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# LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

THURSDAY, FEBRUARY 26, 1987

MEMBERS PRESENT

Mr. Angottitaurug, Mr. Appaqaq, Mr. Arlooktoo, Hon. Tom Butters, Hon. Michael Ballantyne, Ms Cournoyea, Hon. Tagak Curley, Mr. Erkloo, Mr. Gargan, Mrs. Lawrence, Mr. MacQuarrie, Mr. McCallum, Hon. Bruce McLaughlin, Mr. Nerysoo, Mr. Paniloo, Hon. Dennis Patterson, Hon. Red Pedersen, Mr. Pudluk, Hon. Nick Sibbeston, Hon. Don Stewart, Mr. T'Seleie, Mr. Wah-Shee

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Thursday, February 26th.

Item 2, Ministers' statements. Mr. Curley.

Point Of Privilege

HON. TAGAK CURLEY: Mr. Speaker, I wish to rise on a point of privilege with respect to the statements that were attributed to me yesterday. Mr. Speaker, I wish to express my disappointment with the CBC reporting of the division debate which took place in this Assembly on February 25th; specifically, the report on the current affairs program which was aired this morning at 7:48 a.m. Mr. Speaker, I am concerned that the only medium which the public across the North have access to on a daily basis to hear what the Members of this House are discussing, is providing unbalanced reporting which can ultimately imply a different message than the Members actually deliver.

This happened on the report prepared with regard to Mr. Patterson quoting statements which I have made in support of Nunavut over the past several years. Mr. Patterson chose to quote me out of context and accused me of changing my mind on my position in support of Nunavut. This quote was aired as a part of the report, Mr. Speaker. I clarified those accusations by stating that my support for Nunavut was not changed, but that the boundary which I supported to encompass the Nunavut territory has changed. We are no longer dealing with the initial Nunavut concept. I then quoted a statement made by Mr. Patterson exactly two years ago on February 25th, 1985, to this House to illustrate that it was not I who has changed my support, but rather it is Mr. Patterson who has changed his position. He had resigned from the Nunavut Constitutional Forum and stated, and I quote, "...dividing people with a common economy, language, history and culture against themselves, would have resulted in an unacceptable shell of the original Nunavut proposal."

Mr. Speaker, since that statement, the Member has obviously changed his mind by supporting this proposed boundary, which is very much a compromise. The CBC reporter did not refer to this quote on the current affairs program and therefore a balanced and fair viewpoint was not given to the public. I am therefore using this opportunity to further clarify my statements.

MR. SPEAKER: Thank you, Mr. Minister. Ministers' statements. Mr. Ballantyne.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 10-87(1): Proposed Division Of Hudson Bay And James Bay

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, the Edmonton Journal has reported that Mr. Yvon Dube, a senior official with the Quebec government, has suggested in an interview that Hudson Bay and James Bay should be divided up between Ontario, Manitoba and Quebec before there is a big battle over potential oil and gas resources in Hudson Bay.

As honourable Members are aware, I had been conducting negotiations on behalf of the Government of the Northwest Territories with two successive federal Ministers of Justice on the issue of the boundaries of the NWT. Presently, under the Northwest Territories Act, Mr. Speaker, all that part of Hudson Bay north of the 60th parallel is part of the Northwest Territories, and so are the islands, including Sanikiluaq, in Hudson Bay, James Bay and Ungava Bay. The Northwest Territories has never relinquished its legal right and jurisdiction over these areas. In fact, in my negotiations with the Hon. John Crosbie as the then Minister of Justice, I specifically raised the issue of competing interests in Hudson Bay.

Mr. Speaker, I want to place it on public record, that Mr. Crosbie gave me his fullest assurances that the claim of the Northwest Territories to Hudson Bay will not be ignored and that if there is ever a question of the division of Hudson Bay, the Northwest Territories would be involved in these negotiations to ensure that its claim is dealt with equitably and fairly.

Mr. Speaker, I find it appalling that an official of the Quebec government should have the audacity to suggest that Hudson Bay be divided between the provinces of Ontario, Quebec and Manitoba without any reference whatsoever to the Northwest Territories, and that the extension of natural provincial boundaries should be done before division of the Northwest Territories takes place. It is this type of arrogance and lack of appreciation for territorial positions that gives us serious concern.

Mr. Speaker, the maintaining of territorial integrity of our jurisdiction is of fundamental importance to us. The time has passed for provinces and the federal government to take away portions of the Northwest Territories without any reference to the people of the Northwest Territories and their elected leaders. The Government of the Northwest Territories has strongly maintained its opposition to the provisions in the Constitution allowing for extension of provincial boundaries without reference to the Territories. The Northwest Territories has not abandoned that position, and it will continue to seek an amendment to that provision.

Mr. Speaker, the Government of the Northwest Territories has lodged a strong protest with the Governments of Canada and Quebec on this proposal to divide Hudson Bay among the provinces. Our strong opposition to that proposal must be made before any steps are taken by the provinces or the federal government on this issue. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Minister. I would at this time like to recognize in the gallery, Mr. Vern Tordoff, a councillor from the town of Hay River. Welcome.

---Applause

Item 2, Ministers' statements. Mr. McLaughlin.

Minister's Statement 11-87(1): Agriborealis Dairy Farm Operation

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I have a statement about the Agriborealis Dairy Farm operation. I am pleased to announce that the Agriborealis Dairy Farm in Yellowknife was back in operation as of Friday afternoon, February 20, 1987. The dairy farm received approval from the health authorities to proceed with the processing and marketing of their milk. The dairy farm has already implemented some of the recommended changes and worked out a schedule agreeable to the health authorities for the completion of other changes.

I would like to stress that at no time was the milk that was sold on the shelf unsafe for human consumption. The dairy farm has been meeting, without fail, the requirement to have each batch of milk tested prior to its going on the shelf for sale.

The changes recommended by the health authorities dealt with ensuring that the whole operation was of a standard so that the public can be assured of a quality and standard of milk as high as anywhere else in Canada.

The dairy owner and the health authorities have met and worked out an agreeable approach, so I do not anticipate any further difficulties. I am confident that these changes in the milk processing operation will further ensure the quality of the product made available to the public and, therefore, enhance the long-term economic viability of the dairy operation itself.

Mr. Speaker, I would like to suggest that at coffee break this afternoon, Members sample this fine, excellent northern agricultural product.

---Applause

MR. SPEAKER: I would like to recognize in the gallery the grade eight students from the William McDonald Junior High School and their teacher, Barbara Cook. Welcome to the Assembly.

---Applause

Item 2, Ministers' statements. That appears to conclude this item for today.

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

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question Q11-87(1): Housing Programs For Government Employees

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I have a return to oral Question Q11-87(1), asked by Mr. Pudluk on February 12th, 1987. It concerns Housing Corporation assistance to GNWT employees. As Minister responsible for the Housing Corporation, I am replying to the question asked of the Minister of Finance.

Government of the Northwest Territories employees are eligible for the corporation's home-ownership assistance program. The HAP program is available in all communities except the city of Yellowknife. Clients are approved on the basis of need, income and ability to complete the house. Several government staff have taken advantage of the program and have, or will be, building their own homes.

MR. SPEAKER: Thank you, Mr. Minister. Returns to oral questions. Mr. Curley.

Return To Question Q50-87(1): Food Subsidy For Pelly Bay

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I have a return to oral Question Q50-87(1), asked by Mr. Angottitauruq on February 20th, 1987, with respect to transportation assistance program for Pelly Bay. On February 20, 1987, I advised the Member for Natilikmiot that the co-op had used up the funds on this year's contract to lower the transportation costs into Pelly Bay. I have reviewed the matter and, following consultation with the co-op, I am pleased to announce that the Department of Government Services has reallocated funds so that a change order in the amount of \$35,000 can be issued. The revised contract value will cover all qualified shipments into Pelly Bay for the balance of the fiscal year. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Returns to oral questions. Mr. Patterson.

Return To Question Q66-87(1): Disposition Of Recommendation For Community Hall, Clyde River

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I am giving a return on behalf of Mr. Wray to an oral question asked by Mr. Paniloo on February 24th, 1987, respecting Clyde River recreation facilities. I indicated to the Member in reply to a similar question last June during the seventh session that a community hall was included in our five year capital plan for design in 1988-89 and construction in 1989-90. The schedule for this project remains essentially the same.

It has not been possible to advance this project against other priorities in the Baffin Region. Communities such as Lake Harbour, Hall Beach and Resolute Bay lack basic community gyms and these facility needs will be addressed over the next two years. A gymnasium was recently built in Clyde

River with the new school and, although this facility may not meet all the recreational needs in Clyde River, it does place the community in a better position than the above communities. It has not been possible for my department to bring this project forward without delaying other facilities which are considered an even greater priority. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Returns to oral questions. Mr. Pedersen.

Return To Question 048-87(1): Radio Telephones Provided Through Special ARDA

HON. RED PEDERSEN: Thank you, Mr. Speaker. I have a return to oral Question 048-87(1), asked by Mr. Erkloo on February 20, 1987.

Under the Special ARDA program, applications for primary producer assistance must be submitted by the hunters and trappers associations (HTAs) of a community on behalf of its membership. Individual applications are not eligible for funding. HTAs must indicate by letter when applying for radios that they will accept the responsibility for repairs to these radios.

At present, the HTAs are charging their members a small rental fee for using the radios. These funds are then utilized by the association to repair and maintain the sets. If there is a requirement for additional radios, our renewable resource officers are prepared to assist HTAs in applying to Special ARDA.

MR. SPEAKER: Thank you, Mr. Minister. Returns to oral questions. That appears to conclude this matter for today. Item 5, oral questions. Mr. Appaqaq.

ITEM 5: ORAL QUESTIONS

Question 074-87(1): Craft Materials For Patients In Transient Centre, Churchill

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Economic Development and Tourism. It is concerning a transient home used for the patients in Churchill going to Winnipeg. Those patients who are waiting or are there to get checked by a doctor, sometimes stay there for weeks at a time. They do not usually have anything to do when they are able to move around. I was in Winnipeg and there was only one thing that we could do when we were well -- watch TV. I would like to know if those homes can be provided with soapstone or some materials for the women to sew, to pass the time. I would like to know if this can be considered. Thank you.

MR. SPEAKER: Thank you. Mr. Minister.

Return To Question 074-87(1): Craft Materials For Patients In Transient Centre, Churchill

HON. TAGAK CURLEY: (Translation) It is already corrected. I appreciate what the Member from Sanikiluaq has suggested. We will be speaking to the Minister of Health and Social Services, to get some crafts for them to do, while they are waiting for their doctor's appointment.

MR. SPEAKER: Oral questions. Mr. Erkloo.

Question 075-87(1): Regulations Regarding Aircraft Seating, First Air

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. I am going to direct my question to the Minister of Economic Development. The hamlet of Pond Inlet was concerned about First Air. The seats in the airplane are too close together. If there is ever an emergency on landing, you have to put your head forward but this is impossible on these 748 planes. Pond Inlet people want to know whether First Air is breaking the law or not. Thank you.

MR. SPEAKER: Mr. Minister.

HON. TAGAK CURLEY: I will be answering this question after I have investigated the fact that you are talking about. I cannot answer it directly at this time.

MR. SPEAKER: The Chair would at this time like to recognize in the gallery, His Worship Mayor Pilakapsi of Rankin Inlet and councillor Mr. Nakoolak from Coral Harbour. Welcome.

---Applause

Oral questions. Mr. Pudluk.

Question 076-87(1): Eligibility For Home-Ownership Assistance Program

MR. PUDLUK: I asked an oral question on February 12, 1987 about the Housing Corporation's home-ownership assistance program. If a man and his wife are both working for the government, are they still eligible?

MR. SPEAKER: Mr. Minister.

Return To Question 076-87(1): Eligibility For Home-Ownership Assistance Program

HON. MICHAEL BALLANTYNE: The family income is taken into consideration for eligibility. One of the biggest problems that we have had with the HAP program is that the program is cost-shared with CMHC and CMHC is quite strict on the upper limits of family salaries that are allowable. What I am intending to do in this year to try to get around that is to introduce a possibility of a partial pay-back scheme, so that people up to a certain salary, with a certain family income, will get a HAP unit for free and if they make a certain amount more than that they have to pay 25 per cent back -- more than that, 50 per cent back. But CMHC is being very strict in restricting it. There might be some problems if the total family income exceeds those limits.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Pudluk.

Supplementary To Question 076-87(1): Eligibility For Home-Ownership Assistance Program

MR. PUDLUK: Thank you, Mr. Speaker. Then I will take this question to Personnel instead of the Housing Corporation. This question should have been directed to Personnel, as Personnel have been looking into this kind of project for government employees -- for government employees only -- because a lot of times they are asking for assistance but CMHC and the Housing Corporation would not allow them because they make too much money. These people who are permanent residents in the Northwest Territories would like to build their houses and they are not allowed. I wonder if the Personnel department would look into this. Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 076-87(1): Eligibility For Home-Ownership Assistance Program

HON. RED PEDERSEN: Thank you, Mr. Speaker. As an MLA I am very much aware of the problem Mr. Pudluk has mentioned. We have the same problem in my constituency. The rules that CMHC have put out about family income, in many cases, seem to almost eliminate some of the target group we are aiming it at. The short answer to Mr. Pudluk's question is no, the Department of Personnel has not been looking into providing an alternative program of home-ownership housing for staff. It is not within our mandate, but should this House, in their wisdom, give us some direction to look into that when the budget of Personnel is before you, we will of course take that direction.

MR. SPEAKER: Thank you, Mr. Pedersen. Oral questions. Mr. Paniloo.

Question 077-87(1): Appraisal Of Applications For Business Loans

MR. PANILOO: (Translation) Thank you, Mr. Speaker. This is a question directed to the Minister of Economic Development and Tourism. I know they are very helpful toward the Nunatsiaq region. I want him to understand that. For people who have private businesses in the Baffin and Keewatin Regions as well as the Dene regions, is there equal appraisal given to each one of these private business proposals? Are they treated the same as far as taxes and grant assistance is concerned? They seem to be giving money away to other regions. I would like to know more about this.

I want to ask him further, in Clyde River there was a private business, a pool hall, that went under. He owed quite a bit. How are they going to treat this bankruptcy up there?

MR. SPEAKER: Thank you, Mr. Paniloo. Mr. Minister.



Return To Question 077-87(1): Appraisal Of Applications For Business Loans

HON. TAGAK CURLEY: (Translation) Thank you, Mr. Speaker. In regard to the NWT Act, all the grants are given the same appraisal from the federal government toward the Inuit. There are several grants funds available to the native people. The Eskimo Loan Fund, as well, is geared toward the Inuit private business sector. There is the Business Loan Fund available to anybody in the NWT. The federal government provides Special ARDA assistance toward the private sector, to both Inuit and Dene, and their appraisal is the same. Last year was the last part of Special ARDA assistance to private business. I think that is the reason there were not enough funds available to all of the people who have applied for assistance. If you want to look through the appraisal set-up, I can show you the process used. When we know that the applicant is going to be bankrupt within the year, we usually never appraise their application.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Paniloo.

Question 078-87(1): Term Of Incarceration For Pangnirtung Resident

MR. PANILOO: (Translation) This is not a supplementary. I am going to ask another question to the Minister of Justice regarding a resident of Pangnirtung. How long is he going to be in jail? His parents were not satisfied because he was moved from Iqaluit to the Yellowknife Correctional Centre and he is still incarcerated. How long is he going to stay here? Could you answer this question in the near future?

MR. SPEAKER: Thank you, Mr. Paniloo. Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I will have a response for the honourable Member tomorrow.

MR. SPEAKER: Thank you, you are taking the question as notice. Oral questions. Mr. Erkloo.

Question 079-87(1): Legislation To Control Intoxicant Chemicals

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Justice, Hon. Michael Ballantyne. In my region there is a lot of concern in regard to the young offenders. They are involved with alcohol and drugs, mostly drugs, and gas inhaling as well and use of other substances, glue sniffing. This concern has always been expressed and there has never been legislation in regard to the application. Have you even considered legislation to control such substances in the regions? Their bodies are very susceptible to such substances. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 079-87(1): Legislation To Control Intoxicant Chemicals

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. In the Criminal Code of Canada there are penalties set out for the use of illegal drugs. I might add that the RCMP have made it a major priority to try to limit, as much as possible, the use of illegal drugs. The problem cannot be dealt with just through law enforcement. I think what we have to find in this government is an all-out approach, including Social Services, Department of Justice, Department of Health and the Department of Education. I know as an Executive right now, we are trying to put together an approach to deal with these problems. Some packages of education for use in the schools, opportunities for RCMP officers to talk to children and for social workers, who are aware of problems, to be able to help individuals who are having problems. So I am not sure if there is a lot we can do in this area in the way of actual laws. But I do think that there is more that we, as a government, can do to try to get at the root causes of the problem.

