the aboriginal group and of the government. While this arrangement is understandable, given the parties to the claim, it creates a peculiar perception that the government does not represent the aboriginal group and that the aboriginal group is somewhat separate from the institution of government.

We often see ourselves building separate, powerful institutions outside government to counteract government initiatives and to try and substitute our own. Surely the project is to remake this government in such a way that it is, in fact, our government, that our place and our influence are guaranteed in such a way that we no longer feel the need to protect ourselves from an institution that, on paper at least, is supposed to include us.

The bureaucracy. We have already indicated that we believe that the bureaucracy in Yellowknife exercises an illegitimate and far too great an influence over our lives. However, we do not recommend that the guaranteed quota system for aboriginal representation in the bureaucracy is institutionalized. However, we do support a sound program of affirmative action for aboriginal residents. We believe that guaranteed representation in the Assembly and on the Executive Council, the entrenchment of certain political and cultural rights in a constitution, and the transfer of considerable power and authority to community government and aboriginal self-government institutions together will place enough power directly in the hands of politicians chosen to effectively represent each cultural and local community.

Constitutional Entrenchment

The ideal would be the entrenchment of a general statement in the Constitution of Canada affirming our right to aboriginal self-government. This would be followed up by the negotiated agreement which defined the specific expression of aboriginal self-government in the NWT. Given the current political climate, it is unlikely that a First Ministers' Conference convened for this purpose will entrench such a general right in the future. However, we want to make our position on entrenchment very clear from the beginning. Whatever definition of aboriginal self-government we might arrive at, whatever model of government we might design, however we might distribute powers among territorial, local, and aboriginal institutions, the major results of these negotiations must be legislated in such a fashion that no amendments are possible without the formal approval of the Dene/Metis and other aboriginal groups who might be co-participants to any such agreement. We are prepared, in the name of equality, to offer this same authority to the non-aboriginal cultural community but our own authority in this regard must be assured. This is the only way in which we can have any confidence that a fair and mutually satisfactory deal struck today will remain intact tomorrow.

We suggest the following elements: At the federal level, the cultural communities of the NWT together pursue provincial or quasi-provincial status to maximize our jurisdiction in the NWT, particularly with regard to lands and resources. Provincial or quasi-provincial status would come under the protection of the Constitution of Canada, thereby making it impossible for the Government of Canada to unilaterally amend our jurisdiction without our consent.

Having made this proposal, however, please bear in mind that our support for this constitutional advance to provincial or quasi-provincial status is contingent upon our cultural communities having reached an agreement within the North on a constitution.

Major Legislation And The Role Of The Cultural Caucuses In The Legislative Assembly

We have already outlined how the MLAs elected by each cultural community would constitute a cultural caucus in the Legislative Assembly. To this point, we have identified four major roles they would perform: represent the interests of their respective cultural communities when a general consensus on an important issue facing the North is required; appoint MLAs to represent their cultural community on the Executive Council; give caucus approval to amendments to the constitution; give caucus approval to legislation of fundamental importance to their cultural community. This last requirement raises the question of just what kinds of legislation might fall into this category.

We have already identified how important the structures and powers of community government would be to a new system of government. However, we also noted earlier that a principle supporting substantial power and autonomy for community governments had to be tempered with the need for flexibility when deciding at any point in time what powers or authorities would be available to a community government and which powers and authorities a particular community was inclined and prepared to assume.

This is an example where the majority of the Dene/Metis cultural caucus would be required to approve proposed legislation before it became law. However, the same power would be granted to each of the other cultural caucuses -- the result being a form of consensus being reached between cultural communities on these critical pieces of legislation.

That concludes my part.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Allard, would you continue on?

MR. ALLARD: Thank you, Mr. Chairman, I do not think I will be quite as long here in our conclusion.

Exclusive Aboriginal Jurisdiction And The Cultural Councils

To this point, the only example of exclusive aboriginal jurisdiction we have alluded to is the establishment of an exclusively aboriginal institution with municipal-type powers having jurisdiction over lands selected in claims that lie outside community municipal boundaries.

We are also proposing that there exist, at the territorial level, exclusive cultural councils -- one each for the Dene/Metis, Inuvialuit, Inuit, as well as Northerners. As the name cultural council suggests, their actual jurisdiction would be limited to cultural matters, to issues that are of direct and fundamental importance to their cultural community and not really the direct concern or business of any other. Some of the areas that might be included here are language, certain culture activities, historical and archaeological matters, and some aspects of communication and education.

The objective here is to allow the people that care most about what happens in these areas, who have the knowledge, skills, and the subtle and profound appreciation of their heritage, to have full control over their own cultural development. The goal is to set priorities and oversee their

implementation without unwarranted interference from others who cannot be expected to fully appreciate a cultural community's priorities.

Aboriginal Self-Government At The Community Level

The final topic we would like to touch on in this presentation is the role of aboriginal self-government at the community level. We began this presentation with a description of Fort Good Hope's experiences with the issues related to self-government. As you noticed, our observations were based on a Dene/Metis perspective. This is not surprising since, as we mentioned, there are not many non-aboriginal people living in Fort Good Hope and the ones who are there now consider themselves to be, by and large, transient. Because of this situation, it has been fairly easy for us, and for aboriginal people in a great number of the NWT communities, to blur the distinction between community self-government and aboriginal self-government.

We know we cannot afford to ignore aboriginal self-government at the territorial level. The fact is, however, that aboriginal self-government is also an important issue within our communities. There are a number of communities where there are significant numbers of aboriginal and non-aboriginal residents, ranging from communities like Fort Simpson, Rankin Inlet and Norman Wells, to communities like Yellowknife, Inuvik, Iqaluit and Hay River. There is also no telling what the future will bring to any one of the smaller NWT communities. Constitutional development, by definition, is planning for the very long term. We must bear this fact in mind and take a variety of future possibilities into account as we design new governments for the present.

The same mechanisms we discussed in relation to the territorial level of government can be applied just as easily at the community level. Residents on a cultural community's voters list for territorial elections would be on the same list for local elections. Guaranteed representation would work the same way, except in communities where the numbers of a particular cultural community do not warrant them being provided separate seats on a community council.

CHAIRMAN (Mr. Zoe): Mr. Allard, can I get you to slow down? The interpreters are trying to catch up to you.

MR. ALLARD: I thought you were in a hurry. However, since such people still have the right to participate fully in the political life of a community, they would be allowed to vote or run for office as if they were a member of the numerically dominant cultural group in that community. In other words, they would be able to participate in the same way they do now.

It is unclear at this time whether community governments would each need to have cultural caucuses separately approve certain decisions. Take, for example, the issue of education. Each cultural community would be guaranteed representatives on the local governing council. In setting policy for the school, the council would be subject to cultural, language and educational rights defined in the constitution. Each cultural caucus on the council would have the efforts of its territorial cultural council to back it up; to do curriculum work in aboriginal languages, for example. It is possible that this combination of factors would relieve the requirement for approval from each cultural caucus at the community level. However, that would be a practical question for future consideration.

With regard to the issue of exclusive aboriginal or cultural jurisdiction, the one exclusive aboriginal jurisdiction at the community level we have identified is a municipal-type jurisdiction over selected community lands outside municipal boundaries. This local aboriginal body would also share a similar jurisdiction with the community council over unselected community lands outside the municipality. The local aboriginal institution could also share the workload on cultural matters with its cultural council. It remains to be seen whether the local body actually requires separate powers in this area, or if a co-operative arrangement with the cultural council would be satisfactory.

The benefits of this approach to aboriginal or cultural self-government at the community level are two-fold: it is flexible enough to be applied to all varieties of NWT communities, and it serves the

overall purpose of bringing all the local cultural communities together to reach a mutual understanding on the direction for their community. It is not cumbersome, and it does encourage confidence and trust.

This brings us to our concluding remarks. We appreciate the attention and good will you have granted us. Constitutional development is an extremely complex affair. We cannot afford to consider one element of a constitutional package at the expense of the others. We began with a statement of principles regarding community self-government and the distinctly different concept of aboriginal self-government. We expressed our continued support for the Iqaluit Agreement and the work it represents. The Constitutional Alliance and its two forums accomplished a great deal in five years. The results of its many meetings and negotiations represent a genuine recognition of the social realities of the North. A delay in the ratification of a claims boundary is no reason to alter the mandate of the Constitutional Alliance or to slow its momentum.

We expressed our deeply felt conviction that communities are the heart of constitutional reform and that any new proposals must include significant transfers of authority to the community level. We recognized that the territorial level of government will continue to play an important role in our lives and we have argued that the two levels of government should be equal pillars within a new constitutional framework, ensuring that community governments do in fact get treated as equals by the Legislative Assembly and the GNWT. We proposed the use of four mechanisms of aboriginal self-government at the territorial level. We then discussed how these same principles and mechanisms could be applied equally at the community level.

These proposals contribute to the protection of aboriginal peoples and to the enhancement of community government. As such, they offer the opportunity of establishing a territorial government which aboriginal and non-aboriginal peoples, together, can finally recognize and embrace as their own. We have remained true to the objectives of the original Denendeh public government document, a paper released by the Dene Nation and Metis Association of the NWT in 1981 for discussion. That proposal called for the recognition and entrenchment of the importance of strong community government, a degree of aboriginal control over local aboriginal lands, an ongoing guarantee of meaningful participation of aboriginal peoples in decision-making at both levels of government, with exclusive control over certain areas of special concern to each cultural group.

However, it is vitally important that everyone appreciate the extent to which we have tried to share our perception of our right to self-government with non-aboriginal Northerners. While insisting that our right to aboriginal self-government be explicitly stated in the constitution, we have intentionally expressed those rights and powers as cultural rights and have offered full recognition to non-aboriginal residents as a distinct cultural community in its own right with the same rights to guaranteed representation. In fact, the only special, exclusive power for aboriginal peoples we propose is the aboriginal municipal type jurisdiction over claims-selected lands outside municipal boundaries. This one issue is so central to who we are as aboriginal people that we believe that an exclusive jurisdiction is essential.

Even so, it is important to note that exclusive jurisdiction is not sovereign jurisdiction. The territorial and possibly federal levels of government will also be exercising a jurisdiction over these lands. It is possible and desirable that our cultural communities can come together and reach a general consensus on the future of the North. We believe our proposals bridge that gap, that their implementation would bring our respective peoples together in a manner that encourages confidence and respect.

We expect to hear arguments of "practicality" thrown in by some in order to avoid having to seriously entertain the essence or the merit of our proposals. Some of these arguments might include that they will require the creation of too many institutions, it will cost too much, it will result in too much time being wasted, it will encourage conflict between cultural communities and between communities and the territorial level. We feel that all four of these arguments are invalid. Dene, Metis, and Inuvialuit already have formal, local and territorial institutions of leadership. The

Inuvialuit have territorial and regional bodies and will likely have local bodies after claims. The only new institutions would be the municipal-type body with jurisdiction over community lands outside the municipality which were not selected in claims, and the cultural council for non-aboriginal Northerners.

Looking further at time, costs and conflict, one need only look at Fort Good Hope's experience regarding the creation of a suitable form of community government and the exercising of our rights with regard to lands outside our community to recognize the incredible waste of time and money and the amount of conflict that can be generated by not recognizing the legitimate powers of community government and the political rights of aboriginal people. There are really only two issues in question here. Do we recognize the importance of community government to northern residents and the need to ensure that its place in the northern system of government is secure? Do we recognize the existence of the original peoples of the North, including our right and our determination to continue to exist and flourish as distinct cultural entities? Are we determined to create a government which consciously reflects this essential characteristic of northern society?

I suggest to you that no person with an open mind, with any significant knowledge of the North, would even attempt to deny any of these assertions. The task at hand must be to build a form of government based upon both these principles which will also, by necessity, respect the rights of individual citizens.

What we need to succeed in this project is trust. Trust among the cultural communities, the aboriginal organizations, non-aboriginal Northerners and the different levels of government in the Northwest Territories. The Northwest Territories government must have the confidence that the local communities will act responsibly when it comes to sharing in decisions related to land-based projects. The community governments and the aboriginal peoples must believe that a territorial government can be built which they can trust to accurately reflect their interests.

This is our task, this is the vision and the project that we are asking all the participating parties to commit themselves to. Thank you very much for listening to our views. We are eager to hear your response and look forward to receiving your support now and in the future. Thank you.

CHAIRMAN (Mr. Zoe): Mahsi cho. Any questions for the Dene/Metis delegation?

MR. ALLARD: Mr. Chairman, we would like to table these reports of ours.

CHAIRMAN (Mr. Zoe): Mahsi cho. If there are not any questions, then I would like to thank the Dene/Metis delegation for appearing before our committee. Mahsi cho.

MR. ERASMUS: Thank you, Mr. Chairman. We would just like to extend our "thank you" to the Assembly for giving us the additional time. Thank you.

CHAIRMAN (Mr. Zoe): Thank you very much. Before I call on the TFN delegation I think we will call for a five minute break.

---SHORT RECESS

CHAIRMAN (Mr. Zoe): The committee will come back to order. The Chair would like to call upon the TFN delegation to proceed to the witness table. For the record would the delegation for TFN introduce themselves?

Presentation By Tungavik Federation Of Nunavut

MR. MILORTOK: (Translation) Thank you, Mr. Chairman. I would like to thank the Assembly for this opportunity to give a presentation and for the motion that was carried. I would like to thank Mr. Patterson, he made some very good remarks and I would like to get a letter from him because we will be meeting with the Minister next month. We will try and make it brief and Mr. Quassa will make the presentation.

I would like to say to the Members, we will be going to meet with the Minister this month. This will be one of the first because I do not think too long from now that we will be signing an agreement and we are quite happy with our proceedings and the presentation we want to give. I just want to say that we are almost at the end, and we will be going to meet with the Minister. After Mr. Quassa gives his presentation I just want to make a brief remark. Paul can proceed with the presentation.