MR. SPEAKER: Supplementary, Mr. Erkloo.

Supplementary To Question 079-87(1): Legislation To Control Intoxicant Chemicals

MR. ERKLOO: Thank you, Mr. Speaker. The interpretation was wrong. I was talking more about sniffing gas, paint and glue -- that kind of thing. It is a concern of the parents. I think the reason is that some people are really worried about what might happen to their children, to young

people sniffing gas, paint, whatever. I am not really talking about drugs. The people are wondering whether there is the possibility of making some kind of a law against sniffing and that kind of thing. Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 079-87(1): Legislation To Control Intoxicant Chemicals

HON. MICHAEL BALLANTYNE: I understand the Member's concern and I realize that the sniffing of gasoline and other products is a real problem in the communities. The problem with trying to control it with a regulation or a law is that gasoline is so readily available legally. I suppose we can look at ways where the sale of gasoline is restricted somewhat but the reality is anybody, for any reason, has access to gasoline. I do not know -- we will look into it but I do not see an easy way to deal with it through a regulation or a law. I think we have to go to the very source of the problem and I think it is through education and through assistance through other agencies. But I am prepared to look at the subject and discuss it with my colleagues to see if there is anything we can do that we are not doing right now to deal with this problem. I am open to suggestions from the Member of any ideas that he might have to try to deal with this difficult problem.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Gargan.

Question 080-87(1): Age Requirement For Driver's Licence

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Justice. It is concerning young people who need a driver's licence to operate a vehicle. I wanted to ask the Minister what the age limit is now? Before a young person can get a driver's licence to operate a motor vehicle, what is the law or the regulations regarding people that do not have a driver's licence but would like to learn how to drive?

MR. SPEAKER: Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. My understanding is that the legal age when one can obtain a driver's licence is 16. Prior to that -- and I will get the exact facts to the Member -- my understanding is that at the age of 14 or 15 one can apply for a learner's permit and then with a learner's permit one could go with a driver who has a licence, and one would learn how to drive and take one's test after one is 16 and then have a licence. I am not sure if it is 14 or 15 but I can get those details to the Member.

MR. SPEAKER: The Minister is taking the question as notice. Mr. Gargan.

Question 081-87(1): Requirements For Operation Of Skidoos And Outboard Motors

MR. GARGAN: Thank you. I also would like to ask the Minister, what is the difference between a young person operating a skidoo or an outboard motor on a river as opposed to a motor vehicle? What makes that restriction? There are a lot of young people, anywhere from 10 years of age and up, that do operate outboard motors and skidoos. What is the difference?

MR. SPEAKER: Do you wish to try and answer a question of that nature, Mr. Minister? Mr. Curley.

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I think the Member's question is a very interesting one because we have before us on the order paper the Vehicles Act which will in many respects deal with the whole aspect of those questions that the Member is concerned with. I think at the appropriate time, after having reviewed the proposed changes to the Vehicles Act of the NWT, which is under Government Services, as well as reviewing the All-terrain Vehicles Act, that I will be able to make a more comprehensive statement on that, so I will take the question as notice.

MR. SPEAKER: Thank you, Mr. Minister, you are taking the question as notice. Oral questions. Mr. Appaqaq.

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. My question is to the Minister of Personnel. I would like to get clarification on the public servants, when they have their own homes. There are different housing assistance programs. It varies from community to community. I would like to

get clarification as to what kind of differences there are from the remote areas especially, in Sanikiluaq or Grise Fiord compared to Fort Smith or Yellowknife. I would like to see the differences in writing, what kind of subsidies they have. Thank you.

MR. SPEAKER: Mr. Appaqaq, if you wish a written reply to your question then you should give it under written questions. Maybe you would rather save that question and give it as a written question. We are in oral questions now and the reply will be oral, but if you want a written reply you must ask it as a written question. Now, which is it going to be?

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. I am sorry. I will probably come back to this on Monday. Thank you.

MR. SPEAKER: Thank you, Mr. Appaqaq. Oral questions. Mr. Gargan.

Question 082-87(1): Policy Regarding Government Use Of Aircraft,

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Government Leader. It is concerning a reply that I got from Mr. McLaughlin regarding medivacs. I would like to ask the Government Leader, what is the government's policy now with regard to government personnel using aircraft? Is it still at the discretion of the individual to use whether it is single-engined or twin or is it a policy now that for insurance purposes government employees are required to use twin-engined planes?

MR. SPEAKER: Mr. Minister.

HON. NICK SIBBESTON: Mr. Speaker, I will take the question as notice.

MR. SPEAKER: The question is being taken as notice. Oral questions. That appears to conclude oral questions for today.

Item 6, written questions. Item 7, returns to written questions. Mr. Clerk.

ITEM 7: RETURNS TO WRITTEN QUESTIONS

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, the following returns have been filed: Return to written Question W6-87(1) asked by Mr. Gargan of the Minister of Justice; Return to written Question W12-87(1) asked by Mr. Erkloo of the Minister of Social Services.

Return To Question W6-87(1): Responsibility Of NWT Supreme Court Re Egg Marketing

Hon. Michael Ballantyne's return to Question W6-87(1), asked by Mr. Gargan on February 18th, 1987, regarding the Legal Questions Act, egg marketing reference.

The Legal Questions Act, section 2, states that: "2. The Minister may refer to the court for hearing and consideration any matter that he thinks fit to refer, and the court shall thereupon hear and consider the matter."

In February 1986, the Minister of Justice referred three questions to the court:

- 1) Is section 24 of the Farm Products Marketing Agencies Act of no force and effect, in whole or in part, on the grounds that it is inconsistent with the Charter of Rights and Freedoms and in particular sections 6 and 15, the mobility rights and equality rights sections?
- 2) Is section 24 of the Farm Products Marketing Agencies Act, ultra vires the Parliament of Canada in whole or in part, on the grounds that section 24 prevents agricultural products produced in the Northwest Territories from being admitted freely into the other provinces of Canada?
- 3) Is the Parliament of Canada or, alternatively, the Canadian Egg Marketing Agency authorized in law to prohibit residents of the Northwest Territories from exporting agricultural products grown by them in the Northwest Territories into the other provinces of Canada?

The three questions are still before the court which does have the jurisdiction to answer those questions.

Representatives from the Departments of Justice and Economic Development and Tourism have recently met with representatives from the Canadian Egg Marketing Agency and Agriculture Canada to attempt to negotiate an egg quota for the Northwest Territories.

In a recent separate court action, the Canadian Egg Marketing Agency obtained a temporary injunction to prevent Mr. Frank Richardson, who was building an egg laying facility in Hay River, from marketing eggs outside of the Northwest Territories.

Return To Question W12-87(1): Social And Health Committee, Pond Inlet

Hon. Bruce McLaughlin's return to Question W12-87(1), asked by Mr. Erkloo on February 23rd, 1987, regarding the social and health committee.

The process for receiving honorariums for social services committees is by submission of minutes and attendance at meetings to the regional office. Honorariums are then paid to duly appointed members of the committee. In Pond Inlet the committee members were not recommended for appointment in 1986 nor were the previous committee members' appointments rescinded.

I have asked my departmental officials to discuss this situation with both the committee members and the hamlet with a view to clearing this matter up so that back payments for 1986 might be made.

I can see no reason why any complications should arise in 1987. The three people for the committee have been selected by the community and are Rhoda Koonoo, Isaac Anaviapik and Daniellie Qungo. I expect that the hamlet will be recommending these persons to me for appointment to the social services committee.

MR. SPEAKER: Thank you, Mr. Clerk. Is there anything further on returns to written questions?

Item 8, replies to the Opening Address. Item 9, petitions. Mr. Angottitauruq.

ITEM 9: PETITIONS

MR. ANGOTTITAUURUQ: Thank you, Mr. Speaker. I would like to table a petition, Petition 4-87(1), from the community of Gjoa Haven. The petition contains approximately 164 names and it is asking for the hockey arena and curling rink to be put closer in the capital plans, instead of 1992 to 1988.

MR. SPEAKER: Thank you, Mr. Angottitauruq. Petitions. Mr. Paniloo.

MR. PANILOO: (Translation) Thank you, Mr. Speaker. Petition 5-87(1), from the Pangnirtung housing association. There are 160 names here on this petition and it verifies that there should be some housing units in Pangnirtung. It is a request by the residents.

MR. SPEAKER: Thank you, Mr. Paniloo. Petitions. That appears to conclude petitions for today.

Item 10, reports of standing and special committees. Item 11, tabling of documents. Mr. Curley.

ITEM 11: TABLING OF DOCUMENTS

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I wish to table the following document: Tabled Document 23-87(1), NWT Pavilion Project, Revenues and Expenditures by Fiscal Period, to December 31, 1986.

MR. SPEAKER: Thank you, Mr. Minister. Ms Cournoyea.

MS COURNOYEA: Mr. Speaker, I wish to table the following documents concerning the question of division: Tabled Document 24-87(1), a letter to the Legislative Assembly from Sachs Harbour hamlet council; Tabled Document 25-87(1), a copy of a letter addressed to Steve Kakfwi from the Inuvialuit Regional Corporation; Tabled Document 26-87(1), a copy of a motion passed by the Paulatuk settlement council; Tabled Document 27-87(1), a motion from the Paulatuk elders council; Tabled Document 28-87(1), a motion from the Paulatuk community corporation; Tabled Document 29-87(1), a motion from the Holman community corporation; Tabled Document 30-87(1), a motion from the Holman elders council; and Tabled Document 31-87(1), a motion from Holman hamlet council. These items have been translated.

MR. SPEAKER: Ms Cournoyea, are you tabling this as one document or are these each an individual document? For numbering purposes, so that we do not get the confusion.

MS COURNOYEA: Mr. Speaker, there are eight documents.

MR. SPEAKER: Thank you. It should be so noted that they are individual. Thank you. Tabling of documents. Mr. Appaqaq.

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. Tabled Document 32-87(1). This is a document of December 1986, a letter to the Minister of Housing from the municipality of Sanikiluaq. I have been given a copy of this letter that was directed to the Minister.

MR. SPEAKER: Could you give us just a brief comment on what the letter contains?

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. The housing association is under the hamlet council. The hamlet is trying to get support for a member of the housing association to sit as a director of the NWT Housing Corporation Board.

MR. SPEAKER: Tabling of documents. That appears to complete this item for today. Item 12, notices of motion. Ms Cournoyea.

#### ITEM 12: NOTICES OF MOTION

##### Notice Of Motion 6-87(1): Public Housing Rental Scale

MS COURNOYEA: Mr. Speaker, I give notice that on March 2, 1987, I will bring forward a motion, seconded by the honourable Member for Natilikmiot, that this Legislative Assembly recommend to the Executive Council and the Minister responsible for Housing that the public housing minimum rental scale be adjusted to reflect the qualifying age for minimum rent from 65 to 55 years.

MR. SPEAKER: Thank you. Notices of motion. Mr. Pudluk.

##### Notice Of Motion 7-87(1): Home-Ownership For Government Employees

MR. PUDLUK: (Translation) I would like to give notice that I will be moving a motion on March 2, 1987: Now therefore, I move, seconded by Joe Arlooktoo, that this Assembly recommend to the Executive Council that it look into ways of creating a program, where government employees could be assisted financially to obtain their own housing, and that this program be similar to the HAP program.

MR. SPEAKER: Thank you, Mr. Pudluk. Notices of motion. That appears to conclude notices of motion for today.

Item 13, notices of motion for first reading of bills.

Item 14, motions. Item 15, first reading of bills. Bill 2-87(1), Advisory Council on the Status of Women Act. Mr. Pedersen.

#### ITEM 15: FIRST READING OF BILLS

##### First Reading Of Bill 2-87(1): Advisory Council On The Status of Women Act

HON. RED PEDERSEN: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Pine Point, that Bill 2-87(1), An Act to Amend the Advisory Council on the Status of Women Act, be read for the first time.

MR. SPEAKER: I have a motion on the floor. Are you ready for the question? All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 2-87(1) has had first reading. First reading of bills. Item 16, second reading of bills. Bill 6-87(1), Criminal Injuries Compensation Act. Mr. Ballantyne.

ITEM 16: SECOND READING OF BILLS

Second Reading Of Bill 6-87(1): Criminal Injuries Compensation Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Inuvik, that Bill 6-87(1), An Act to Amend the Criminal Injuries Compensation Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Criminal Injuries Compensation Act to provide compensation for injuries or death arising from torture, in order to comply with the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, and to reflect changes in terminology and section numbers in the Criminal Code of Canada. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. To the principle of the bill. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 6-87(1) has had second reading. Mr. Clerk, will you add this to the orders of the day? Item 17, consideration in committee of the whole of bills and other matters. Tabled Document 1-87(1), Boundary and Constitutional Agreement for the Implementation of Division of the Northwest Territories between the Western Constitutional Forum and the Nunuvut Constitutional Forum; Bill 1-87(1), Appropriation Act, 1987-88, and Bill 7-87(1), Education Act, with Mr. Wah-Shee in the chair.

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

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER TABLED DOCUMENT 1-87(1), BOUNDARY AND CONSTITUTIONAL AGREEMENT FOR THE IMPLEMENTATION OF DIVISION OF THE NORTHWEST TERRITORIES BETWEEN THE WESTERN CONSTITUTIONAL FORUM AND THE NUNAVUT CONSTITUTIONAL FORUM

CHAIRMAN (Mr. Wah-Shee): The committee will come to order.

Tabled Document 1-87(1)

We are dealing with Tabled Document 1-87(1). Order, please. Before we carry on with the discussion on the tabled document, yesterday Mr. Butters raised a point of order and I would like to give a ruling on the point of order raised by Mr. Butters.

Chairman's Ruling On Member's Point Of Order

My ruling in response to the question raised by Mr. Butters on February 25th, 1987, pertaining to the possibility of this House amending Tabled Document 1-87(1), entitled Boundary and Constitutional Agreement for the Implementation of Division of the Northwest Territories, is as follows: This document cannot be amended by this Assembly because it is not a document prepared by the Assembly. However, if Members wish, motions could be made recommending amendment to the document, which the parties involved would be free to adopt or reject. Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, did you consider Appendix C, suggested plebiscite question? The last page of the document, sir. Just to pursue that. In view of the fact that it is a suggested question, I would hope that the suggested question is being put to this committee and as a suggestion, could be amended or altered to meet the convenience or determination of this committee.

CHAIRMAN (Mr. Wah-Shee): Mr. Butters, just give me a moment here. Mr. Butters, Appendix C is part of the overall document. Therefore, if Members so wish, they can make recommendations to amend the document. However, it is only making a recommendation to amend, to those parties who were involved in preparing this document, and on whose behalf this document is submitted to this committee for your consideration.

There has been Motion 3-87(1), which was passed by this House, inviting witnesses from the COPE and IRC to make a presentation to the committee. Does this committee wish to invite those witnesses? Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Wah-Shee): Thank you. Sergeant-at-Arms, would you please invite those witnesses to the committee, please? For the record, could I have the witnesses indicate their names and the organizations that they represent, for our records?

MR. ALLEN: Mr. Chairman, my name is Roger Allen. I am the president of Committee for Original Peoples Entitlement. On my immediate left is Roger Gruben, the chief of the Inuvialuit Regional Corporation. To his left is John Banksland, who is on the executive of the Inuvialuit Regional Corporation. We will be making a joint presentation to this committee. Mr. Chairman, may we carry on please?

CHAIRMAN (Mr. Wah-Shee): Who wishes to make the first presentation?

Joint Presentation By The Inuvialuit Regional Corporation And The Committee For Original Peoples Entitlement

MR. ALLEN: Mr. Chairman, I will be opening the presentation or submission on behalf of the IRC, Inuvialuit Regional Corporation and COPE, Committee for Original Peoples Entitlement. I would like to first of all present that we have been given this task through a form of resolution at our annual general meeting in Inuvik in the past three days. I would like to read it and it may add substance to our reason for being here. At our COPE annual general meeting on February 25, 1987, a resolution was passed which reads:

"Whereas on January 15, 1987, a Boundary and Constitutional Agreement for the Implementation of Division of the NWT, hereafter called 'the division agreement,' was signed between the Nunavut Constitutional Forum and the Western Constitutional Forum; and whereas the communities of COPE area were not party to the division agreement; and whereas the communities of COPE area were not members of either WCF or NCF at the time of the signing of that agreement; be it resolved that COPE annual general meeting in Inuvik, 1987, does not support the division agreement signed on January 15, 1987; and furthermore, COPE annual general meeting endorses fully the COPE/IRC presentation as contained in the submission to the Legislative Assembly, and the COPE and IRC stand united on this position."