CHAIRMAN (Mr. Zoe): Thank you, Mr. Milortok. Mr. Quassa.

MR. QUASSA: Thank you, Mr. Chairman. Before I start I would just like to point out that the document that we just handed to you earlier, consists of three separate documents. You will notice in appendix one, we have the proposed Nunavut territory provisions that we tabled to the federal government on June 2, 1989. We have not gotten any real concrete response yet from the federal government on that. As Donat pointed out a little while ago, we are now waiting for the Government Leader to give us some kind of wording which we would be able to present to the negotiating table.

You will notice also in appendix two, we have the proposed boundary, overlap and wildlife and environmental resource management agreement between the Inuit of Nunavut and the Dene/Metis of Denendeh.

Our topic today is the constitutional future of the NWT -- a formidable and crucial topic. My colleagues and I will summarize TFN's key positions with respect to this matter. We will then offer several recommendations as to how Members of the Assembly can help bring about orderly and satisfactory political change in the North.

TFN has three key positions. First, the Inuit of Nunavut remain firmly committed to the creation of a new Nunavut territory in the Eastern Arctic, co-extensive with the TFN land claim settlement area. Hence, division of the existing NWT into two new territories must be the central feature of future constitution making. As I said earlier, we tabled the position on division of the NWT with the federal government earlier this year and it is included in the appendix to this address.

Second, Inuit have been and will continue to be flexible and pragmatic about the process to create Nunavut. Third, just as the Inuit of Nunavut are conscious of the differences between themselves and the other peoples of the NWT, they are also mindful of enduring similarities.

Commitment To Creation Of Nunavut Territory

Allow me to expand a little on each of these three points. I have said that the Inuit of Nunavut remain committed to the creation of a new Nunavut territory. The strength and durability of this commitment should be obvious to all. Since the appearance of modern Inuit political organizations in the early 1970s, Inuit representatives have called consistently and repeatedly for the creation of Nunavut. The plebiscite of 1982 revealed to the world what those of us who live in Nunavut had long realized: That the people of Nunavut seek to apply the precedents and traditions of Canadian federalism in order to create a new territory which combines both a secure

cultural future for its aboriginal majority with democratic guarantees for all. Since the plebiscite, and the endorsement of its result by this Assembly, nothing has happened to deny its results.

Successive Members of Parliament for Nunatsiak, representing different political parties, have urged action on division. Successive federal Ministers of Indian Affairs and Northern Development, also representing different political parties, have sought to facilitate division. Successive Prime Ministers of different political persuasions have located the creation of Nunavut within the broader issues of constitutionally entrenched aboriginal rights to self-government. Leaders of stature throughout Canada have consistently cited Nunavut as a constructive example of how the needs of aboriginal peoples and of public government can both be served.

Members of this Assembly from the Nunavut area have spoken with growing awareness as to the day-to-day irritants that arise from the fiction that East and West constitute a single, uniform, united jurisdiction. These Members have pointed out that such irritants must not be lightly dismissed as the regional and community rivalries that characterize any political system. Rather, they reflect a fundamental disharmony in the body politic of the Northwest Territories which must either find some positive outlet or deteriorate into ever harsher levels of discomfort.

We earnestly want all Members of this House to help Inuit to achieve Nunavut and, as we have seen earlier today, this achievement is coming about with the motion that we have seen today. However, it is important that politicians outside Nunavut who have authority to contribute to decisions about Nunavut, deal with this issue fairly and squarely.

After all, Nunavut, at heart is a simple proposition. We will object strongly if some politicians in the North sour the political atmosphere in which Nunavut is being discussed by playing games in order to obscure the issue and to delay division. Such tactics are inappropriate, for the issue is not going to go away.

It is my understanding that the resolutions of this House following the plebiscite on division in 1982 remain in good standing and that, therefore, this House accepts that current constitutional arrangements in the Northwest Territories will give way to two new constitutions and two new territories. We congratulate current and previous Members of this House for their far-sightedness in adopting these views and their tenacity in maintaining them.

As you are aware, it is likely that TFN will conclude an agreement in principle in the weeks ahead on the settlement of Inuit territorial rights in Nunavut as the president, Donat Milortok, indicated, and unlike some agreements in principle initialled in the past, the TFN agreement in principle will be comprehensive and detailed. Accordingly, both TFN and the federal government intend to convert it quickly into a final agreement. In doing so, we do not envisage any need to renegotiate matters of principle or substance. These matters have already been dealt with to the satisfaction of both government and TFN. Following the signing of the agreement in principle, only two major negotiating tasks remain: To negotiate a plan to implement the final agreement and to decide which specific tracts of land Inuit will own.

Signing Of Agreement In Principle Emphasizes Need For Division

The TFN agreement in principle has major implications for the course of constitutional development in the Northwest Territories. Clearly, the main implication will be to underscore the necessity and urgency of division. The final agreement will set up, on a Nunavut-wide basis, a carefully constructed set of boards with decision-making powers to ensure resource management is conducted with significant public input, with an appreciation of special aboriginal rights and interests and with due recognition of underlying principles of conservation and the maximization of regional and local benefits. All of these boards will have the same geographic mandate: Nunavut. Their memberships will reflect their geographic mandates; they will regulate resource use and development over two broad categories of lands: Crown-owned lands and Inuit-owned lands. These boards will operate best in a new territory whose jurisdictional boundaries match with their own -- that is, they will operate most effectively in a Nunavut territory and they will relate best to a Nunavut government.

In an undivided NWT, the structures created by a TFN settlement could easily develop ambivalent, if not outrightly antagonistic, relationships with a territorial government located a long distance away. In any event, the soon-to-be-concluded TFN land claims settlement imposed on top of the constitutional status quo, could likely lead to a splintering of institutional and bureaucratic loyalties and retard coherent governance.

Just as important, such a situation would be cumbersome for the oil and gas and mineral industries which already complain of over-regulation in the North. Dividing the NWT at the same time as our final agreement is implemented will simplify the developmental rules of the game and, hopefully, stimulate investment in the North.

Inuit Flexible On Process To Create Nunavut

Let me turn to what I described earlier as the second of TFN's key positions, namely, that Inuit have been and will continue to be flexible and pragmatic about the process that creates Nunavut.

(Translation) Since Inuit first asserted themselves in contemporary Canadian political life, we have argued for a new territory in which Inuit and the newcomers to our homeland could, together, write a brave chapter in Canada's history. In 1979, Inuit organizations took the first step in bridging the long established hostility between the aboriginal organizations and the Government of the NWT by appearing before this House to seek some common understanding and common purpose. Later, when leaders from the West urged that the peoples of all parts of the NWT be allowed to vote in plebiscite on division, we agreed. When it was further suggested that the Legislative Assembly and the aboriginal associations work together in developing two new constitutions, we agreed to join the Constitutional Alliance with the proviso that a Nunavut Constitutional Forum be created so as to focus the efforts of Nunavut residents on developing a Nunavut constitution.

We have made every effort to negotiate a reasonable boundary line for division with both aboriginal and non-aboriginal residents of the West. When western politicians categorically rejected a treeline boundary we agreed, after much thought and discussion, to confine Nunavut to our land claim settlement area.

In May 1986, following two and a half years of discussion, negotiators from TFN and the Dene/Metis Negotiations Secretariat initialled a boundary and overlap agreement to demarcate our respective land claim settlement areas and to provide for co-operative management of natural resources in our zone of overlapping land use.

In January, 1987, we committed ourselves solemnly to the Iqaluit Agreement, an agreement which we understood to bind all its signatories and supporters to work actively and sincerely to accomplish its agenda for creating two new territories. In particular, this agreement endorsed a land claims boundary between the Inuit and Dene/Metis land claim settlement areas as the boundary to separate the two new territories, and promised a second territorial-wide plebiscite on the acceptability or otherwise of this boundary. We remain faithful still to the Iqaluit Agreement. (Translation ends)

Despite our initial and abiding preference that the major elements of political development be negotiated at a single land claims table, along with property and other rights, we have been willing to risk schizophrenia by pursuing our agenda in numerous forums. While firm on matters of principle and objective, we have been willing to discuss and adopt very cautious timetables for implementation. For more than a decade and a half we have been flexible and pragmatic. We have been conciliatory, patient, and fair. Moreover, we have made every effort to understand the fears and accommodate the aspirations of others.

Lessons Learned From Lengthy Struggle

The length of our struggle has tested our patience. But it has also taught us a number of things. We have learned that some people are far more comfortable studying issues than resolving them. The first law of constitutional change in the North seems to be that the availability of research and consultation moneys is inversely related to the likelihood that the work produced will achieve anything.

We have also learned that a double standard is often applied to various aspects of constitutional change. Those people who are opposed to division insist that there be virtual unanimity of support for division, almost down to every last man, woman, child, and caribou, prior to moving forward on the issue. Yet, on other key topics of political development ranging from devolution, to Northern Energy Accord discussions, to redrawing electoral boundaries, different standards of consensus apply.

We do not seek an unqualified veto on all major political questions facing the North; after all democracy presupposes majority and minority opinions even while searching for as much middle ground as possible, but we also reject that core and legitimate Inuit aspirations be subject to the perpetual vetoes of others. In this regard we note that the unwillingness of the Dene/Metis to ratify the May 1986 boundary and overlap agreement virtually halted the constitution building and division processes.

The final thing we have learned is that preoccupation with issues of process is far too often a substitute for tough decisions about issues of substance. This is manifest in all-too-lengthy discussions that skirt the fundamental issue at hand. Yet stripped of all its baggage the concept of a Nunavut territory is quite simple. Indeed, straightforwardness is its most distinguishing feature in comparison with many proposals for constitutional change in Canada and in the North.

We believe it is the duty of the Members of this House to come to grips with the issue of division; to consult their consciences and clearly state their positions; to demonstrate leadership, with all its risks and rewards; above all, to insist on clarity and direction in public policy making; to prevent process from overshadowing substance; to resist the superficially attractive option of buying time through further reports, more conferences, new talk factories. From our perspective, the work of the Nunavut Constitutional Forum and other Inuit organizations has mapped out as clearly and succinctly as is possible what is meant by a Nunavut territory. Surely the people of the NWT do not need another 15 years of debate. Certainly, the Inuit do not.

Creation Of Nunavut In Common Northern Interest

We do not see the creation of a Nunavut territory as a negative or destructive act. We see it as a reflection of the distinct identity and common bonds of the people of Nunavut. So, too, we see the redefinition of constitutional arguments in the West as a necessary step in the evolution of its political process. Nor do we see the creation of a Nunavut territory as the end of our dealings with the people of the West. At the moment east and west are like two grown-up siblings crammed into a single room of a common Canadian home. Canada's Constitution has enough space to allow both east and west a measure of distance while still living under a common roof. By growing up, we do not have to grow apart.

As Nunavut leaders have said on many occasions and in many venues, we seek a timetable for the implementation of division that will minimize, if not eliminate altogether, administrative, economic or human disruption. Although the current building boom in Yellowknife and the prospect of a new gas pipeline in the Mackenzie Valley should seem to make the whole matter academic, let me go out of my way to emphasize that in dividing the NWT we will agree to any reasonable measures designed to cushion any adverse impact on the capital city, on the territorial government work force and on all other economic interests in the West.

The direction of constitutional change in the North must be definitively set so we can end our never-ending debates and get on with asserting common northern interests in the national agenda

and with confronting the serious problems facing the entire circumpolar world on topics ranging from ozone depletion to arms control.

I will conclude my address by inviting you to take a number of concrete steps. The Inuit of Nunavut urge you to do the following:

1) Restate, in clear words, your commitment to the creation of a Nunavut territory and a western territory through the division of the NWT. As we have seen it earlier today, the Legislative Assembly has committed to see a Nunavut territory created, and we really appreciate what has happened today.

2) Commit yourselves to a clear target date for division. For its part, TFN believes that the October 1991 target date laid out in the Iqaluit Agreement can still be met. However, TFN would support a somewhat later date, as indicated in appendix one, provided everyone is prepared to stick to it. We would like to point out here that, as we heard earlier today in the Legislative Assembly, there was a sense that division was still quite far away, but we want to point out clearly that division is very close.

3) Help break the impasse over the boundary to divide the NWT. We suggest that you do this by supporting the boundary and overlap proposal, included as appendix two to this address, that TFN recently made to the Dene/Metis. We feel that all parties should live by and live up to the May 1986 boundary and overlap agreement. Nevertheless, our boundary proposal concedes to the Dene/Metis approximately 11,000 square miles of land in the southern portion of the Thelon Game Sanctuary, south to the border between the NWT and the provinces, and approximately 550 square miles of land immediately west of the Thelon Game Sanctuary. In addition, our proposal provides for Dene/Metis, as well as the Inuit, to hunt, fish and trap throughout the Thelon Game Sanctuary. We hope this proposal will be accepted and will result in a lasting agreement.

4) We would like you to mandate your Government Leader and your Minister of Aboriginal Rights and Constitutional Development to join with Inuit leaders to negotiate with Ottawa the final steps to the creation of Nunavut. We would like to point out again here that we feel that it would only be appropriate for the Inuit and the Government Leader, and the Minister of Aboriginal Rights and Constitutional Development, to be the main mechanism to negotiate for the creation of Nunavut, and not the Constitutional Alliance.

5) We ask the Government Leader to establish a division secretariat within the territorial government in order to prepare now for division negotiations. This secretariat should be directed to develop a detailed plan specifying how the Territories will be divided. We would also like to note that the previous Government Leader, Nick Sibbeston, did make a commitment in the past, of a division secretariat, and we have been waiting for that since then. We are asking the Government Leader to establish that division secretariat.