Mr. Chairman, I am pleased to read portions of this submission and this submission is to Members of the Legislative Assembly of the Northwest Territories on this day, February 26, 1987, concerning the Boundary and Constitutional Agreement for the Implementation of Division of the NWT between the Western Constitutional Forum and the Nunavut Constitutional Forum, as of January 15, 1987, in Iqaluit, Northwest Territories.

#### Introduction

Mr. Chairman, in the introduction, the concept of Nunavut was initiated in 1976 with the support of the Inuvialuit. That original concept has always had our support, for it had as its central objective the enhancement of the well-being of the native peoples of the NWT. However, while supporting the idea, the Inuvialuit cannot and will not support a process and agreement that defeats that objective.

We, the Inuvialuit, are opposed to the Boundary and Constitutional Agreement for the Implementation of Division of the NWT, hereafter called "the agreement", for several reasons. First, we object to the process followed to reach this agreement. Second, we object to the actual provisions of the agreement. Third, we believe that for the Assembly to quickly approve this agreement would serve only to confuse and pit peoples against each other with the result that it would work to the serious disadvantage of all groups in the NWT and act against the presently continuing devolution of powers in the NWT. Accordingly, we ask the Members of the Legislative Assembly not to vote or take any position at all on the agreement until, at least, the next elected Assembly takes office.

#### History

A brief synopsis of underlying background history must be kept in mind. The Inuvialuit do, of course, have important transportation, communication, commercial and government links southward. At the same time, our racial and cultural heritage and our profound tie to the sea intimately bind us to the Inuit to the East. We have always lived in harmony with our Inuit friends. We originally embarked upon a land claims proposal together. The Inuit stood behind us in the Berger Inquiry and later supported us in going our own way in negotiating a regional land claims settlement because of the pressures for development in the Beaufort Sea-Mackenzie Delta, and so on.

Together we conceived a vision of Nunavut. Indeed, the idea of Nunavut was first advanced at a COPE/ITC meeting in Tuktoyaktuk in June 1975. Therefore, it is with sadness that we must relate some of the following events, in explaining why the Inuvialuit are opposed to the agreement.

#### The Process

First of all, it is fair to say that the signatories to this agreement did not consult with those at the community level anywhere in the NWT, as to the specific content of this agreement before signing it. Any agreement, as with this one, entered into without the prior scrutiny and consent of the people affected, is no agreement at all. It is not sufficient for the WCF and NCF to say that division has been discussed in the past, or that the agreement is subject to ratification and a plebiscite. The specific content of the agreement should have been the subject of extensive discussion and consideration before being signed. It is, essentially, largely, just an agreement between two individuals, but because of its many inadequacies, if approved by the Assembly, may well tend to lock the evolution of government in the NWT into an inadequate, fatally flawed formula.

Second, as far as the Inuvialuit are concerned as a specific group, we were not consulted about the content of the agreement. When discussion on division in Yellowknife broke off on November 2, 1986, it was known that the leaders of NCF and WCF intended to talk further, but no authority was given to them by COPE or the IRC or anyone else, to fix the content of an agreement. No one from the NCF or WCF invited us to any meetings between November 2, 1986 and January 15, 1987.

This situation is very similar to the current crisis between Newfoundland and the federal government over fishing rights given to France. While Premier Peckford's government was consulted in preliminary discussions, the Mulroney government failed to advise or invite Newfoundland to the negotiating table when the fishing agreement was hammered out between January 10 to 24, 1987.

In any event, it must be very apparent that the Assembly should not take any position in respect of the agreement unless and until there has been a reasonable period of time for prior examination, thoughtful discussion, and approval or disapproval through expression by the people and communities and their elected representatives.

The agreement of January 15, 1987, is not in the best interests of anyone. The concept of Nunavut should strengthen northern peoples, not divide them and impose positions upon unconsulted and unconsenting groups. The process adopted by the NCF and WCF is wrong and unacceptable. The content of the agreement is also unacceptable, as we shall now discuss.

Mr. Chairman, I would like Mr. Roger Gruben of the IRC to read the next portion of the presentation.

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

MR. GRUBEN: Thank you, Mr. Chairman. Allow me on behalf of the Inuvialuit Regional Corporation to express our appreciation to, in particular, Mr. Richard Nerysoo, MLA for Mackenzie Delta, and to Mr. Dennis Patterson, MLA for Iqaluit, for allowing us to appear before the Assembly.

#### The Provisions Of The Agreement

First, the agreement is written in a generally vague and confusing way. Second, the agreement is largely simply an agreement to negotiate further on many important matters. That is, people are being asked to approve something, when many of the fundamental issues have not yet been worked out.

#### The Boundary

The one matter the agreement does determine is the fixing of a boundary, and a boundary that includes the Western Arctic region in the western territory. The WCF/NCF are fixing the location of the Inuvialuit settlement region in terms of division, not the Inuvialuit. This approach is very wrong in principle. The chairman of the NCF has abandoned us to the western territory, and in doing so, divided the Inuit and the Inuvialuit peoples. The chairman of the WCF has told us we have no choice as to where our homeland will be located. He will decide that for us. It is true the Inuvialuit are uncertain as to location, given the fact that there are ties that pull south and ties that pull east at the same time. However, whatever our uncertainties, it should be for us to decide our future. It should not be imposed upon us because of political convenience to the chairmen of the NCF and WCF.



### Regional Government

IRC/COPE tried for months last year to advance an agreement in principle with the WCF, whereby a measure of meaningful regional government would be given to the Inuvialuit settlement region, within the jurisdiction of a western territory. The chairman of the WCF flatly refused to act on our request.

The section on regional government in the agreement employs language in an attempt to make it appear that something significant on regional government is happening, but in reality, very little is being offered. Specifically, the principles asserted in the very detailed Inuvialuit proposal for a Western Arctic regional government of October 29th, 1986, are ignored. Under the agreement, no authority would be given to a regional government for my area in respect of resources, no legislative powers would be given to the regional government in my area and there would be no entrenchment of Western Arctic regional government powers. Even what little is offered to the Inuvialuit by way of regional government can be lost through trade-offs by the WCF.

It is clear that communities, such as Fort Good Hope which has struggled so valiantly over the last year to control non-renewable resource development activities in its own area, will not have any powers to control development. Just as the Dene and Metis, minority groups in the new western territory, will now be dominated by Yellowknife, so will outlying communities in Nunavut be dominated by Baffin, as allowed for by the very vaguely worded "principles of a Nunavut constitution".

Interestingly, while both the Drury Report, and Professor Dacks in "The Case against Dividing the Northwest Territories", have argued for more regional and local control -- and by the way, that is an approach which the GNWT has begun to follow -- the agreement, in discussing the proposed constitution for Nunavut virtually ignores regional government. The agreement's Nunavut will arrest the regionalization of public government in the Northwest Territories. Part III of the agreement, dealing with "matters of concern to the Nunavut Constitutional Forum", sees "the need for a strong Nunavut government". No real attention is paid to regional governments. No provision is made for regional autonomy at all. Keewatin and Kitikmeot will have far less autonomy than they do now as regions within the Government of the Northwest Territories.

### Other Minority Aboriginal Peoples In A Western Territory

The representations by the Dene and Metis associations to the Legislative Assembly in the fall of 1980, during the Assembly's consideration of the report of the special committee on unity, emphasized that obtaining control over their destiny is the most important issue for them in their struggle for survival. However, this agreement is put forward before there is any settlement of Dene and Metis land claims and before there are any concrete assurances to meet Dene and Metis concerns for self-government.

### Ratification Process

The "ratification" section carefully excludes the Inuvialuit. First, the members of WCF and NCF are identified, with no requirement for Inuvialuit ratification or approval. Indeed, the agreement appears to say that the WCF and NCF members who are signatories are the ones to ratify. Thus, even if COPE/IRC is to become a WCF member in the future, as is offered, as COPE/IRC is not a signatory to the agreement, it is not clear whether COPE/IRC approval is then required under that particular section. The wording of that section is unclear and uncertain at the very least.

### The Proposed Plebiscite

Even more seriously, the WCF/NCF agreement is to be ratified by "a majority of voting residents in an NWT-wide plebiscite". This approach means that a majority of the residents of NWT can impose the agreement on dissenting, minority regional groups. The reporting aspects of the results of the plebiscite on a community-by-community basis are irrelevant. There is no requirement that each distinct region must ratify. For example, if there is to be division, Coppermine and/or Cambridge Bay might possibly wish to consider being in the western territory, but the agreement imposes a location upon them.

Appendix C and the form of the "suggested plebiscite" are rigid and prevent any regions putting forth and voting upon any options. The only choice that is given is "Yes" or "No" to division and on the sole terms offered through the agreement.

### Government Financing And Services Upon Any Division

While we have shared the concept of Nunavut with the Inuit to the East, we have always realized that important questions must be answered before the concept could be realized. Unfortunately, the agreement simply avoids dealing with such difficult issues. It is not at all satisfactory to say that there will be division, and afterwards problems will then be addressed.

The all-significant issue of government financing is dealt with in one sentence, saying it will be negotiated. Interestingly, NCF has agreed to sign an agreement which removes any possibility of Nunavut participating in revenues from the Beaufort Sea, for the agreement gives no rights to the residents of Nunavut on this point. Perhaps it is just as well, for if this agreement is pursued, we, as Inuvialuit, could never agree in any event to the sharing of the resource revenues of our homeland, the Beaufort Sea, with those from Nunavut.

However, it is enough to say that under the agreement the non-renewable resource poor Nunavut will always suffer in the quantity and quality of government services as compared to the western territory, simply because Nunavut just does not have equivalent resource revenue sources. Communities like Cambridge Bay and Coppermine, in particular, who are really on the periphery of Nunavut, will most certainly face a decline in social and health care services relative to the neighbouring communities to the West. Nor is it likely the federal government will make up the fiscal shortfall of Nunavut because the federal government will not be prepared to give Nunavut special rights that poor provinces do not have.

The residents of the western territory will also suffer, in the lessening of the quality and quantity of government services that they presently enjoy, through the additional costs resulting from the creation of Nunavut. With division, there would be a significant increase in the overall administration costs of the two territories. A blind commitment to Nunavut may well mean a compromise in the delivery of social services for the residents of both the western territory and Nunavut.

The special committee of the Legislature's conclusions in 1981, expressed in 1987 dollars, suggest a start-up cost to Nunavut well in excess of \$100 million, and an annual budgetary deficit for Nunavut of more than \$2000 per capita and the costs could very well be much higher.

### The Public Service

In its report of April, 1986, the task force on Inuit management development points out that at this time very few Inuit are graduating each year from academic programs at a grade 12 level. This problem urgently calls for correction. However, the unfortunate reality is that for the foreseeable future a Nunavut government will have to rely upon a large and costly influx of civil servants from the South, which in itself will tend to defeat the aspirations of Nunavut, and northerners generally. As well, the down-sizing of the Government of the Northwest Territories would mean the forced transfer and relocation of many civil servants from Yellowknife to Iqaluit. The Legislature's special committee's view in 1981 was that it would perhaps take a generation, for the residents of Nunavut to acquire the necessary degree of education and experience to be a significant component of the Nunavut public service.

### Political Strength Of The NWT And Devolution

The Northwest Territories Council, in its March, 1979, document "Position of the Legislative Assembly on Constitutional Development in the Northwest Territories", considered it best that the NWT remain a united political entity with the issue of division reserved until provincial status has been achieved.

The Drury Report emphasized that any actual eventual province or provinces, to maintain political autonomy and endure, must have the necessary internal political and economic infrastructure; otherwise, there will be increased rather than less dependency upon the federal government. Nunavut, with less than 20,000 people and no fiscal base, will result in much more dependency upon an external government. Although the people of Nunavut may have concerns from time to time about the responsiveness of the Government of the Northwest Territories to their needs, the fact is that they do at present have very significant representation in the affairs of this Government of the Northwest Territories. The fragmentation of northern interests and political clout will also impede and retard the process of evolution toward responsible government and provincehood for residents in the western part of the Northwest Territories.

Together, the constituent parts of the Northwest Territories, with 51,000 people have much greater strength in dealing with Ottawa in political bargaining, achieving gradual devolution, in obtaining fiscal transfers, and in delivering social services through some economy of scale. In unity there is strength and the sum of the Northwest Territories is much greater than its parts. With that, I would like to turn the conclusion over to the president of COPE, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Mr. Allen.

MR. ALLEN: Thank you.

The Inuvialuit Position

The Inuvialuit determined their position and are opposed to division unless and until, after a fair and proper process, an agreement is reached that in certain and concrete terms, is acceptable to all groups in the Northwest Territories. For ourselves, we take the position that if the present agreement is pursued by the Assembly, then it can have no significance or effect unless or until it is ratified by each distinct group that is affected. If any such group, including the Inuvialuit, vote against the agreement, the consequence then must be that the agreement cannot in any way bind that group or impact upon their rights. For ourselves, the Inuvialuit reserve several options to explore for the future. Options the Inuvialuit might consider include: 1) being within the western territory with a strong regional government for the Western Arctic region; 2) possibly forming a new third territory, including communities to the East and to the South; 3) possibly joining the Yukon Territory; 4) pursuing our constitutional rights to self-government as recognized in the Hon. William McKnight's New Policy on Comprehensive Claims dated December 18, 1986, and as recognized in section 35 of the Constitution Act, 1982; and 5) pursuing our constitutional rights as conferred by subsection 4(3) of the final agreement.

Having stated the above, the Inuvialuit much prefer the approach, at least for the present and immediate future, of the NWT simply continuing to follow a path of natural evolution and devolution. We, the Inuvialuit, who constitute seven per cent of the population of the NWT, want to continue to explore and discuss the development of government institutions in the Northwest Territories in an evolutionary fashion without having a hastily signed agreement, ill thought out, vague, confusing and ill advised in a great many respects, which is forced upon both us and the other residents of the NWT as the starting and fundamental document in constitutional development.

We, the Inuvialuit, very respectfully and strongly recommend that the Members of the Assembly not approve this agreement, or at the very least, not take any position on it until the next elected Assembly takes office.

The Inuvialuit stand united in our strong opposition to division as proposed in this agreement, and we intend to ask the residents of the Western Arctic to vote "No" in any plebiscite on this agreement.

With that, Mr. Chairman, that concludes our written presentation.

---Applause

CHAIRMAN (Mr. Wah-Shee): Thank you. Members of the committee now have an opportunity to ask any questions that they may have of the three witnesses. Mr. Butters.

HON. TOM BUTTERS: I welcome our three witnesses to the House and thank them for a very interesting presentation. I just wonder whether that presentation is available to Members in written form.

AN HON. MEMBER: It was passed around.

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

MR. GRUBEN: Mr. Chairman, for clarification on that particular issue. Anticipating that we might want to circulate additional copies of this, we brought a number of copies down from our region, which were supposed to have been handed to the Clerk of the Assembly.

CHAIRMAN (Mr. Wah-Shee): We have these copies now, so any Member that does not have a copy can receive one. However, for information to Members, this document has not been tabled in this House. Are there any other Members that wish to ask the witnesses any questions? Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. I do not wish at this time to dispute any sincerely held views, but I would like to ask a few questions dealing with matters where there appear to be some differences over events that have occurred already.

The statement is made that the Inuvialuit have been left out of the process, excluded from being participants in the process that led to the agreement. Could I ask the representatives from the Inuvialuit whether they were invited, at any time, to be members of the Western Constitutional Forum or the Nunavut Constitutional Forum?

CHAIRMAN (Mr. Wah-Shee): Mr. Allen.

MR. ALLEN: I will respond to that, Mr. Chairman. Yes, we had been invited to become members of the WCF and we were at one time members of the NCF.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: Could I ask the representatives, if they were not then a member of either forum at the time the agreement took place, can I ask what the reason for that was? Were they excluded from participation by either the Nunavut Constitutional Forum or the Western Constitutional Forum, or is it something else that accounts for their not being there at that time, Mr. Chairman?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

Inuvialuit Not Members Of Either Forum At Critical Point

MR. GRUBEN: Mr. Chairman, the issue at hand here I believe is that although we have been a member of NCF in the past, and although we have had the invitation from WCF to be in their group, the people I represent felt that at a particular point in time it was not beneficial for us to be involved as members of either forum.

If I can elaborate on this, Mr. Chairman. On the issue of whether we were excluded from the process, if Mr. MacQuarrie is willing to get to the issue of whether or not the Inuvialuit were involved in the process of division from day one, yes we were. Now, in regard to our being involved in the process when it became critical, the answer is no.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: So it was as a result of a resolution among the Inuvialuit themselves that they were not participating in the process and not by exclusion from other people.

At another point it is stated that as developments occurred, November through January, again the Inuvialuit were not specifically involved. Could I ask the representatives here whether they are aware of the constitution of the Constitutional Alliance, and whether in that constitution the Inuvialuit are represented as a people by one of their organizations?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

MR. GRUBEN: Mr. Chairman, I would encourage the honourable Member to repeat his question. I did not understand.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie.