I thank you for listening to our presentation. We would also request that this presentation, plus the appendixes, be all put in Hansard.

CHAIRMAN (Mr. Zoe): Thank you. Mr. President.

Comments From President Of Tungavik Federation Of Nunavut

MR. MILORTOK: (Translation) Thank you, Mr. Chairman. I would like to make a brief comment. The offer we have given you and also the motion that was passed in 1987 -- the territorial government had told us that they would be dealing with self-government and TFN would like to see the agreement initialled perhaps from 1990 to 1995. We would like to implement these things and work with you people. As we are all aware, the Constitutional Alliance and the aboriginal groups cannot now resolve things. If nobody supports this, we cannot go ahead. The aboriginal organizations cannot go ahead without the support of the the Legislative Assembly. I would like to see us working closely together between 1990 and 1995; therefore, we are asking to you for support and I know that the Constitutional Alliance is not going to go ahead so, therefore, I would

like to ask you to prepare yourselves to implement self-government. We have been dealing with the issue of boundary and we have dealt with this with the aboriginal people of Nunavut. I do not know how many years we have been dealing with the boundary issue and we would like to see this resolved as soon as possible – perhaps by next month.

We will be able to sign the agreement in principle and we will ask the people from Nunavut region to come and invite them to the signing of the agreement. We have invited the Prime Minister during the initialling of the agreement and also we will invite the Members of Nunavut to come to the signing of the agreement. I will conclude for now. Perhaps we will be able to deal with this tomorrow after we have the meeting tonight. When we have expended a lot of money, it is better for us to deal with this clearly. Thank you, Mr. Chairman, for giving me the opportunity to address you.

CHAIRMAN (Mr. Zoe): Mahsi cho. Any questions for the delegation from TFN? Mr. Wray.

HON. GORDON WRAY: Thank you, Mr. Chairman. I would like to thank TFN for their presentation and I guess condole with them slightly on the frustrations they must feel at the blockages and obstructions that have been put in their path.

There is one statement in here that I am really extremely concerned about and perhaps I could get clarification. It is with regard to the statement on page 12 in the preamble, number three, which says "In addition, our proposal provides for Dene/Metis, as well as Inuit, to hunt, fish, and trap throughout the Thelon Game Sanctuary." That is backed up further in the boundary and overlap agreement under sections 6.4 and 6.5 which essentially say the Dene/Metis can continue to harvest wildlife in all the portions of the Thelon Game Sanctuary located within the Inuit land claims settlement area and there is an offsetting 6.5, as well.

I guess I have two concerns. First of all, it is my understanding that no hunting or trapping presently takes place in the Thelon Game Sanctuary. Secondly, I am wondering what was the reason for this clause, what is driving it? After I get an answer to this question, Mr. Chairman, I have one additional comment I would like to make.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Quassa.

MR. QUASSA: Thank you, Mr. Chairman. That particular provision coincides with our other agreements that we have already initialled with the federal government. The federal government has agreed that the Inuit will be able to hunt throughout the settlement area and we already have an agreement with the federal government that the Inuit will also be able to hunt, trap and fish, even in national parks and conservation areas. After the settlement is settled the federal government has already agreed to the fact that Inuit will be able to hunt throughout the settlement area whether it is a national park – it is nothing new that we have – we have already agreed with the federal government.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Wray.

Possible Exploitation Of Thelon Game Sanctuary

HON. GORDON WRAY: Thank you. I am well aware of the provisions in terms of national parks through my role with economic development and that is the provision that we have negotiated consistently. What worries me though and I guess I am trying to get clarification, I understand that essentially what you are saying here is that the land claims will give you the right but what I am trying to find out is whether or not you are going to exercise that right because, quite frankly, from my area which is the Baker Lake area there has been no indication of any desire whatsoever to hunt, trap or fish within that sanctuary. More importantly, I can see why the federal government would leap at agreeing to provisions such as this, simply because I can guarantee you that the first hunter or fisherman or trapper to go into that area, half a mile behind him will be mining exploration companies, because this is what they have been waiting for. The only reason that we have been able to hold any exploration companies out of that sanctuary has been, the Inuit in

Baker Lake saying consistently that we do not want to go in there to hunt or fish or trap, therefore, if we are willing to give that area up and not exercise our rights in that area, then the federal government cannot give mining exploration companies the same right. I am just very worried that we may set something up here that we really do not want. Maybe the clarification that I should get is from the TFN that they are establishing the right but what they are not saying here is whether they are going to exercise that right. That is the clarification that I am trying to get because I would hate to see that right exercised, quite frankly.

CHAIRMAN (Mr. Zoe): Thank you. Any further comments? Mr. Quassa.

MR. QUASSA: Thank you, Mr. Chairman. As we know, the Nunavut Wildlife Management Board with its decision-making power would be able to make exceptions, regulations – if our Nunavut Wildlife Management Board decides to restrict hunting in that area that would be followed also.

CHAIRMAN (Mr. Zoe): Thank you. Are there any further questions? Mr. Ernerk.

MR. ERNERK: (Translation) Thank you, Mr. Chairperson. I would also like to thank the president for TFN and the chief negotiator for TFN for coming here and I understood the address you had laid out. Some of them are quite strong in saying what you want. I personally am always in support of the creation of Nunavut and I want you to be aware that I am in support. I think most of us were in favour of the motion today. I have one question. On page 13, item 5, "ask the Government Leader to establish a division secretariat". If there was a secretariat to be established it would be under constitutional development, under Mr. Alloo's department. Why not put it there? They could deal with this issue more, perhaps, if the government can approve this. I hope that you will be able to understand me. Thank you.

CHAIRMAN (Mr. Zoe): Mr. Milortok.

MR. MILORTOK: (Translation) Thank you, Mr. Chairman. We were just asking the Government Leader to establish a division secretariat. Any department could take this. Thank you.

CHAIRMAN (Mr. Zoe): Are there any further questions? Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. At the meeting this morning we agreed that the four of us who are MLAs and who are also equal members of the Constitutional Alliance would be given an opportunity to speak. I would like to just say, on behalf of the group of MLAs that I represent, as I said last night to the members of the Constitutional Alliance at their meeting, when the constitutional process reached the point where the Iqaluit Agreement was signed, I guess the western MLAs, who represent a substantial amount of non-native people in their...

CHAIRMAN (Mr. Zoe): Mr. McLaughlin, before you continue with your views as a member of the Constitutional Alliance – I will give you an opportunity to speak but first of all we have given each group a time for Members to ask questions for clarification or whatever. Then after we conclude with the presenters, then I will give the floor to MLAs that sit on the Constitutional Alliance to speak. Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. Mr. Chairman, I believe that the issue of the land claims boundary is a critical issue and I notice that in this presentation you have asked for help in breaking what is called the impasse over the boundary agreement. Mr. Chairman, my question would be – and perhaps I should have asked it of the Dene/Metis as well – if you are unsuccessful in solving this problem yourselves over the next number of weeks, would the TFN consider a non-binding mediation process whereby a third party, acceptable to both sides, would be asked to review the issue and come up with recommendations for a solution, which would then be considered, in the hope of resolving the problem? I would like to stress that I am using the word "mediation" as opposed to "arbitration", which I consider to be more of a binding process and may be threatening to either party. I would like to ask about whether you have given any thoughts to the concept of mediation agreed to by both parties.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Quassa.

MR. QUASSA: Thank you, Mr. Chairman. We have talked about arbitration and possibly other alternatives in trying to resolve this boundary but I would just like to point out that both of the two federal chief negotiators, for TFN and Dene/Metis, have indicated to both groups that they will possibly be able to wait until the middle of next month to decide what other alternatives we can work at. As of now, we have not really decided -- both TFN and Dene/Metis, I do not think, have decided yet as to what alternative, either mediation or through arbitration, would be the process but, as I indicated, both of the two federal chief negotiators have indicated to us that if by the middle of next month there is no agreement, they would be able to look at other options.

CHAIRMAN (Mr. Zoe): Thank you. Any further questions? If not, then I would like to thank Mr. Milortok and Mr. Quassa for appearing before our committee. On my list, I have Mr. Ernerk, member from the Constitutional Alliance. Do you have any comments that you would like to make at this time? Point of order, Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: I would like the Chairman's permission to extend sitting hours to conclude this matter of business. I so move, if the Chairman will allow me to move it.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Zoe): Mr. Ballantyne, your point of order was not in order but you made your point. Mr. Ballantyne, on your point of order, you cannot make a motion when you are making a point of order. Mr. Ernerk has the floor at the moment. Mr. Ernerk.

Motion To Extend Sitting Hours, Carried

MR. ERNERK: Thank you, Mr. Chairman. I move to extend the sitting hours to conclude the item of business.

CHAIRMAN (Mr. Zoe): The item of business is the appearance of witnesses. Is that what you are making reference to, Mr. Ernerk?

MR. ERNERK: Yes.

CHAIRMAN (Mr. Zoe): The motion is in order. All those in favour? Opposed? The motion is carried.

---Carried

CHAIRMAN (Mr. Zoe): We will now go to each member of the Constitutional Alliance, all the MLAs that serve on the Constitutional Alliance, and we will give them five minutes to make their presentation. Mr. Ernerk.

MR. ERNERK: (Translation) Thank you, Mr. Chairman. Five minutes is a little bit too long, if I try to speak, because I might not be able to make sense, so I will try to make it shorter than five minutes. I thank the people today. I think I have an understanding of what the western forum wants regarding the constitutional process. I really understand mostly the TFN and what they really want within our Nunavut territory. We have been waiting for a long time for our Nunavut; let us try to deal with it and resolve it. When we deal with constitutional development, I feel, because I am from the Nunavut area, that Nunavut is good for us.

I already talked about what my feeling is when we were dealing with the motion, so I am just reiterating the things I said today. Nunavut is good for our people. It is great. It is good for the future and for our young people. Nunavut would be good for the process of getting our own government. It would bring back the things we used to deal with. For these reasons, and for the reasons as expressed by TFN, I really felt them, and I understood them very clearly because I used to work at TFN. I know I cannot make long comments. I support most of the Nunavut

proposal. If there was to be division, I would be in support of Nunavut because it is for our future. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. It was a long process to reach the Iqaluit Agreement, and it was an expensive and frustrating time for all members of the Alliance, so I can understand the TFN witnesses' frustration, which they have voiced here this afternoon and mentioned last night as well.

Commitment Of Time And Hard Work

Having said that, we did spend a lot of time and hard work to get as far as we have. It seemed like the Iqaluit Agreement was the solution for us all when it was voted on in the Assembly three years ago. I know that my predecessor, Mr. MacQuarrie, did a lot of hard work getting there. I would just like to reiterate that it seems to me that the Iqaluit Agreement offers the best solution we have seen so far. Once the boundary question is resolved, it seems to me that it is then that we have a fairly quick opportunity using an equivalent of the Iqaluit Agreement. In other words, if we can come up with an agreement which is basically parallel to the Iqaluit Agreement, I think we can move ahead.

As it is my job to represent non-aboriginal people in the western Northwest Territories in this process, I would have to be concerned, on behalf of Western Arctic non-aboriginal people, about the possibility of some constitutional development and public government considerations having happened on the land claims negotiating table in the interim between when the Iqaluit Agreement was approved and now; but other than that I would still say that going back to something similar to the Iqaluit Agreement is something that I would look forward to doing because I saw it as being the best opportunity for everybody to move ahead with a positive attitude. I appreciate the frustrations felt by some or by quite a few of the members of the Constitutional Alliance but I hope that the Constitutional Alliance can continue to exist and that we can pursue an equivalent to the Iqaluit Agreement, a new agreement like it, as soon as possible after the details on the boundary between TFN and the Dene/Metis claims can be resolved. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Kakfwi, as a member of the Constitutional Alliance do you have any comments?

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. One of the things that should be said is that in most other places in the world I do not think negotiations over where a boundary would go would take this long. Certainly, in very short order, the armies are called out and a war starts. While patience has run out, this is not the first time on the part of TFN; it has run out on the side of the Dene/Metis as well, on a couple of occasions that I remember.

I think it is important to applaud both the TFN and the Dene/Metis for having the determination and the will to continue, even though there have been many occasions when I was, myself, very down-in-the-mouth about the state of affairs. I want to, as a very interested observer of this process, applaud them for the work on both sides. Certainly they must like each other a little bit because they are still talking and they are still attending meetings that both sides call. I think it is important to recognize that. It is a unique kind of exercise and I do hope that they finish the exercise with as much grace and good will, whatever is left of that, as possible so that it would be seen in the end as a positive achievement and a good experience on both sides.

It has always been my opinion, not exclusively, one that I share with many leaders, that it is essential to resolve the boundary before anything happens. If you just take the interest of the Dene/Metis -- it does not take long to realize that if you are going to finalize the agreement in principle you need a boundary -- but they are not going to resolve the agreement in principle until they see some progress in the area of self-government and political and constitutional development. But that is not going to happen, either, until this boundary is finalized. It is a

simple fact, I guess, that neither the agreement in principle nor the much needed self-government package of the Dene/Metis can go anywhere unless this boundary is finalized.

I think what we need is a greater political will to assess really how long people are going to hold out for what they consider to be essential pieces of land and essential management regimes and how long they are going to keep denying themselves the opportunity to enjoy the benefits of the bigger picture. In short, those, in my opinion, are that there has been a tremendous amount of work done to provide to the Dene/Metis, and I think to the Inuit as well, benefits and opportunities that are not paralleled anywhere in Canada, anywhere in North America, and those simply are a number of historic opportunities that are available now but may not be available next year. These are not in order of importance but here they are: One of them is the finalizing of the land claims agreement. In order to survive and to have a secure base, all of us need some land and some money; we need benefits from the development of oil and gas and other resources and we need to participate in management regimes that govern how development occurs and how the resources, such as water, are used on those lands. We have, both for the Inuit and the Dene/Metis and the Inuvialuit, Northern Accord which, in my opinion, has no equal anywhere in Canada for native people. The Northern Accord offers us a workable opportunity to be part of a management regime that would oversee the development of oil and gas in the entire Northwest Territories.