MR. MacQUARRIE: Briefly, is COPE in the constitution of the Constitutional Alliance, a recognized member?

CHAIRMAN (Mr. Wah-Shee): Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. From my understanding, no, we are not recognized under the western constitution.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie.

MR. MacQUARRIE: That was under the constitution of the Constitutional Alliance, not specifically either of the forums, but the Constitutional Alliance as a whole.

CHAIRMAN (Mr. Wah-Shee): Mr. Allen.

MR. ALLEN: Mr. Chairman, I would like to clarify the point that I have recently been elected, so I am not familiar with the past proceedings as to what Mr. MacQuarrie is referring to. Thank you.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie.

COPE A Member Of The Constitutional Alliance Of The Northwest Territories

MR. MacQUARRIE: Yes, I appreciate what the member has said and I do not wish to pursue that but it is my understanding that in fact, although COPE has not been a member of either forum, it is noted as a member of the Constitutional Alliance of the Northwest Territories. I would ask Mr. Allen -- he says that he has not been president of COPE long -- could I ask Mr. Allen who was president of COPE just prior to the agreement being signed on January 15th?

CHAIRMAN (Mr. Wah-Shee): Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. The previous president of COPE was Mr. Billy Day.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: In the submission, it is stated that the Inuvialuit were not alerted to meetings that occurred between November 2nd and January 15th. However, my best recollection is that the various draft documents that were being prepared for discussion at the meeting of the two forums, that those documents were, in fact, transmitted to the then president of COPE, Mr. Billy Day. The statement is further made that they were not invited to any meetings in that interval and yet I, myself, attended a meeting or two meetings in Ottawa on January 13th and 14th and at those two meetings Mr. Billy Day was present and had been invited to be present -- rather, I agree that he was there as an observer but what I am saying is that information was given to the president of COPE about what was occurring and, we assume, through that mechanism to other members. Would they please comment on that?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

COPE Not Advised Of Schedule In Iqaluit And Ottawa

MR. GRUBEN: Thank you, Mr. Chairman. On the issue of whether contact had been made with the president of COPE, I can assuredly say, after having had conversations with the past president, I do know that no one contacted Mr. Billy Day. No one from WCF contacted Mr. Day. No one from NCF contacted Mr. Day in regard to meetings of any kind. We had to -- and when I say "we", I say collectively, Mr. Billy Day and myself and our MLA -- we had to take the initiative to find out details as to what may be transpiring in Iqaluit; and at that point we decided that Mr. Day would be attending on our behalf as an observer -- again, because I did not know of the schedule of the meetings in Iqaluit or the schedule of the meetings in Ottawa and I was charged with the responsibility of representing my people on this issue. I can very forcefully say that no one, not one person from NCF or WCF made the effort to give me a call nor to allow me to know what the schedule of events would be in Iqaluit or in Ottawa.

Furthermore, in regard to the documents, the first time that Mr. Day had seen a document, that I believe was possibly one of the first drafts, was I believe, around the middle part of November, and subsequent to that initial draft, I gather that there were some very substantive changes made to the initial drafts that were eventually signed, over in Iqaluit. Mr. Day did not know the contents of the agreement. He did not have an opportunity to comment on the contents of that agreement until he was actually in Ottawa and in Iqaluit, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: Well, I would like to turn to one final matter about confusion about what may or may not have happened in the past. I think it is important, so that people understand, the context in which all this occurred. I see that in the presentation that was given to us today, on page six, it says, "IRC/COPE tried for months last year to advance an agreement in principle with the WCF, whereby a measure of meaningful regional government would be given to the Inuvialuit settlement region within the jurisdiction of a western territory. The chairman of the WCF flatly

refused to act on our request." I know at other times -- I cannot recall specifically whether it was in a speech the other day -- but I know Ms Cournoyea feels that the WCF simply was not negotiating in the nature of flat refusals. I refer now to a paper that I was handed out at a negotiating session between the Inuvialuit and the WCF and I would merely ask whether or not this document in fact was on the table. On the one hand there is a preamble to a motion, saying, "Upon motion duly made, seconded and unanimously carried, by the Inuvialuit elders committee, the Inuvialuit Regional Corporation, the Committee for Original Peoples Entitlement, and other Inuvialuit, at a meeting in Tuktoyaktuk, October 29th, 1986, it was resolved that..." and there are four points in the resolution.

One of them, number three, says, "regional government as intended by the eight principles in the position paper is a precondition to our giving any further consideration to being within the western territory upon any division..." of course, the eight principles that are referred to were ones that had very significant powers. In fact, it would not be untoward to suggest that they were provincial-like powers. The eight principles were presented to us, the resolution was presented to us, and then a letter which said, "...our firm position that we will not support any consideration of the Inuvialuit settlement region remaining in the western territory without the WCF agreeing unconditionally to the eight principles expressed in our position paper...."

Now, I would ask two questions and the first is: Is that, in fact, material presented to the WCF by the Inuvialuit and, secondly, when you come to meetings demanding that the other side agree unconditionally to something as a precondition to something else, do you call that negotiating?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

#### Clarification Of Words "Unconditionally Guaranteeing"

MR. GRUBEN: Mr. Chairman, the honourable Member is very perceptive in interpreting the words "unconditionally guaranteeing" the following eight principles. As we stated in the principles, we are saying that that is a package that we would want given to us to negotiate with WCF, on the direction of the people that we represent. The fundamental question that comes to a point here is that when we are talking about unconditional guarantees, I think what we are looking for, Mr. Chairman, is in certain areas of the points laid out there in that document, we were looking for a clarification as to what sorts of powers would be distributed down to the community or the regional level from a central authority, pending division of the Territories, of course.

I would like to use an example here. We, in the Beaufort Sea area, have had a lot of experience in dealing with resource development. Possibly more experience than any other region of the Northwest Territories, with the exclusion of Norman Wells. We feel that in certain areas we are not looking for total control over resource development, we are not looking for unconditional guarantees that we will get that total control. We are looking at a mechanism as to how we, the people who are in the area, will be able to go and survive under the circumstances that are happening in our own backyard.

I want to use the example here, too, when I think of the experience that we, as Inuvialuit, are going through in our own region when we are asking for regional control or a share, and I might add, a fair share, of the resources from our own area. Our situation is not any different from what the community of Fort Good Hope was asking for last year when a major development company was planning to do some work in their area. Now, I asked the question of Mr. MacQuarrie and I asked the question of members of the WCF, if at some point they can respond to us. If communities such as Fort Good Hope or communities such as Tuktoyaktuk are willing to go and embark on ventures that will allow them a certain degree of autonomy, is the central authority or is the Western Constitutional Forum not going to devolve certain responsibilities? And if not, why not? And why should the power to devolve the authorities always rest with the central authority?

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. MacQuarrie.

#### Demand For Unconditional Agreement Inflexible

MR. MacQUARRIE: Yes, just one final comment. To me, the words "unconditional agreement" mean unconditional agreement and they do not mean further clarification of powers; and when the chairman of the WCF flatly refused, I say that what he was flatly refusing was to agree to something unconditionally that someone else had laid on the table as a precondition to anything else happening. And in that flat refusal, it was not only the chairman of the WCF. I must say that I

felt precisely the same way, because you cannot negotiate in those circumstances. It is an inflexible position. What you are being told, it seems, is that the only successful result will be if you concede to the other party.

The question that was just asked about Fort Good Hope, and so on, is a good question and it is being put, "Is there not, in certain ventures, a way of enabling communities, for example, to have a certain degree of autonomy in securing benefits for development in that local area or in a regional area?" I think the answer of all WCF members would be "Yes, there is a way, but is it by providing a single community or a single region with the power to veto any resource development?" And the WCF position generally is, how can you have a united territory, with a government trying to secure the well-being of all people in that territory and yet not having the means to control development, because each community or each region can simply veto? And so while they were very interested in seeing assured participation, significant participation, it was felt that it could not be the kind of participation that simply torpedoed something before it ever got going. So that is where the difference lay. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): I would like to remind Members that we are now at the stage where Members are free to ask questions of the witnesses and it is really a question and answer period, I would say. But anyway, Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, I was going to ask some very straightforward questions of the witnesses such as: What do the Inuvialuit want? Why are they not involved in the constitutional process? I think just in the exchange between Mr. MacQuarrie and the witnesses, some of that came clear in my mind.

#### Member Feels Inuvialuit Want Constitutional Process To Do What COPE Settlement Should Do

I have another question I would like to ask the witnesses. My understanding is that one of the jobs that the COPE settlement claims is supposed to do is to give the people some control and benefits from the development that is going on around them. I am wondering why the Inuvialuit want to use the constitutional process to pursue those aims of more control over the development, when it is my understanding that the COPE settlement should have done that.

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

#### COPE Settlement Gives Control Over Only Private Lands

MR. GRUBEN: Mr. Chairman, on the issue here from the honourable Member, it has to be clarified that, yes, we do have our final agreement that does give us a very significant degree of control over activities that happen on private lands. And we have to make that distinction quite clear, that the degree of control that you are asking about is on private lands. That is my lands, that is Inuvialuit lands, and now in terms of why we want to go and negotiate further control through a constitutional process, my answer to that, the quick answer to that, is that we are negotiating those further controls -- or let us use a better word, the involvement and the decision-making process and the carrying out of those decisions through a process that is dealing with crown lands or public lands, so we are attempting to get what we consider to be our entitlement, the same way as the Dene and the Metis are entitled to certain authorities and designations on crown lands within their own areas.

I believe you had another question too, as to why we are not, the Inuvialuit, involved in the constitutional process. The answer here is that it is not to my liking, but as we have said in the past, sometimes you have to allow things to proceed against your personal wishes.

Many times we were told by WCF that the issue of division would not progress any further than talks around the table unless the Inuvialuit region was within a western territory and we, as the Inuvialuit, respect the aspirations of our friends to the East. Certainly we agree that we have those ties that would draw us to being within a territory with them, but when you have that kind of stance, a non-negotiable stance, with a particular agency, then to allow a group of people to have their destiny, we had to make the compromise that, yes, we would attempt to work things out for the Inuvialuit in terms of certain guarantees and certain responsibilities within a western territory. We had to make that very difficult decision. It is not exactly what we wanted, but we wanted the process to continue but we did not want the process to end up this way, where it is not to the benefit of any peoples within the Territories.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, I would like to ask the witnesses -- the boundary agreement, in the constitutional part of the agreement, there is a section called "provisional principles for regional government in a western jurisdiction". I would like to ask the witnesses, what is wrong with what this agreement guarantees each group in the West? The groups in the West would be allowed the ability to form regional governments. What is wrong with that, in the view of COPE?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

Inuvialuit Have Difficulty With Some Statements In Agreement

MR. GRUBEN: Mr. Chairman, without going into a full-blown discussion as to why we disagree with certain sections of the agreement, I would say that there are some principles in there that we really have difficulty in associating with. First of all, there is a statement in the agreement, on page five under item two, the heading, Provisional Principles for Regional Government in a Western Jurisdiction. There is a statement in there that says that as WCF accepts these principles for a regional government in the negotiating stages as to the extent of these provisions, "WCF members" -- this is a quote right from the agreement -- "WCF members cannot guarantee that trade-offs on these regional government principles will not be required." As you can see, that is one area where I certainly have difficulty.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I would like to welcome the witnesses as well. I have a few questions, if I may. The first one is very simple. How many people do you represent? How many Inuvialuit are there?

CHAIRMAN (Mr. Wah-Shee): Mr. Allen.

MR. ALLEN: If I can respond to that, Mr. Chairman, we represent approximately 3500 Inuvialuit in the Beaufort and Mackenzie Delta.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Patterson.

Agreement Silent On Many Fundamental Questions

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. One of the complaints that you made and which I have also heard elsewhere is that the agreement is silent on many fundamental issues that yet have to be worked out. People say, "We do not want to vote on the boundary without knowing what we are getting into", and you mentioned questions of finance and the rest. I agree that many of those questions have not been answered but I have to ask you, what makes you assume that the capital will be Iqaluit? Is not location of the capital one of the fundamental questions that people complain have not been worked out? You said in your presentation, "Many civil servants will have to be relocated from Yellowknife to Iqaluit."

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

MR. GRUBEN: Mr. Chairman, the issue of the location of the capital, I guess, is subject to question at this time but I will have to go and refer to the Hansard of February 24th, where I believe at that time, the chairman of NCF indicated that because Iqaluit had some of the infrastructure that that would possibly be a very good reason why Iqaluit should be the capital of Nunavut.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Patterson.

HON. DENNIS PATTERSON: I think many of my constituents would agree with that. Mr. Chairman, one other question I have is that you have stated here, "...Nunavut will always suffer in the quantity and quality of government services, as compared to the western territory because Nunavut just does not have equivalent resource revenue sources" and that there will be most certainly -- you say, "Communities like Cambridge and Coppermine...will most certainly face a decline in social and health care services" because of these reduced resource revenue sources and the fact that the federal government will not make up the fiscal shortfall. What do you base this information on? Have you done an inventory of the existing and potential resource revenues and resources in Nunavut and the proposed western territory? Is that just an opinion or is it based on a study?



CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

Decline In Services

MR. GRUBEN: Mr. Chairman, I would propose to do a study if NCF would go and fund it on that particular issue, but, no, in response to the honourable Member's question, the issue there is really quite simple, as far as the Inuvialuit have thought out the issue. This Legislative Assembly is currently assessing the budget for the next year and I gather there are some very extensive discussions on the possible deficit of that budget and if we can relate that to the enormous costs of setting up another infrastructure to service the people over in the East, you have those costs above and beyond what you already have within your budget now. So the logical conclusion that one can derive from those thoughts is that, yes, there will be a decline in services that are accrued right now to people over in the East.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, just one final question. The witnesses presented a doom and gloom scenario, almost as depressing as the one offered by Mr. Wray yesterday: increased costs, decline in services, unlikely federal support, not enough Inuit for the public service, not enough educated Inuit, more dependency on federal government, less political clout; all the reasons why two territories would be, as you put it, "In unity there is strength, and the sum of the NWT is much greater than its parts", all very impressive arguments.

What I want to ask is, I was astonished that in the same breath, the witnesses sat here and told us that they are considering, as a viable option for themselves, a third territory. I guess I have to ask, are you seriously considering a third territory as a viable option, when you are telling us that two territories are not viable? How could you at the same time advocate three? Or is it your position that your own territory is okay, but you would not support a territory for the people of Kitikmeot, Keewatin and Baffin?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

Third Territory One Option

MR. GRUBEN: Thank you, Mr. Chairman. Again to respond to the honourable Member's elaboration on the text of our presentation. The issue here is that we have identified possible options for the Inuvialuit. One of those options is a third territory and possibly the option is not as far out as it sounds when we begin to think that maybe we can have within a third territory, Coppermine and Cambridge and possibly Fort McPherson, Arctic Red. You have to look at those options and you have to leave those options open.

As to whether the cost is going to be so terribly bad at that point, well, let us leave that as a decision for the future. We have not yet rationalized the costs, but then again we have to recognize that my area is in the throes of the development activities in the Beaufort. I think there is a very fundamental difference there that our Member has not addressed. Our area is actively, in a sense, going through the oil and gas business and I do not see much of that activity happening, or any economic activity happening, over in the East at this point.

CHAIRMAN (Mr. Wah-Shee): Thank you. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I guess we can all be equally as poor, I suppose. I just have a question for the witnesses and I guess this is in the situation of a defence lawyer, since we seem to be going in the other direction -- did the situation of the unconditional condition of the WCF, that they would not move on division unless the Inuvialuit and Beaufort were in a western territory, did this not create a very serious situation for the Inuvialuit and for Nunavut?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

MR. GRUBEN: Mr. Chairman, I will have to ask the Member to repeat that question, please.

CHAIRMAN (Mr. Wah-Shee): Ms Cournoyea, clarification please.

MS COURNOYEA: Mr. Chairman, I believe that the Member from WCF answered that. Now, we are talking about conditions and then the question that I put would require a very straightforward answer: Did the situation of the unconditional condition of the Western Constitutional Forum, that they would not move on division unless the Inuvialuit and the Beaufort were in a western territory, did that not create a very serious position for the Inuvialuit and a disadvantage in their negotiating process, if there was any?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

MR. GRUBEN: The short answer to that, Mr. Chairman, is, yes.