CHAIRMAN (Mr. Zoe): Excuse me, Mr. Kakfwi, before I let you continue, your time limit is up. Is the committee agreed to continue on Mr. Kakfwi?

SOME HON. MEMBERS: Agreed.

---Agreed

Opportunities Created

HON. STEPHEN KAKFWI: For Mr. Pedersen's sake, I will make it even shorter. There is that opportunity which I think a lot of us can take great pride in creating. It seems to me that what we have to challenge the native leaders that are leading our people at this time is to, first of all, recognize that there are some real opportunities to do things now that may not be available later on, that if we express the confidence that we should have, that we can, with the opportunities available to us right now, convince our people. I think that with these opportunities and these tools, surely our people would say, if it is the opinion of our leaders, that with the collection of these opportunities and the resources these make available to us we can make a go for ourselves and our future.

Although there are minor elements missing or weak in a number of these packages, together they surely give us enough to make ourselves a stronger people amongst ourselves and in the future. All these opportunities I think were created for the present leaders to use. The resources in my opinion are there for the Inuit, for the Dene, for the Inuvialuit, for the Metis, that the days when we could resist development projects is over. It was over back when Norman Wells was first reluctantly accepted by the Dene Nation. This was an experience where, after the heyday of the 1970s where the Dene singlehandedly with southern support defeated the oil companies, some of us believed that we could stop the Norman Wells project as well; but the energy level was very low at that time, as I remember. The amount of organization that went into trying to stop that project, I must say, was very poor but still we did do the noble thing and we resisted to the end. So, when the leaders finally conceded it was a lost cause and maybe we should try to get some developmental money out of it, a few jobs here and there, the fact is you might say the bulldozer had already run over us. It was a real bitter experience for all of us because we really got nothing out of it and I would say a lot of other people, even those that were supporting it, also got very little out of it.

The fact is, in my opinion, even in the time of the early 1980's there were still people working in native organizations, some who worked for me, leaders in the communities who very much wanted to relive the heyday of the 1970s, at the Berger Inquiry and I think it is important to state here that the fact is, this is 1989 and in the 1970s we had no opportunities, we had no resources,

we had no experience but we had dreams and we had visions of what we wanted to do. We basically believed that if we had some opportunity to get involved in the decision-making of oil and gas development, it would be a major achievement if we had some way to regain title over some of our lands, if not all of it, and retain ownership of major pieces of our land. If we had joint management over many elements of our land, those would be major achievements and until those things became possible we did not want to take part in anything.

We believed that until our people had training opportunities, until our people moved into government, until our people became decision-makers in government, we did not want to be part of the reality that people were trying to present us with. We believed that until the band councils had the resources and support and the recognition that they should be accorded and until we had staff and offices and we had development corporations in our communities, we did not want to really have anything to do with development. We wanted to have some say over education, that the communities should have more of a say in the running of the schools and the hiring of teachers, and at that time it was not possible. So, along with many other reasons these were the main things that had to be addressed and changed before, as Dene/Metis, we would take part in any development. So, those were the 1970s.

Today, as you know, all those points that I mentioned have something for them. We have moved to create divisional boards so that even small communities can take part in the hiring of teachers and have a say in the management of their schools and become familiar and involved in the operation of their schools. You have a Northern Accord which gives us a very real opportunity to be part of a management regime for oil and gas, even extending possibly into the offshore. We have a land claim which is sort of an off-again, on-again, opportunity but it is still there and it will give us, in the opinion of some of us, sufficient land and resources to stand on our own feet, along with the Northern Accord and the political involvement and the political power we can achieve through being involved in a public government, taking over community governments, to make a go of it and to say with some certainty that as Dene/Metis we are going to survive the next 50 to 100 years. It just seems important for me to say that some is never enough but, in my opinion, the time we are living in is now; the opportunities are here today -- they may not be around next year -- and balking at making a decision, failing to recognize when the best time to make a decision is, will be, in fact, a decision.

Reserves Not A Recommended Option

When people start talking about reserves, I must be honest and tell you that it does freak some people out. I know personally I worked since about 1974 to create opportunities and to fight for the changes that we wanted so we will not have to accept the only option that we thought we had at that time. Back in 1974, we all knew any time we wanted we could have a reserve. The whole fight since 1974 on my part -- as they say, I am not interested in that and that is absolutely the last possible option I would exercise or even recommend to anyone to exercise. Surely we can agree that the efforts that we have put in all together have given us some real opportunities to forever forget about the possibility that we are going to give up everything after fighting uphill for 14 years, and that all of a sudden we are going to say, "Well, to hell with it. It is not worth the view from here. I will slide back to the bottom of the hill and slip into a reserve."

It seems absurd from so many angles but it seems important to say because in many ways it is not much of a threat. I think that it is important to recognize, as well, just from my own point of view, that since the election this summer of new members to the executive of the Dene Nation and the Metis Association, I want to believe that there is some new energy and some new resolve for the leaders to take some very strong positions about what they think the people should do. Very simply, I view it to be a case where you can sit at every meeting and ask the chiefs, "Now, you all together sit down and tell me what it is that you want me to do," and wait for it, or walk in there to the chiefs having all your facts together, having analysed them, and coming up with some very strong view about where you think you want to advise the chiefs and the Metis leaders to go and believing in it enough to say, "Well, in my opinion, here is what I think you should do."

It might be a departure for some leaders but I think that has to be done because otherwise the negotiations, in fact, are dead, because you have to have the executive with enough political power and clout to take a stand and fight for it. You have to have enough backbone in the negotiators to say, "Here is what I recommend. This is the best I can do. If you do not accept it, we have problems." We cannot do it all the time because, of course, we may not have an executive for very long because we also know that the chiefs are incredibly difficult to work with. I have told them that when I work with them – I do not know whether they thought I was flattering them or but I did tell them at one time that I thought they were the most difficult people in the world to work for.

Decisions Are Needed

I do know that is what we need. We need to make some decisions. If the agreement in principle is going to die because all of a sudden it does not fit in with the plans that we have, then that is what will happen. But we cannot keep beating around the bush. There is an animal in there that we have been nurturing and trying to make grow, and we all know that we have actually clubbed it to death some time ago. Then we should drag it out and let the world know that that is, in fact, what we have done and quit pretending otherwise. If it is so beaten to death that it cannot be of any use, then we should let everyone know that as well.

In short, again, I should say that, for me, I try to take the role of the optimist every other day. I think the opportunities are there; the resources are there; they are all here for us. As Mr. Lewis said once, if you do not use it you are going to lose it. Thank you.

CHAIRMAN (Mr. Zoe): Mahsi cho. Mr. Allooloo.

MR. MORIN: I would like to recognize the clock, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Point of order. No, they already extended the sitting, unless you want to move to report progress.

MR. MORIN: I move that we report progress.

CHAIRMAN (Mr. Zoe): Mr. Allooloo has the floor at the moment. Then I will go back to you and you can make your formal motion. Mr. Allooloo.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. First of all, I would like to say a few words as the chairman of the Constitutional Alliance. You have seen this afternoon that the views of the Constitutional Alliance membership are quite different from each other; one is talking about self-government and so on. I believe that the government, in creating the Constitutional Alliance, recognized the need to involve the aboriginal organizations. They could have very well done that themselves in terms of the constitutional building in the NWT, and it is the mandate of the government to do that in their jurisdiction. Because we are unique, because we feel that we should involve the native organizations, we thought that by creating a Constitutional Alliance this would give the native organizations a chance to help build the constitution of the NWT.

Constitutional Alliance Unprecedented And Distinctive

I believe that it is unprecedented that a third party is invited to do the governmental work, and it is a great chance – as Mr. Kakfwi mentioned, we have a chance to do here what nobody else had a chance to do. Other groups, in other countries, even in our own country, would have liked to have had that chance. I believe that most public governments will not even think about involving their native groups, which we have done.

The Constitutional Alliance of the NWT is the only forum of discussion on constitutional and political development in the NWT which involves the four aboriginal organizations and Members of the Legislative Assembly. The Constitutional Alliance operates on a system of consensus, making their decision based on consensus. These decisions will impact on the constitutional

building in the NWT and upon future structures of government and the rights which affect ourselves and our future, and our children.

I believe that the Constitutional Alliance helped the individual aboriginal organizations by providing them with a forum in which they have an equal voice. They also received support for the individual research projects and development of government models and constitutional principles. The Alliance has helped to fund a number of recent papers on self-government which were shown to us today.

These papers have enhanced the decision of the constitutional and political development within the aboriginal organizations, in the local communities, within the bureaucracy and also within our Legislative Assembly.

I believe that the constitutional building in the Northwest Territories is so complex that we need to involve these aboriginal groups and listen to what they have to say, as we have done today, but we the government could have decided in the past not to involve the aboriginal organizations and it was in their mandate to do that. I believe that the work the Constitutional Alliance has attempted to do is the work of the government and it is not allowed in other jurisdictions, in other parts of Canada; and I would encourage the aboriginal groups, members of the Constitutional Alliance, to continue to be part of the constitutional building in the Northwest Territories.

All of the four groups that I have heard today made very good comments. They have differing views of how to approach the constitutional building in the Northwest Territories. Qujannamiik.

CHAIRMAN (Mr. Zoe): Thank you. Does the committee agree that the appearance of witnesses from the Constitutional Alliance is concluded? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): I will now rise and report progress. Mr. Patterson.

Point Of Order

HON. DENNIS PATTERSON: Point of order, Mr. Chairman. I thought that we had agreed that following the presentations from the members of the Constitutional Alliance, which have just been concluded, there would be an opportunity for Members to make general comments. Quite frankly, this is a debate that has been delayed now twice and I thought we had agreed to conclude it today. I am anxious to hear the general comments of ordinary Members. Thank you.

CHAIRMAN (Mr. Zoe): Point of order, Mr. Gargan.

MR. GARGAN: Mr. Chairman, do we not need unanimous consent to go back to...

MR. MORIN: Point of order, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Just a minute, I am considering a point of order made by Mr. Gargan. Mr. Gargan, my understanding is that after the groups appear before us that each Member that also sits on that Constitutional Alliance is supposed to make their presentation and then from there I understand that when Mr. Ernerk passed a motion to extend sitting hours, he put a little qualifier on it indicating that business under consideration would have to be concluded which is the appearance of the witnesses and also Tabled Document 18-89(2), Seize the Day. So, we are still dealing with general comments of the members of, and also the appearance of the witnesses for, the Constitutional Alliance. So that is where we stand. General comments. Mr. Morin.

MR. MORIN: On a point of order, Mr. Zoe, you said you would recognize me after you recognized Titus over there. I move that we report progress.

CHAIRMAN (Mr. Zoe): I have a motion on the floor which is not debatable.

HON. NELLIE COURNOYEA: Point of order, Mr. Chairman.

CHAIRMAN (Mr. Zoe): The motion is not debatable. All those in favour? Opposed, if any?

HON. JEANNIE MARIE-JEWELL: What about if we call a point of order for clarification? No, I do not agree.

CHAIRMAN (Mr. Zoe): The motion is carried.

---Carried

HON. NELLIE COURNOYEA: Point of order.

MR. SPEAKER: I wish to call the House back to order. Item 18, report of committee of the whole. Mr. Zoe.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF PRESENTATIONS OF WITNESSES FROM THE CONSTITUTIONAL ALLIANCE

MR. ZOE: Mahsi cho, Mr. Speaker. Your committee has been considering Tabled Document 18-89(2) and the appearance of witnesses from the Constitutional Alliance, and I wish to report progress.

MR. SPEAKER: Thank you. You have heard the report of the chairman of the committee of the whole. Are you agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

The honourable Member for Nunakput.

Point Of Order

HON. NELLIE COURNOYEA: Mr. Speaker, I do not know how to address this, but when we concluded the discussion today in the points that were made on a point of order on continuing the discussion tomorrow on the constitutional development, it was not recognized that, I think there was some understanding from the aboriginal groups that they would be having the opportunity to reply or answer questions. We did proceed immediately with the TFN to do so; however, the other groups feel that they should have the same opportunity, but on the point of order it was not expressed.

Speaker's Ruling

MR. SPEAKER: Was that a point of order? Okay, thank you. I wish to indicate to the honourable Member on her point of order that the chairman of committee of the whole only reported progress and not conclusion to the particular item. So it will be a matter for the Speaker to make known on the orders of the day for tomorrow.

Item 19, third reading of bills. Item 20, Mr. Clerk, orders of the day.

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. There will be a meeting of ajauqtit at 9:00 a.m. tomorrow morning and at 10:00 a.m. tomorrow morning a meeting of the standing committee on rules, procedures and privileges.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Wednesday, November 1st.

- 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. Tabling of Documents**
- 12. Notices of Motion**
- 13. Notices of Motion for First Reading of Bills**
- 14. Motions**
- 15. First Reading of Bills**
- 16. Second Reading of Bills**
- 17. Consideration in Committee of the Whole of Bills and Other Matters: Presentations of Witnesses from the Constitutional Alliance; Tabled Document 18-89(2); Report of the Standing Committee on Legislation; Bills 22-89(2), 10-89(2), 2-89(2), 19-89(2) and 24-89(2)**
- 18. Report of Committee of the Whole**
- 19. Third Reading of Bills**
- 20. Orders of the Day**

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 1:00 p.m., November 1, 1989.

---ADJOURNMENT

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