CHAIRMAN (Mr. Wah-Shee): Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. I would like to ask the witnesses a question with regard to the third territory that was mentioned as one of the options of the Inuvialuit presentation. I understand that in the agreement for the boundary and constitutional agreement that was signed between the WCF and NCF, the boundary would be ratified through the land claims process. I understand that the Inuvialuit, or COPE, has already signed a land claims package that gives them a certain area or territory and a boundary in the claims process. If there were to be a third territory, would you use the boundaries that you have used for the land claims process?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

MR. GRUBEN: Mr. Chairman, as I said before, we were addressing that particular issue in indicating to this Legislative Assembly that the issue of involvement of the Inuvialuit in regard to this agreement certainly was not there, and we are making a point of saying that we do not wish for WCF or NCF unilaterally to make a decision for us. We are indicating that at some point we would want to keep our options open as to what can be discussed in the future.

Your question in regard to whether we would use the land claims boundary that we have right now as a possible boundary for a third territory, all I can say is that there is the possibility that whenever we are discussing that issue in more detail, hopefully at some time in the future, the possibility always exists that we can go beyond our boundaries and look at communities to the east of us, such as Coppermine and Cambridge and communities to the south of us, such as Fort McPherson and Arctic Red.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Gargan.

#### Joining Yukon Fourth Option For Inuvialuit

MR. GARGAN: Thank you, Mr. Chairman. With regard to the Inuvialuit position on the options that you might consider, I have no difficulty with, if you were in the West having a strong regional government or even the second possibility of a third territory or the fourth possibility of pursuing constitutional rights to self-government through the comprehensive claims process. But I have some difficulty with losing you to the Yukon. Were you serious?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

MR. GRUBEN: As we indicated, Mr. Chairman, that was an option that we laid out, and, yes, I almost went over to Whitehorse to go and have a discussion with their Legislative Assembly.

CHAIRMAN (Mr. Wah-Shee): Thank you. Any further questions of Members? Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. Just to welcome my friends from the Mackenzie Delta and Beaufort. I did not have an opportunity or did not, as Mr. Chairman and Members in this House know, speak in the last couple of days with regard to the comments that were being made on division in the agreement that was placed before this House within the last week or so. I want to say, in explaining my position very clearly to the people that are here, that I have always been very clear about my position, that whatever happens with regard to division, the Beaufort and the Delta should always remain together. I think that as much as we might suggest that there is a racial and cultural relationship between the Inuit, I think our particular area is extremely unique. It is unique in that we are very similar to the situation that exists in Alaska where the Indian and the Inuit people have very, very close links. I do not think a lot of people understand our situation

in the Delta and Beaufort -- particularly, I think, that it is unique in that even though there have been some historical differences, those differences have always been somehow resolved and I think we have been able to deal with them and the differences constructively.

#### Loucheux Also In Minority Situation

The other thing I wanted to say is that I think I can recognize that there are still questions outstanding by the Inuvialuit, in their concern about being a minority in the western territory; but I think generally speaking, as a representative of the Loucheux, we are in a very, very difficult situation. Because we are not in a very strong position in terms of numbers, in terms of the consideration of any group as being minorities, and I think even within the Dene Nation, we are, by far, in terms of its definition, a group that can be determined as a minority. No matter how you look at it, I think there is a need somehow to recognize that situation.

The other thing is that I would hope that while there might be differences with regard to the agreement that has been reached and been placed on this particular table, with regard to trying to promote a regional relationship, a regional government, that we might be able to work, as a group in that particular region, to try to maybe become the leaders in developing a structure of regional autonomy that does not necessarily undermine the assemblies in either jurisdiction, but might allow for us as a region to have more authority over the direction and affairs of that particular area. I think that I can say to the people here that it...

MR. PUDLUK: Point of order.

CHAIRMAN (Mr. Wah-Shee): Mr. Pudluk, point of order.

MR. PUDLUK: When the two forum chairmen were giving their opening remarks, we were not allowed to make remarks and only questions were allowed. Thank you.

CHAIRMAN (Mr. Wah-Shee): Mr. Pudluk, in regard to your point of order, you are correct. Members have an opportunity to ask questions of the witnesses and I would ask that you refrain from just making general comments, but rather questions should be directed at the witnesses. Mr. Nerysoo, do you have a question?

MR. NERYSOO: No, I guess had I known that I would have been making my general comments previously. I am not going to argue but I would certainly like to say that I have a lot of questions and concerns and unfortunately did not make them public. I guess I am going to be refused that opportunity to make them public at this particular time.

CHAIRMAN (Mr. Wah-Shee): Mr. Nerysoo, for your information, after the Members have had an opportunity to ask the witnesses any questions, after that has been concluded, the Members of committee will have every opportunity to comment on the tabled document that has been presented by the Constitutional Alliance. Mr. MacQuarrie.

MR. MacQUARRIE: I have one additional question and it is a question and not a comment and a very sincerely put question. On page 13 you list several options that the Inuvialuit could consider. The first says, "being within the western territory with a strong regional government for the Western Arctic region". Could I ask you why could that not read, "being within the western territory with constitutional provisions that are satisfactory to the Inuvialuit"? Why could that not be an option, rather than saying it has to be a strong regional government? If that were one of the options, then during the next two or three years or whatever, we would work together to try to work out constitutional provisions that are satisfactory to the Inuvialuit, knowing that division does not occur until there are constitutions east and west that are satisfactory to people.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Gruben.

MR. GRUBEN: As a matter of fact, Mr. Chairman, I believe that we have discussed this issue in other forums in a lot of detail and we, as Inuvialuit, certainly feel that here again we are being asked to join into a territory without certain specific guarantees laid out to us as to how we are going to be recognized as a minority in a territory. Yes, we could go and look at that approach, provided of course that the agreement that was signed in Iqaluit by NCF and WCF is not regarded.

Inuvialuit Proposal In November, 1986 Refused

As a matter of fact, in November of 1986, the Inuvialuit who were there at the Constitutional Alliance meeting put forth a proposal to both NCF and WCF to say that there is still so much work that has to be done in regard to the constitutions of two territories, let us try to work out what has to be dealt with, let us deal with the mechanics of how you achieve the goals as we laid them out, and we suggested a time frame of four years and said that we would jointly work together, the Inuvialuit, the Dene, the Metis, the Inuit from the East, without predetermining where the boundary will be. And at the end of that four year time period, naturally the issues, hopefully, would have been resolved and the boundary would just fall on the table, hopefully with full agreement by all parties. But that approach was refused and now we are back to the issue of the agreement being signed in Iqaluit between NCF and WCF without inclusion or comment from a very significant group of people.

CHAIRMAN (Mr. Wah-Shee): Thank you. Any further questions? Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, I would like to ask the people here why they think we should wait until the 11th Assembly before making some type of decision on this?

CHAIRMAN (Mr. Wah-Shee): Mr. Gruben.

Agreement Between NCF And WCF Lacking In Some Areas

MR. GRUBEN: Thank you, Mr. Chairman. The presentation that we put on the table here surely explains that. We feel that the agreement between NCF and WCF is lacking in a number of areas. It is ill thought out. It is very vague. It does not make any commitments in regard to how administration costs for the East are going to be addressed. It certainly does not address some of the issues in terms of regional government that we as the Inuvialuit have put on the table with one of the parties. We feel that this Assembly, to be responsible to the future citizens of the Territories, should go and address those issues in the proper light. And if it takes time, then grant yourself time to go and do it.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. T'Seleie.

MR. T'SELEIE: I have another question on the Inuvialuit presentation. The position of the Inuvialuit, as far as the agreement is concerned, is that they feel that if the agreement is ratified by the general public, and the Inuvialuit do not ratify it for their region, that it should not apply to them. I would like to know how the Inuvialuit rationalize a statement like that because I think it cuts to the heart of the constitutional process of how you arrive at decisions and if every regional group were to be able to say that an agreement that was territorial-wide is not binding on us then maybe we are going through a process that will never end and we should forget the whole thing. So I would like some comment from the witnesses on that.

CHAIRMAN (Mr. Wah-Shee): Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. To try to address John's question, I think we look back at the 1982 plebiscite result as it affected Inuvik, the Western Arctic and Mackenzie Delta community of Aklavik. The people of the region, the Inuvialuit people of that region, voted 486 to 372 for no division at the time. And we feel with the support of this presentation and the support of the resolution passed by our people, we have to be recognized as not wanting the impacts of other regional votes deciding the fate of our particular region.

MR. GRUBEN: Further to that, Mr. Chairman, I believe there was a question from Mr. T'Seleie in regard to the constitutional process or the constitutional building and how it may not be democratic if you allowed a certain group in some way to have a veto situation over the other peoples within a certain process. I have to respond to that question by saying that the process as to how the agreement was arrived at in the first place was not democratic. It did not involve a certain, particular group of people. We were involved in a process, sure, but when we actually got down to the nuts and bolts of the contents of the agreement, we were not involved in it at all, and what we are saying is that we want to be involved. Let us make it a democratic process. Let us allow this thing to be done in the proper manner.

CHAIRMAN (Mr. Wah-Shee): Thank you. We will now take a 15 minute coffee break. Thank you.

---SHORT RECESS

CHAIRMAN (Mr. Wah-Shee): Order, please. Do we have any further questions of the witnesses? If we do not, on behalf of the committee, I would like to thank the witnesses for appearing before this committee.

---Applause

General comments on Tabled Document 1-87(1). Order, please!

MR. NERYSOO: But we can ask questions?

CHAIRMAN (Mr. Wah-Shee): General comments on the tabled document dealing with the boundary and constitutional agreement. Mr. Pedersen.

HON. RED PEDERSEN: Thank you, Mr. Chairman. I thought someone else would lead off but I guess I will. Mr. Chairman, I will try not to be long. I have spoken already but I do feel that I want to clarify some points which I must not have made clear earlier because they were not reported accordingly. As Mr. Curley said in a point of privilege earlier today, he referred to a news report this morning which alluded to -- at least the impression it left was that those of us who oppose the boundary contained in this agreement did not want a plebiscite, that we were against a vote on division. And this, of course, is not so. The other day when I spoke I thought I had made it very clear that I would do whatever was necessary in this House to bring it to a public vote, to a plebiscite, to give the people an opportunity to speak. So, I want to point that out, that those of us who oppose it are certainly not against a plebiscite. We are against that particular boundary.

#### We Have Not Changed Our Minds

Secondly, it was referred to that those of us who do not support this boundary line but who were in the area now commonly known as Nunavut -- we were referred to as having changed our minds, no longer supporting division, and again, Mr. Chairman, I want to clarify what I said the other day. My constituency has always supported Nunavut but has never supported division merely for the sake of division. We have not changed our minds; our stand has been the same; it is the same today as it was 10 years ago. Others, Mr. Chairman, may have changed their minds. There have been quotes attributed to people, starting from the Nunavut document which I will not requote again. The statement made by the honourable Member from Iqaluit when he resigned as NCF chairman referring to the unacceptability of the unacceptable shell of the original Nunavut proposal; the mayors' motion from the Coppermine meeting of mayors from the Beaufort and Kitikmeot West communities who wish to remain united; the motion from the Nunavut constitutional conference in Coppermine that unanimously asserted its commitment to political self-determination through the creation of a new Nunavut territory which must include communities within the Beaufort, Keewatin, Kitikmeot and Baffin, including the offshore and Arctic Islands.

We have not changed our minds. Others may have. I refer to a quote from COPE annual general meeting in Sachs Harbour where Mr. Curley stated, and I quote, "We do not want to be separated. I think it is important that we never be divided." There has been no change in that stand. Further, Mr. Curley stated, "We are anxious to see Nunavut occur but we are not in a rush, either." Again, there has been no change in the stand of Mr. Curley. On an NCF tour of the Beaufort communities in March of 1984, I would like to remind the Members of this committee of a statement made by John Amagoalik and I quote, "I am tired of people trying to steal my land. I am very mad about it and I do not intend to lose another inch to these people. I will fight them tooth and nail." We have not changed our minds; John might have changed his. Peter Ittinuar, in the same tour, stated that the western forum's claim on the Beaufort was, and I quote "audacity of the worst kind. You could not do worse if you used different tactics such as war, expansionism, territoriality, geoterritoriality, whatever you want to call it." Maybe he has changed his mind; we have not. In the Coppermine meeting of NCF, I distinctly recall a comment from Mr. Patterson that this is now a war. I guess the war is over for him.

---Laughter

#### Support For Nunavut But Rejection Of Boundary Proposed

Mr. Chairman, those of us who do not support this boundary have been accused of losing our courage. Mr. Chairman, we have not lost our courage. I do not think it takes courage to capitulate. It certainly does not take courage to stop fighting for a true Nunavut. It does not take courage to

accept an unacceptable shell of Nunavut. Mr. Chairman, when you sell out on your ideals and your principles, that is not facing political reality, as some people said we should. To me, that is political prostitution. Once more, I repeat that my constituency has always been for Nunavut and all that Nunavut stands for and we still are for Nunavut. But, we have in the past voted against division for division's sake. We have voted against a 1985 proposal that would have resulted in, in someone else's words, the "unacceptable shell" and we now again reject that boundary in this agreement. That very same boundary, as in 1985, is still an unacceptable shell. Mr. Chairman and Members of the committee, those of us who have worked for Nunavut have not changed our minds; we have not lost our courage; we have not lost our ideals; and we have not lost our principles; nor have we lost our concept of Nunavut, and we never will. Thank you, Mr. Chairman.

---Applause

CHAIRMAN (Mr. Wah-Shee): Thank you. General comments? Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. I guess I have a few parts to what I have to say and I may say a little now and then come back a little later. I feel, as someone who presented the agreement to the Assembly, that perhaps I can have a little leeway in that respect. Since we have just had a visit from representatives of the Inuvialuit, perhaps my first remarks could be with respect to that presentation.

#### Options Considered Do Not Include Nunavut

I do note that on page 13, which I had alluded to in a question earlier, the Inuvialuit list certain options for themselves that they might wish to explore. It has been observed to me, and I relay the observation to others, that not one of those options includes being part of Nunavut. And perhaps that says then that despite everything, they are reasonably happy to be where they are, in a western territory, and that it becomes merely a matter of working out suitable constitutional provisions that will safeguard the Inuvialuit as a people -- their culture, their languages, their interests, along with the interests of others in a united western territory.

The second point that I would like to make is in reference to a question that was raised by Ms Cournoyea and answered very capably, correctly I think and briefly by the witnesses. That was; Was it not true that the WCF by demanding in our negotiations with NCF that the Inuvialuit be in a western territory, did that not create serious problems for the Inuvialuit and perhaps for Kitikmeot peoples, perhaps for some of the Dene in the Delta? The answer to that is, yes, that created problems. I recognize that, but I just ask people to recognize too, that if you take a step back from that and look at things in even a larger perspective, did not the initial demand for division itself place the Dene and Metis in a precarious position? Regardless of any boundary scenario for division, the Dene/Metis immediately become a minority in a western territory and that is why they have worked hard to try to secure an agreement that would safeguard their interests, culture and language. I feel that anyone could be assured that the Inuvialuit would not be excluded from the same kinds of safeguards that the Dene/Metis are looking for in a western territory. So they were hard pressed as well.

I next was going to turn to a couple of questions of the honourable Member for Kitikmeot West, but I see that he has left the House. I hope that was not his final statement on the matter but I will save those until he returns so I can put them to him. At this moment I will defer to others, Mr. Chairman, but I would have questions when Mr. Pedersen returns and perhaps a few concluding remarks.

CHAIRMAN (Mr. Wah-Shee): Thank you. Ms Cournoyea.

MS COURNOYEA: Mr. Pedersen is presently being briefed on his budget that has been moved ahead because of Mr. Wray's trip to the east coast.

CHAIRMAN (Mr. Wah-Shee): Thank you. Any further general comments? Mr. Patterson.

#### Assessment Of Resources Pure Speculation

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I found it interesting that the dire predictions of the representatives of the Inuvialuit about Nunavut being poor and Nunavut not having the human resources or the mineral resources to survive were admitted to be matters of pure speculation.

Mr. Gruben noted that we are having trouble with our budget and therefore future governments can be expected to have trouble with their budgets. Mr. Chairman, there is no question that Nunavut is going to depend on the federal government for assistance. People talk about that as if it is something new or surprising. Mr. Chairman, the Northwest Territories is also a welfare state if heavy dependence on the federal government is what one means by a welfare state. We derive less of our revenues here in the Northwest Territories than do the poorest of the Canadian provinces. This is not a happy situation or one that we are content with but the reality is that the Government of the Northwest Territories is not doing too badly by the federal government and I think it should be recognized that it is sheer speculation and pessimism to say that the government of Nunavut is going to do no better or no worse.

The Yukon has fewer people and perhaps fewer resources than the Northwest Territories. Does that mean that they are doing worse than we are or that they are less capable of negotiating their fair share of assistance from the national government? I cannot understand why people are so pessimistic and so frightened. I use the word, "fear" because no one is in possession of the facts, no one is in possession of the inventory of renewable or non-renewable resources in Nunavut. We may have more resources in Nunavut, as is proposed in this agreement, than now exists in the western part of the Northwest Territories. We know that Nunavut contains more land. It certainly is the larger of the two territories in terms of land and water. It is mere speculation that a larger area is going to have fewer resources than the smaller area. In fact, the opposite may be true. No one knows; that is why I say we have to have courage and vision and yes, optimism and hope, if we are going to support this proposal. That is why I say those who do not support it and who predict these dire circumstances -- I think Mr. Wray said that we were facing a situation something like those found in the third world -- are basically based on pessimism. I wonder how many people know, for example, that electricity in Resolute Bay right now today, is being provided by northern oil from the Bent Horn well. We have oil resources. We have tremendous reserves of natural gas. We have, in the Baffin Region alone, two operating mines. There are tremendous prospects for uranium, although I am not a big fan of uranium exploration, in the Keewatin. There are tremendous prospects for precious metals in the central Arctic and Keewatin. These potentials are dismissed casually by the doomsayers and the naysayers. The fishery is dismissed as being...

HON. TAGAK CURLEY: Empty shell. Who said an empty shell? Who said an empty shell?

HON. DENNIS PATTERSON: ...insignificant. So, Mr. Chairman, I would just like to note that all of this is speculation, all of this is something that will be explored if we have the courage to take the next step. Those of us who will be residents of Nunavut will be as interested or more interested than anyone else in determining the inventory of resource revenues and renewable resource revenues in our territory.

#### Boundary Decision Is The First Step

But the step that we are being asked to take now is not to judge whether we will be rich or poor or to judge where the capital is going to be, or to judge whether health services will be better or worse. The step we are being asked to take is to determine the boundary. Once that question is resolved, then it seems to me there is some logic in figuring out how big the territory is going to be before we decide such questions as the capital and the financial requirements.

The Inuvialuit say, "We cannot take this step without knowing more about what we are getting into." But on the other hand one might say, "How can we design a new government until we know how big it is, until we know where the line is?" So, it is a logical approach to try to deal with the boundary, which is the question before us, and then take the next step.

I guess the other point I would like to make, Mr. Chairman, is that the critics have come out of the closet now and they are basically saying to the Members of the Nunavut and Western Constitutional Forums, "Thank you very much for five years of hard work but we never really did trust you to negotiate on our behalf." Mr. Chairman, in 1981 in Iqaluit, when we talked about division, we all dreamed of the possibility of a tree line boundary. But we also knew that we were, in the next year, setting up forums which were specifically charged to negotiate a detailed boundary. Mr. Curley must have known when he voted to establish the Nunavut Constitutional Forum that perhaps it might not be possible to get everything that we wanted. Perhaps it might not be possible even with a tree line boundary to have all the Inuit together. We know that even a tree line boundary would see Inuvialuit in Inuvik and Aklavik split up from their co-claimants in the COPE land settlement. So even a tree line boundary would have divided the Inuvialuit. It would have given the opponents of Nunavut some reason to say, "We cannot support this because it is going to divide Inuvialuit."

I do not think it is entirely fair to have said on the one hand, "We trust the Nunavut forum and we nominate people from this Assembly like Mr. Erklou and Mr. Pudluk and myself" -- as long as I lasted -- "and Ms Cournoyea to be on that forum to work as hard as they have." I think that should be acknowledged. People today talk about having worked so hard for Nunavut. The people that have done the hard work, attended the community hearings and attended the meetings have been members of the Nunavut Constitutional Forum. The people who say they have done all the hard work are the ones that are now finding lots to criticize. Where were they when help was needed and support was needed, and good ideas were needed? They had other more important things on their agenda, obviously, than Nunavut.

#### Nunavut Impossible Without Some Kind Of Compromise

I guess, Mr. Chairman, hearing some of the criticism, and it is easy to criticize something that you have not been a part of. I acknowledged this to the chairmen of the forums the other day, having heard all this criticism. I wonder really whether some people are paying lip-service to Nunavut when they know that in reality Nunavut was impossible without some kind of compromise.

Now maybe the first mistake we made in Iqaluit was to say, "We will have a territorial-wide vote." Maybe that was our first problem. The unity committee of Mr. MacQuarrie recommended that those who desired to form a new political entity and desired to have self-determination should be the only ones who would vote and decide. But Mr. Wah-Shee and Mr. Braden and others persuaded me, and other Members who were advocating Nunavut at the time, that that would be unfair and that they would only support division if we extended the vote throughout the Northwest Territories. Maybe that was our first compromise and maybe that was our first mistake. But we have gone ahead and accepted the fact that everyone should be entitled to vote; that the residents of Yellowknife, who in one community equal the entire population of 13 communities on Baffin Island, should be able to vote. We somehow managed to overcome their reservations and their apathy and win the 1982 plebiscite by a significant margin but from the beginning it was clear that there would be some need to compromise.

I guess I am beginning to wonder whether the people like the witnesses from the Inuvialuit, you know, whom I respect, the people who are saying, "We believe in Nunavut but it has got to be entirely on our terms", who are so unwilling to compromise in fact, really think that everything is fine the way it is. They are asking an impossible: they are asking the negotiators to achieve impossible demands and they have set us all up for a big fall. Inuvialuit say they support Nunavut but it seems to me from the presentation that we heard this morning that what they really seem to want is their own territory. They say they want a regional government so strong that it has its own legislative powers and its own veto over resource development and that is another government, as far as I am concerned. So two territories are not adequate and will weaken the people of the Northwest Territories and two territories will turn the people of Nunavut into weak, inadequate, third world countries, but three territories, if one of them belongs to 3500 Inuvialuit, are quite all right. That is a viable option. Now who is kidding whom? And yet they say that they still support Nunavut. I think it is time that we ask whether some of the apparent supporters of Nunavut are really just paying lip-service to Nunavut and are really saying, "The status quo is fine. We will continue to fly to Yellowknife, we will continue to respect Yellowknife as being the source of all wisdom and power and a logical centre for a capital of the Northwest Territories."

AN HON. MEMBER: Hear, hear!

HON. DENNIS PATTERSON: And if that is the case, then let them come out and say that -- that the status quo is fine. I do not support the status quo. I got elected because I ran on a platform that I thought the territory was too large to be governed by one capital and particularly a capital in the far west. I am not saying Yellowknife is not an entirely appropriate capital for the new western territory. That is what the Carrothers commission recommended in the 1960s.

HON. MICHAEL BALLANTYNE: It is a good place.

HON. DENNIS PATTERSON: But we need a new administrative...

CHAIRMAN (Mr. Wah-Shee): Mr. Patterson, your 10 minutes are up. Do Members agree for the Member to continue? Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Patterson, please proceed.



### Fundamental Dissatisfaction With Status Quo

HON. DENNIS PATTERSON: Mr. Chairman, I do not know what the general public is thinking about this debate. I do not know whether anyone understood the presentation made by the witnesses for the Inuvialuit. I, myself, found it hard to understand. I do not know whether people can understand why Members of the Nunavut caucus seem to be at odds on this historic proposal. I do not know whether people are taking the prophecies of doom and gloom as being real. I do not know whether people are accenting fears of diminished services and diminished strength. I do not know whether the Inuit of the Eastern Arctic are convinced that they do not have the human resources or the capacity to govern themselves. But I think one of the things that everyone should accept as being true, from hearing this debate and from hearing the debate on this subject over the last seven years that I have been a Member of this Assembly, is that there is a fundamental need for change. There is fundamental dissatisfaction with the way things are. There are strong expressions of dissatisfaction that are going to have to be dealt with. The government has made some progress but there are fundamental difficulties which have not been addressed and will not be addressed without radical change.

So, Mr. Chairman, I think that the one thing that is clear from this debate is that this Assembly needs to take steps to make changes which will allow people to move forward with a purpose and with a conviction that there will be a place for everyone in the future. I have listened carefully to everything that has been said, including the strong statements by my colleagues from Nunavut. I have not given up on Nunavut nor on the compromises that we have had to make toward Nunavut. It is made out that we have made significant compromises. I think that the Inuvialuit will survive without being part of the new Nunavut territory. They have a strong land claim. They have an excellent ability to negotiate. They have an ability, if they should choose to exercise it, to negotiate strong regional powers within the western territory. Perhaps they could even negotiate a third territory. I do not know. They do not seem to want us to have a second territory, but they seem to want a third territory for themselves and maybe they can do it. I wish them well. If it is possible for them then it darn well should be possible for us, first.

### Nunavut Not Limited By Boundaries

I think it is important, in concluding my remarks, to say that I do not see Nunavut as being limited by boundaries. I see Nunavut as a way of life and a way of thinking, that those of us who live in Inuit communities understand very well. Nunavut is Baffin. Nunavut is Keewatin. Nunavut is Kitikmeot. Nunavut is the Inuvialuit. There is even Nunavut in Quebec, in Labrador, in Greenland, in Alaska, and probably it feels like Nunavut in certain parts of Russia. It is a way of thinking. It is a common way of life. It is a marine economy. It is a common language, history, tradition, a way of thinking, and not a mere boundary line that nobody is going to be able to see when they drive their dog team or their skidoo, and that no one is going to have to climb over. It is not going to be a wall; it will not prevent people from going to the nearest location for hospital services or the nearest efficient location for school services. People are making this out as if we are considering going behind the iron curtain in advocating a new territory. It is simply a political boundary line that does not need to break down ties between people with a common way of life and a common language.

In fact, I think a strong Inuit-controlled government will be of great assistance to the entire circumpolar world. In fact, the circumpolar world is looking to us as having an opportunity that they wish they had in Alaska, in Norway, in Quebec, in Labrador. And here some of the people who could give us the most help in negotiating what we need seem to be losing courage and unwilling to make what I consider to be an insignificant compromise.

So, Mr. Chairman, I am disheartened by some of the public remarks that have been made, but I am not at all convinced that the people of the Keewatin feel as gloomy about Nunavut as their elected representatives seem to feel. I think we should have a plebiscite. I am disappointed that some Members seem unwilling to ratify the agreement that they trusted our colleagues to negotiate on their behalf. I think that is a disappointment. But I believe that there will be a plebiscite and I intend to campaign vigorously and positively. I am not going to be talking about the worst case scenario. I do not think Canada was built by people who said, "Well, we may have trouble getting the railway over the Rocky Mountains." Or in Manitoba, "Gee, we may not be able to establish a province with only 12,000 people." They were not afraid; they were not looking at the possible negative aspects. Let us say that we will darn well negotiate with the federal government what we deserve.

Confidence In Inuit Leaders

I have confidence in Inuit leaders like Mr. Curley, if he will take the opportunity to become involved, that he could negotiate an incredible deal and perhaps even a better deal than the Northwest Territories has been able to negotiate. I think the Inuit of Nunavut have a very special place in Canada. They occupy a very special part of the world. Canadians are very proud of the Inuit. They established sovereignty in the Arctic and I think Canada is grateful to the Inuit for that. So let us not assume that we are not going to be treated fairly just because we will have fewer numbers. The Yukon has not exactly been a weak faltering government because it has had half our population. Let us not be conned by these arguments of fear and pessimism. Let us look at the positive side. Let us look at, not the existing resources, but the potential resources. I think they are unfathomable. I think in 100 years Nunavut will be a very rich territory. We may make provincehood before the western territory.

HON. TAGAK CURLEY: Agreed.

HON. DENNIS PATTERSON: So, Mr. Chairman, in conclusion I thank you for the opportunity to make these somewhat extemporaneous remarks. I still support Nunavut even though it is not quite what I had hoped for. I think we should take this chance in history and not wait another 20 or 30 years. The federal government is willing to act on our agreement in the North if we can have the courage to say, "Yes", when this plebiscite comes up. There is a commitment. We may never get that kind of commitment again. Let us go for it. And once the plebiscite is over, we will work out these questions of government structure costs. We will do a resource potential inventory to satisfy people who are concerned that we will be resource-revenue poor. We will have the time to do these studies and do this analysis. Most important, when the Members of the 11th Assembly are elected, they will be elected knowing that the NWT is headed on a course that has been agreed upon, which will provide self-determination for the people of the East and the West, and particularly the aboriginal people of the East and the West, and will be able to work together with a common purpose. I submit that this debate and my experience in this Assembly have shown that we do not have a sense of common purpose. We have not done too badly matching up the diverse interests and sort of patching together a government without really a fundamental sense of direction. But I think this issue needs to be resolved before we can really work together and really have a common purpose and really make progress in the issues of constitutional, political, economic development and devolution that are such great challenges in the North. That we have opportunities here that the rest of Canada would envy. We are breaking new ground here; let us become excited at the challenge. Let's not be pessimistic.

HON. TAGAK CURLEY: Right.

HON. DENNIS PATTERSON: Let us not look at the worst case scenario. I am glad I have convinced Mr. Curley. Thank you, Mr. Chairman.

---Laughter

CHAIRMAN (Mr. Wah-Shee): Mr. Paniloo.

Motion To Accept Tabled Document 1-87(1) As Presented

MR. PANILOO: (Translation) Thank you, Mr. Chairman. I am disappointed that all the Members are not present -- I think we all understand. Mr. Chairman, I would like to make a motion. I move that the Boundary and Constitutional Agreement for the Implementation of Division of the Northwest Territories be accepted as presented, and let the residents of the NWT decide whether they should vote "Yes" or "No" for the division. Thank you.

HON. TOM BUTTERS: Point of order, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Mr. Butters, is it a point of order on the motion just being proposed? If so, I would like you to wait until I get a copy so I can see the motion. However, if it is a point of order on something else -- is it a point of order on the motion, Mr. Butters?

HON. TOM BUTTERS: No, Mr. Chairman. It is a point of order on process. Yesterday -- or whenever it was that this debate occurred in the past -- I said I wished to speak today. I wonder if the Member would withdraw his motion until every Member who has not spoken has had a chance to speak. I know Mr. Nerysoo was cut off in questions to our witnesses and I have a few comments that I would like to make. If the motion is put I will not be able to make those comments.

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

CHAIRMAN (Mr. Wah-Shee): I can deal with only one point of order at a time, so if you would allow me to...

MR. MacQUARRIE: This was a request to another Member rather than a point of order.

CHAIRMAN (Mr. Wah-Shee): I was just going to indicate that the honourable Member does not have a point of order.

---Laughter

Mr. MacQuarrie, your point of order, please.

MR. MacQUARRIE: The motion that placed this document in committee of the whole said "for discussion only", Mr. Chairman, and, therefore, in speaking to the point of order, I say that that kind of motion must therefore be out of order.

CHAIRMAN (Mr. Wah-Shee): Order, please. If Members would allow the Chair to rule on the motion then I will entertain any difficulty the Members have in regard to the motion.

Motion To Accept Tabled Document 1-87(1) As Presented, Ruled Out Of Order

Mr. Paniloo, in regard to your motion, Mr. MacQuarrie is correct in stating that the motion, which was made in formal sitting of the House, which referred this tabled document for discussion to the committee, precludes any motion on the tabled document. General comments. Mr. Curley.

HON. TAGAK CURLEY: Mr. Chairman, I do not want to go into rebuttal but I think there are certain things that have to be clarified, with all due respect to my honourable colleague. Mr. Chairman, I do want to say that there will be a plebiscite held on the proposed boundary. Nobody, I think, in his right mind would disagree with the fact that this kind of question should be presented to the public. I think that is a fundamental right of the people which we should not ignore, but I do not necessarily believe that it has to have an endorsement first in the House to do so. As far as the proposed boundary is concerned, that is a chicken or egg situation, but obviously if we are asked to support the proposed boundary, unlike Mr. Patterson, some of us are not prepared to compromise. So we will take a harder line.

Fundamental Right To Express Viewpoint

But that is not to suggest in the House that unless you disagree with the proposed boundary, you are either a coward or you lack courage. I think that kind of label does not belong to individuals -- if my colleague is listening, I think he would learn some lessons here. I think in the democracy that we enjoy it takes courage by all, either to take a positive position in support of an issue, but also it takes courage, maybe less courage than some, to take an opposite viewpoint, or to be in a compromising position where you really do not give a damn where you stand. I do not think it would be my business or my right to label somebody as lacking more courage than I do because you disagree with me. These labels do not belong in Canada. Canada is based on different points of view. Canada enjoys, even in the North -- for the first time I think we are starting to see people, ordinary people, expressing a viewpoint but they have been labelled, "You're a coward; you lack courage," as though we are discouraging people from being able to stand up for their own convictions. That is what I am afraid of. We are tampering with the fundamental rights of individuals -- that we are not to at least respect them if they disagree with the honourable Member for Iqaluit. That is the most important thing to me.

I will abide by the plebiscite. Sure, because this vision of Nunavut is different from mine does not mean that I am some strange individual from nowhere. I think compromise to me is something that you give and take. To me, this is not a compromise. I trusted my colleagues when we put the responsibility on them to deal and negotiate -- to wheel and deal -- that they in fact would wheel and deal, and consult, and speak to people and hold various meetings. Unfortunately, obviously, I was not part of that opportunity but I never gave up that people would speak to me, consult with me or speak to my constituents -- the mayors, elected councillors, elected municipalities. That, at least, was never prevented, but were they fully involved?

NCF Compromised On Proposal Originally Supported

I would commend the WCF. There has been a whole lot more consultation with its MLAs, with its membership and Dene Nation with this exercise. I think you guys got a good deal. You did not compromise; we did. Not only did we compromise, we practically gave our shirts away. That is where I am disagreeing with my honourable friend. He gave up the 100 per cent of the total support, broke it down to 70 per cent, and he says it is the original proposal. My honourable friend from Iqaluit made an impassioned speech on February 22, and he says he received tremendous, strong messages from the Nunavut caucus. As well, the Committee for Original Peoples Entitlement conference, which was held in Sachs Harbour on February 16, 1985 endorsed resolutions from four communities, whereas the communities of Kitikmeot West have been offered a vote on a tentative boundary, therefore let it be resolved that the COPE annual assembly demands the same democratic right to vote for communities of Holman, Sachs Harbour, Tuktoyaktuk, Paulatuk, and for the Inuvialuit of Aklavik and Inuvik. He recognized at that time these communities were important to be involved in the exercise and he stated personally that what we would achieve...

HON. DENNIS PATTERSON: Point of privilege.

CHAIRMAN (Mr. Erkloo): Point of privilege, Mr. Patterson.

HON. DENNIS PATTERSON: Yes, Mr. Chairman, my point of privilege is that the Member is attributing personal remarks to me that were made in my capacity as chairman of the Nunavut Constitutional Forum. I would like the adjective "personally" withdrawn from his remarks. Otherwise, if he wishes to quote my statement again as chairman of the Nunavut Constitutional Forum representing his views and the views of Mr. Wray and Mr. Pedersen and others at the time, he can go ahead but he should not attribute them to me as my personal remarks. Thank you.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. Curley.

HON. TAGAK CURLEY: At least what I should say maybe is that I certainly agree with him that the price that was demanded by us all was really not acceptable to the Nunavut caucus at that time, that what we would achieve would be nothing but a shell. So, Mr. Chairman, that was a very important position taking into account that the conference attended by 111 community delegates committed itself unanimously to assert its commitment to political self-determination through the creation of new Nunavut territories which must include communities within the Beaufort, Keewatin, Kitikmeot, and Baffin Regions, including the offshore and Arctic Islands, and now my honourable colleague supported that motion as one of the MLAs from Nunavut region but he has not stated publicly why he has changed his mind on this issue.

Mr. Chairman, I remember a young man who first moved to the Northwest Territories in 1973 and indicated to me that he did not belong to any political parties or did not believe in them. When the election in 1979 happened, that young man was then a strong supporter of NDP but the prospects of that time, after two or three years, did not turn out that good so this person switched to the Liberal party in exchange for some very interesting projects in a particular community, supporting then the Liberal party. Prospects at that time did not turn out that well. Two years later he changes to a different political party; he changed his mind again but I am not really too sure whether he will change his mind again today. When we take a strong position like this it reminds me of that individual, that whenever the going gets rough and, in certain cases, things do not look too good, that you change your shirt and change direction.

I think on this basis that we compromised so much, but what did we get in return? That is something that I am speaking for. I think there are times that we can, yes, legitimately compromise our principles but if I were to cover my principles, I at least would want to make sure that I have at least close to 100 per cent support of that position if I am to affect a whole lot of people. That is not to suggest -- I admire WCF and the negotiators; they did not compromise. They gained a lot; obviously they were not giving a chance to compromise, so that is where the disagreement comes in. I do not want to really kill my representatives or Members of the Assembly; I think that representatives of the municipalities and people in Eastern Arctic who support them more, much more, compromised proposals that I really believe in.

CHAIRMAN (Mr. Erkloo): I am sorry, Mr. Curley, your 10 minutes are up. What is the wish of the committee? Go ahead Mr. Curley.

Room For Co-operation

HON. TAGAK CURLEY: Thank you. So, Mr. Chairman, I am not going to speak too long because I think it is ridiculous for me to ridicule members from Inuvialuit communities. The positions taken obviously are complex and sometimes a little confusing, I certainly agree, but in spite of all that I really believe that there is room for co-operation. It would have been a lot easier, if we were going to leave them out of a regional Nunavut proposal, to let us leave with the co-operation, to let us have the support of that area to do that. Let us have the support of the Kitikmeot Region, let us have the total support of my constituents because I think symbolically it is still important to keep the Inuit people together. With an opportunity for native people to remain together, to divide by our own action is something that puzzles me a bit because I always believed that the native people have strength in numbers but today, even with the precise, much more reduced regional proposal, we are now deciding that the time is right to decide but I am not necessarily agreed that we are actually strong enough.

Economically, if we try to compare the Nunavut area with Yukon, I think it is not that, it is a little out of sync with the economic base of Yukon. The economic base of Yukon is very strong, much stronger in some respects I think -- other than the non-renewable resource sector, oil and gas, particularly -- than even in this part of the North.

HON. DENNIS PATTERSON: What about Greenland?

HON. TAGAK CURLEY: I think if you really look at Greenland, you are comparing a socialist state to the more progressive private sector type of economy so that is something I would want to do a very thorough analysis on. If we look at Yukon, Yukon's private sector is thriving. Therefore, the public sector has been blessed, I suppose, because of the new formula arrangement that the two territories have negotiated but it is up for renegotiation.

HON. DENNIS PATTERSON: We could negotiate a good deal, too.

HON. TAGAK CURLEY: With the way the negotiators from the Nunavut part have negotiated, who knows?

HON. DENNIS PATTERSON: So get involved. Get involved.

Importance Of Private Sector To The Economy

HON. TAGAK CURLEY: Who knows what kind of deal they are going to get? I will get involved. I am involved. I have always been involved. I have been involved in the private sector creation of opportunities. I believe that the private sector is much more important than the government. Government should not be in the lives of the business of ordinary citizens. We should never attempt to convince people that their lives are going to be better off with more government. It is the people, the ordinary people, that we must develop, and opportunities for them. As my colleague for Kivallivik says, they are concerned with bread-and-butter issues; they want jobs, they want opportunities. They do not want more government intervention in their lives. If we are doing that, we are creating a total dependency for survival, for economic self-reliance, on government. Sometimes that is not always so. We must give independence to hunters and trappers, we must seek new markets for their products. These are the kinds of things I think we must be giving them an opportunity for.

This illusion that things will be better someday is something we have been hearing for many, many years. Some of us are much more practical. On a daily basis we want to see the ordinary business person down the street given an opportunity to do something for himself and create two or three jobs at a time. You know, if we are talking about preserving my culture, I want to see these people promoting and practising their culture. I practise mine. And it is an expensive hobby too, practising one's culture.

So, Mr. Chairman, I do not think we need to ridicule each other. I think we have got to be very practical. I think each one of us is brave enough to know, smart enough to know that your integrity is something that I should not tamper with. Nor should I do the same thing to my fellow people. What we are talking about is that we want to hear from people. If they disagree with you and me, let us give them an opportunity to say so. If they agree with us, let us thank them. But they have every right to express different points of view. That is what it is all about today and I think that is what most of the northern people want.

AN HON. MEMBER: Hear, hear!

HON. TAGAK CURLEY: Qujannamiik.

---Applause

CHAIRMAN (Mr. Erkloo): Qujannamiik. Mr. Butters.

Point Of Order On Wording Of Plebiscite

HON. TOM BUTTERS: Mr. Chairman, I would like to talk about process. Before you took the chair, I was pursuing some questions with your honourable colleague and he ruled in response to a question of mine that the committee of the whole cannot amend Tabled Document 1-87(1). I wonder, sir, if you could provide clarification on the procedure that may be adopted for the question to be asked in a plebiscite. Since this House was not a party to the agreement between the WCF and the NCF, I can appreciate that this House may not have the authority to amend Tabled Document 1-87(1). I believe that the suggested plebiscite wording, which is Appendix C, would be held under the Plebiscite Act, which is an act of this Legislature. If the question to be asked is to be part of that act in the form of a schedule, as was the case of the last plebiscite, and would you agree or confirm that our House could amend the wording of that plebiscite in the schedule if this committee so chooses? Thank you. But I wish to continue my remarks after you might rule on that, sir.

CHAIRMAN (Mr. Erkloo): I will take this question under advisement and answer you tomorrow.

HON. TOM BUTTERS: I would prefer an answer now if possible, but if that is impossible, then tomorrow is sufficient.

CHAIRMAN (Mr. Erkloo): Mr. Butters, do you want to give your general comments now and I will try to give you my answer sometime today? If not, I will give you my answer tomorrow. Is that okay with you, Mr. Butters?

HON. TOM BUTTERS: Thank you, sir. Just very briefly I would have a few comments. I think we have heard some excellent presentations and addresses over the last three days. Some of them could have been made and probably were made 10 years ago or eight years ago. It has been very interesting to see the arguments again being advanced for staying together. In fact, maybe we have come full circle to where we were when Mr. MacQuarrie's committee was set up some years ago to determine how we could strengthen the unity of our current association. The agreement presented to us is composed of three things: a boundary proposal; principles for constitutional building by the two forums for the two new proposed territories; and a ratification process.

Principles Of Constitutional Development

I would like to talk briefly about the principles for constitution building. I would compliment, as my honourable colleague for Yellowknife North did, Bob MacQuarrie, the Member for Yellowknife Centre, for the excellent work he has done with the Western Constitutional Forum over the last three years and...

---Applause

...especially for his work in this area of constitution building. I tend to think that there has been a tremendous advance in understanding between peoples of the West. I think that we have made, in two years under Steve Kakfwi's leadership as the chairman of the Western Constitutional Forum, a quantum leap in understanding each other and understanding what may be possible in terms of a new constitution for the Northwest Territories which will recognize fairly the interests of all people who will make up that proposed jurisdiction. I compliment all the members of the WCF and I feel that they have produced some extremely interesting principles, which are contained in the document, which have not yet been referred to except by witnesses this afternoon. But, it would be my hope that with the approval -- if not the approval of this agreement, at least some recognition that this is an important document that should go to the people for examination and when it does, when it is referred for such examination, the principles on constitutional building in the western territory would receive long and complete discussion by all the people of the proposed new territory. So I think that there has been a quantum leap made by the members of the Western

Constitutional Forum, the Dene, the Metis, Members of this Assembly and the non-native representatives of that group. I do know that on some occasions representatives from the Inuvialuit were present and, I believe, contributed very valuably to discussions that did occur.

On the ratification process, I would like to maybe confirm what is proposed and maybe I could do that through questions to Mr. MacQuarrie, if that is permissible, Mr. Chairman. On page two, under ratification, I notice that the members of the WCF are the Dene Nation, the Metis Association and appointed Members of the Legislative Assembly residing in the western NWT. Now on the ratification process, it says that ratification of the Dene/Metis and Inuit claims boundary is the first element in the formal ratification process. What does that actually mean?

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

Agreement Based On Ratified Land Claims Boundary

MR. MacQUARRIE: I believe it was in May of last year, negotiators for the Dene/Metis on the one hand and for TFN on the other hand reached a tentative land claims boundary agreement -- tentative in that it was only their negotiators who had reached the agreement. It was then intended as the next stage in that process that those negotiators would have to go back to the peoples they represented to see whether what they had negotiated would be affirmed. And as I understand it, it is that process that is occurring at the present time.

I am given to understand that when the tentative boundary was brought back to the Dene/Metis, there were some Dene along the border area who had specific concerns and have asked to have them addressed, and I believe that this very day, for example, TFN on the one hand and Dene/Metis on the other have been sitting to try to resolve those differences. If those differences are resolved, then that tentative land claims boundary will be ratified by the Dene/Metis and by TFN, and that would then become the land claims boundary. And what this agreement says is that at that point, but not before, the alliance is willing to accept that land claims boundary as a political boundary between eastern and western territories. It is clear to all parties that if that land claims boundary is not ratified, so that there is no ratified land claims boundary, then this agreement fails. There cannot be a plebiscite because we would not have a line to put to the people.

CHAIRMAN (Mr. Erkloo): Mr. Butters.

HON. TOM BUTTERS: If it is projected that a plebiscite would occur this spring, if that is reasonable and realistic, when would that proposed agreement between the two groups have to occur? Would it be almost immediately?

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MacQUARRIE: It is clear that there is a pretty tight time frame. In order for a plebiscite to be held, there is legislation that has to be put in place; there are returning officers that have to be selected and polling stations designated -- all sorts of work like that has to go on. It takes time. And that would mean that sometime, preferably in this first part of our session, but if necessary in the second part, there would have to be a motion getting the plebiscite under way. But that motion depends on a ratified land claims boundary. I think the land claims organizations are well aware of that and I believe that they are scheduling their meetings to try to meet that kind of time frame.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. Butters.

Process For Approving Agreement

HON. TOM BUTTERS: Thank you, Mr. Chairman. The second element is the approval of this agreement by the Legislative Assembly, which is occurring now, and the other leaderships of each forum whose representatives are signatory. Now, I asked Mr. Amagoalik the other day whether the boards of these other agencies approved the agreement and his answer to me was "No, not yet", but he suggested that it would be occurring in the relatively near future. Now is it expected -- when the signatories of this agreement put it together, did they expect that the Legislative Assembly would be the cutting edge of the agreement, that we would make the first decision to approve it before these other boards and other bodies that were so important in fashioning the agreement originally?

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MacQUARRIE: There was no agreement or anticipated understanding as to who should go first. In other words, each party to the agreement had to approve the agreement. In which order that is done is not necessarily significant, although I do see that some Members of the Assembly, at least, feel that the Assembly perhaps should wait until other organizations endorse, so that it does not appear that the Assembly by endorsing is in some way trying to predetermine the issue. I do not say that that is a prevailing view at all, but I have heard that expressed. But at any rate, it is clear that each party would have the right to expect from each other party some formal document that indicates approval of the agreement -- a resolution, a letter enclosing a resolution to indicate that the matter has been addressed at an appropriate level, namely board meetings or a chiefs' meeting for the Dene, and the Legislative Assembly, and that they will provide a copy of those resolutions as an affirmation that the party has approved the agreement.

CHAIRMAN (Mr. Erkloo): Mr. Butters.

HON. TOM BUTTERS: Thank you, Mr. Chairman. Mr. Amagoalik indicated that neither ITC nor the Tungavik Federation of Nunavut boards had approved the document as yet. What is the situation with regard to the Dene Nation and the Metis Association of the NWT? Have the chiefs or the board of the Metis Association approved the document?

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MacQUARRIE: They have not yet. And in their case I know they would be waiting to see the results of the ratification of a land claims boundary, I am sure, before they are willing to approve the agreement. But, once again, they are aware of the time frame that the Assembly is working under and I believe are attempting to meet that time frame.

CHAIRMAN (Mr. Erkloo): Mr. Butters.

HON. TOM BUTTERS: As mentioned, this agreement deals with a boundary question and principles for constitution building. The boundary question is the one that had some urgency and is the one, sir, which you will be responding to me regarding, tomorrow. I wonder if Mr. MacQuarrie might provide me with some indication as to what is the contemplated process with regard to ratifying a constitution or examining, discussing, reviewing principles of constitution building? What does the alliance see would occur in that area?

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

#### Process For Constitutional Development

MR. MacQUARRIE: The document that Members have on the tables before them is not a legal document. It is a political document. It is a document declaring solemnly and formally certain intentions. The part that deals with constitutional principles is a part that will not be subject to a yes or no vote in the plebiscite. If the vote were "No" in the plebiscite, then the constitutional principles here listed are not applicable, simply because they are contingent on there being a division and two separate territories. If there were an affirmation of the boundary, that would be a signal that other parts of the agreement begin to kick into place. In fact, some of them have been operable already, as you already know.

To those who signed the agreement then, in my own case certainly, those who endorsed the agreement would be indicating solemnly that they intend to implement the process that is there and outlined. And what that would mean in the case of the constitutional principles, if the boundary were affirmed, is that Dene, Metis, non-native representatives and, hopefully, representatives from the Inuvialuit would begin to sit together and to try to work together under the constitution of the WCF, which safeguards each party in that there can be no substantive agreement until all parties agree. They would begin to work through the process of developing a constitution that all people could accept in a western territory. If that group can agree on a package of constitutional principles, those will be published. It would be a package of constitutional principles for public discussion. They would be tentative. They would be mailed out to every community in the western territory and the WCF would then begin the process of community visits to hear from people what they think about these principles that have been suggested. In addition to that process, the idea would be to listen and to make necessary modifications.



In addition to that process for the constitution, it is also intended that there would be a major constitutional conference, such as the type held in late 1980 or 1981 I think it was, where people were invited from a broad spectrum of interests to discuss constitutional principles. If through all of that process it appeared that there was general consensus on the new constitution, it would be negotiated with the federal government and put to a plebiscite of the people of the western territory, who would then say, "Yes" or "No" to what work was being done.

CHAIRMAN (Mr. Erkloo): Mr. Butters.

HON. TOM BUTTERS: Thank you, sir. I am almost concluded. I thank the honourable Member for his patience in providing those answers. I have a problem with the plebiscite question. A plebiscite -- the word comes from the Latin meaning "common people" and "an opinion" I think, "an opinion from the common people or the electorate." In view of the fact that the alliance has put the words "suggested plebiscite question" on the top of Appendix C, I would expect that we should be able to change that question if we feel it would be in the best interest of furthering this document. I would wish to discuss this later when I receive your ruling.

Just one last word, and that is that a few years ago in Inuvik I supported division against the wishes of my constituency. I did that because, I believe, the initial plebiscite on division in my constituency was taken to be a vote on a tree line boundary and as such was rejected. It would be ironic if this plebiscite, which is on a boundary, would be taken to be a vote on division and confuse the issue even more.

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MacQUARRIE: Just to respond to the Member's last concern about the plebiscite question. The word "suggested" is there, with every bit of forethought that we could give to it. We put the word there because we meant it. We did not feel at the moment of signing the agreement that we could determine precisely what the question should be. I think, therefore, even though we have said it is a suggested plebiscite question, it would be inappropriate to attempt to amend it in this committee, because we are simply discussing this document.

#### Assembly Will Frame The Wording Of The Plebiscite

It would be clear that at some point there will be a motion with respect to the agreement, and if the agreement is affirmed generally, then there will be a subsequent motion setting up a plebiscite or leading to a plebiscite. And at that point a plebiscite question will be framed by this Assembly. The agreement does say the question should have the approval of the WCF and NCF, but it is clear that it will be the Assembly that is making the question. It will be the Assembly's plebiscite. And, it is also clear, the WCF and NCF would not approve, if it were significantly different or attempted to subvert what was intended in the agreement; but wording changes or something will be welcomed.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. MacQuarrie. Are there any more general comments? Mr. Nerysoo.

MR. NERYSOO: Is this question period? Thank you, Mr. Chairman. I had begun with a few comments and I was going to lead into some questions, but I was unfortunately interrupted, unlike other Members in the House.

MR. McCALLUM: Picking on you.

MR. NERYSOO: I just wanted to say that, as much as I may not agree with the statements that have been made, I just wish to, certainly first, express appreciation to those Members that were participating as my representatives on the Western Constitutional Forum. Also I think credit has to be given to those that participated on the Nunavut Constitutional Forum. While differences might exist, I think it takes time and effort on the part of those that participated, representing a group of the people that are now Members in the Assembly. It becomes quite difficult at times and this idea of consensus does not always work. But they assume a certain responsibility and I think that they ought to receive some credit for that.

AN HON. MEMBER: Hear, hear!

MR. NERYSOO: The other point that I wanted to make is that I think that the leaders of the native organizations that participated, Steve Kakfwi and John Amagoalik, have to receive some credit, along with the staff of the Western and Nunavut Constitutional Forums, for the amount of work that they have done.

I want to say with regard to the comments made by Mr. Curley, that it takes a lot of courage at times to get up and stand up and voice an opinion that is not necessarily supportive of a position that has been tabled in this House or that the majority seem to hold. I think it is also important to note that the Inuvialuit and their representatives had the courage to bring forward publicly their concerns about the agreement and their concerns about the manner in which the process seemed to have left them out.

#### Relationships Of Native Groups In Delta And Beaufort

I want to say, as I was saying earlier, that the situation that exists in the Delta and Beaufort is unique. It is unique in that the relationship between the Loucheux and Inuvialuit is non-existent throughout any other jurisdiction or any other area in the Northwest Territories. While I can agree to some extent with the presentation made of the Inuvialuit having a relationship with the East, I think I can also vouch for the fact that there is a relationship between the Inuvialuit and the Inuit of Alaska that is as close as the one that exists with the East. That also is the situation with regard to the Loucheux, in that our closest relationship is not to the East and South, but rather it is to the West and to the Yukon and into Alaska.

With regard to the document itself, it is interesting to note from the comments that have been made today, the point made by Mr. Butters, that we may have come full circle with regard to the issue of division and there seem to be some differences of opinion with regard to the process we are following now. As has been noted, it was upon the direction of this Assembly that in 1981, I believe, we embarked in this direction. As such, we find ourselves now in a situation of having to put forward a necessary plebiscite, I think, to the people of the Northwest Territories. The plebiscite itself will require, and the wording of the plebiscite will obviously require, some questions and discussion, as has been raised by the Member from Inuvik.

It is too bad I cannot ask some questions now, but I just wanted to clarify some issues here with regard to the issue of the Delta. I just want to say to Members here, and I have said this before, that Mackenzie Delta was one of the few areas that gave a 60 per cent vote of "No" against division. That was one of the highest votes by constituency in the North, that opposed division. That is not to suggest that there were not other constituencies that voted "No"; in fact, Nunakput, at the same time as Western Arctic, voted "No", and so did the constituency of Inuvik.

I want to say to Members in this House that I wish for a plebiscite to be brought to the general public of the Northwest Territories. I think it is necessary to hear their opinion and it is also necessary to set out some direction, either for the new Assembly, or for the North, as to where we are going constitutionally. The debate on division cannot hang forever over our heads as a tool for manipulating or negotiating the manner in which we govern ourselves. There has to be very clear direction and that clear direction has to come from the public.

#### Other Political Issues To Be Addressed

The other thing that I want to say is that in resolving what I consider to be an issue, that either we are dividing, or if the voters say "No", then I believe that the issue should be set aside if the vote is "No". Then we proceed to deal with more substantial issues, with issues of the economy, with issues of social development and political development, recognizing, of course, that the issue of division will never, ever, leave us but also recognizing there is a need to address what might be some differences and some very serious political issues. The question of such things as developing the new constitution and the new regional governments have to be addressed. I know that the government has already embarked upon trying to deal with that direction. Those issues have to be addressed and whether or not the question of division arises in the future, we will have been able to address these and have resolved some of the differences and some of the questions and concerns that other areas have expressed.

One other point I wanted to make, it is interesting to note, Mr. Chairman, that in his statement, Mr. Sibbeston is prepared to make concessions, political concessions, during this discussion, but yet there are still some outstanding issues. He refers, for instance, to Fort Liard as being

distant from Yellowknife. He refers to the fact that they are concerned about the government. Yet when I see the things that the government is doing now, and in particular, the manner in which they are treating the different cultural groups in the North, then I have to question whether or not there is seriousness; whether or not Members in this House are going to seriously deal with what you might say are minorities.

Loucheux Cultural Centre Must Report To Slavey Cultural Institute

I can point to this, that in the case of dealing with the development of a particular culture or language, we are prepared, in this government, to protect and establish two major cultural centres to protect the Slavey languages, yet the only way we deal with the Loucheux is to establish a minicultural centre that has to report to a Slavey cultural institute. If that is a sign of the manner in which the West is going to deal with their minorities, then I, too, will have to express the same type of concern that the Member for Nunakput has expressed in this House; when the Dene cannot deal with recognizing that there are those minorities and that those minorities have to be protected as much as the majority groups are protected, in a particular jurisdiction. That is just a slight example, but if that is to be a reflection of the manner in which we treat minorities, I think that we have to seriously address that issue. We have to address it in terms of how we deal with minorities, how we protect their interests, how we ensure that we do not have a situation of particular groups undermining other groups. I can say that in terms of those, we certainly have to improve our relationships.

With regard to the agreement itself, I do not have much problem with the issues. I am not sure what a no vote would mean if it was against the boundary. I would assume that if one was to interpret that, certainly from my perspective a no vote against the boundary that has been proposed would be a no vote against division. But from the documentation that is placed before us, that was not very clear. That was not clear to me and it has not really been made clear to the public. I think that is an issue that maybe the chairman or the chairpersons of the forums could have dealt with, but unfortunately they are not here. Could I ask the representatives on the forums from this Assembly whether or not they might be able to interpret, if a no vote took place during the plebiscite, what that would mean?

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Nerysoo. Mr. MacQuarrie.

Implications Of Voting To Not Accept Proposed Boundary

MR. MACQUARRIE: I am just responding to a question that the Member asked. It is clear that the plebiscite recommended by the alliance is a plebiscite that does not have to do with the question of division itself, but rather anticipates that people have spoken on the matter of division and the question then is: Is this an acceptable boundary for division? That is the question. I have to say that if it were clear that people would not accept that boundary as a boundary for division, some very important other questions arise. And that is, if that boundary is not acceptable, can the Constitutional Alliance suggest another that is more acceptable? And based on what I have seen from the meetings I have attended -- and that is all of them -- the answer is clearly, no. The alliance is not going to be able, a week later, to come up with a better line and put that to the people.

Because the alliance clearly could not do that, it is also probable that the federal government would recognize the no vote as a signal of lack of progress in the matter of division and probably would decline to fund further any work in that direction -- although it may be willing to fund further work on constitutional development within a united territory, for example. I am not saying they would shut that out.

But the short run of it is, that even though a no vote would be "No" just against the boundary, it would in fact raise very serious questions about the matter of division itself. And it seems quite clear that that matter would be set aside by some for some period of time.

Chairman's Ruling On Point Of Order

CHAIRMAN (Mr. Wah-Shee): Thank you. In regard to the point of order raised by Mr. Butters to the Chair, I wish to respond to Mr. Butters' question. I find that this type of question on process is not the type of question the chairman of the committee of the whole is required to give an opinion on or rule on. Therefore I rule your question to the Chair out of order. General comments. Mr. T'Seleie.

---Laughter

MR. T'SELEIE: Mr. Chairman, I was sort of looking forward to your ruling, but you never really ruled anything. I have a question for Mr. MacQuarrie about the agreement, because it seems to me that if the boundary goes to a plebiscite, that the line that we have contained in the agreement on the map has to change. My understanding is that in the plebiscite question, that the map that will be attached to the plebiscite question will be different from the one that is in the agreement. It will be a line that is agreed to between the TFN and the Dene/Metis. I would just like to ask Mr. MacQuarrie whether my understanding is correct on that.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie.

Boundary Will Be That Ratified By The Dene/Metis And TFN

MR. MacQUARRIE: Mr. T'Seleie's understanding is correct. That map was attached merely as a representation, and not even an exact or accurate one, of the tentative agreement that is on the table now. But it is clear that that agreement says what would be put to the people is whatever is ratified by the Dene/Metis on the one hand and TFN on the other. So if it differs from what you see in this representation here, then clearly there will be changes. It will be that ratified boundary that will be on the plebiscite as a map.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, I want to make a general comment on the regions and the whole notion of regionality. I think that is something everyone should recognize, that in the North we have so many special regions and, as the population of every region grows, in the future there will be a continued push for regional governments, for strong regional governments. I do not think that this should be something that we close our minds to. People of different regions want to be heard, want to develop their own special identities, or whatever. I think in this debate it has come out, at least to me it is clear, that there are strong feelings of regionality and that is something that we should recognize and in the future try to deal with. If we think back on the presentation that was made to us by the Inuvialuit and their statement that no matter what the rest of the NWT thinks, they do not want to see the decisions of all the people applying to them, I think that that statement in itself is probably about the strongest statement that you will get on the notion of regionality from any group of people. I think it is short-sighted not to accept that.

I think that there are other factors in there. There is geography; the North is so big with so many different regions. As much as we like to think that we are all one big happy North or whatever, that is really not the case. So that is the general comment I would like to make.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. One last shot at it, I guess. First to deal with some things that Mr. Curley said earlier today about compromises. He said the WCF never made any compromises. I say Mr. Curley is wrong. He seems to imply that somehow the negotiators for the NCF were weak and ineffectual. Well, many days, I sat across the table from John Amagoalik and Bob Kadlun suffering the slings and arrows of outrageous fortune. I would tell you that they are hard-driving negotiators. But it is simply true that when they were sitting across the table from WCF, they were not sitting across from a bag of marshmallows either, that was just waiting to be opened and gobbled up. Everybody in that process had to make compromises. And everybody did make them. And to begin with the WCF made them.

Compromises Made By WCF

The biggest compromise for western people was to sit down in the first place and agree to work toward division. Because if you identified the various peoples in the West, not one of them sees a direct and obvious advantage in dividing the Northwest Territories. But they were pressed to do it, and did it. And that was a compromise, willing to sit seriously to discuss it even though on the face of it, there were no advantages to anybody to do it. Certainly not to the Dene/Metis, who were going to be a minority in a western territory, which was obvious to them from the start. Certainly not to many non-native people who seriously feel that perhaps the stronger power can be maintained vis-a-vis the federal government by remaining united. So, that was a compromise in itself and a very significant one. Then the compromise was made when the majority of the western members agreed to put it to a plebiscite in the first place.

HON. TAGAK CURLEY: (Inaudible comment)

MR. MacQUARRIE: Yes.

MR. McCALLUM: And it went through.

MR. MacQUARRIE: But if the compromise had not been there, that vote would never have carried, Mr. Curley.

MR. McCALLUM: That is right.

MR. MacQUARRIE: Compromising, right from the start.

MR. McCALLUM: Exactly.

MR. MacQUARRIE: I blush to say it, but...

---Laughter

...another significant compromise, when we first went into negotiations, was people telling us that there had to be a straight north/south boundary and that that was all there was to it.

MR. McCALLUM: We should have had that too, really.

MR. MacQUARRIE: And it is not there. We did not come away with it reluctantly. We had to make our compromises as well. Everybody in the process has, to try to accommodate everybody else, I guess.

Even myself, a personal compromise, somebody who was not and I suppose is not, in a sense, a supporter of division. Yet with the plebiscite indicating that the people want division and the Assembly saying that there ought to be, if the people want it, I have worked toward it. So, in a sense, that is a compromise as well. Everybody has made them in this process.

#### No Better Boundary To Result In Maximum Satisfaction

We have heard a number of criticisms of the boundary that is proposed. I do not belittle those, because in a sense none of the criticisms surprise me. As a negotiator, having heard the great many arguments and concerns before we engaged in the process, I was aware of where the concerns would be and knew, when we brought that boundary to the Assembly, that there would be certain criticisms. But, I say this, that if you want division -- and I might say as an aside, if there are some who do not want division, pure and simple, I for one wish you would say that straight out and not take oblique stands that are not clear. But, if you wish division, then that is the best possible boundary. The question is, "Criticize it if you wish, but is it..." and I ask this of those of you who say that you dream for a greater Nunavut, I ask you, "is it possible to get a better boundary that will satisfy more people than this one does?" and I say the answer is "No." Unequivocally "No."

Well, if Mr. Pedersen, and he is saying yes, then I hope that he will inform the media immediately after this session as to precisely what that boundary is, and I hope he will sign up for one of the forums and enlighten the rest of us as well. As a matter of fact, I wish that he had done so a couple of years ago and I would not have as many grey hairs as I do now. I see that there is not. If you want division, there is not a better boundary than this, that will result in the satisfaction to the maximum number of people.

MR. McCALLUM: Right on.

MR. MacQUARRIE: That is the real question. Not whether there is something wrong with this, but can you get more support than this? I say "No."

AN HON. MEMBER: Bye-bye.

MR. McCALLUM: Well, I would like to go a little further -- have rights -- I agree, get more. But they would not give us more.

CHAIRMAN (Mr. Wah-Shee): Order, please. Order! Mr. MacQuarrie, you have the floor.

MR. MacQUARRIE: Thank you very kindly, Mr. Chairman, but I did not really feel that I had lost it.

MR. McCALLUM: I did not either.

MR. MacQUARRIE: Those little asides do not bother me very much...

MR. McCALLUM: They bother Mr. Stewart.

MR. MacQUARRIE: ...as they do the Speaker, yes.

Morally Unacceptable For Assembly Members To Evade Making Judgment

A second important point that I want to make is that quite a number of times over the past couple of days, I have heard Members saying somehow -- and I have not got that straight in my head yet -- but somehow the Assembly really should not say what it thinks about this agreement but still somehow there should be a plebiscite to let people say what they think about the agreement. To me, I say that that is just not acceptable. I say that Members in this House cannot be allowed to evade making a judgment on what it commissioned some of us to do. It is morally unacceptable to do such a thing as that, to send some out to do a job and then refuse to evaluate it when they come back.

A second reason that must not be allowed to occur is that the agreement itself, in order to fulfil the obligations in the agreement, would demand that the Assembly state its approval for the agreement. That is demanded of each of the other parties and there is no way that the Assembly can excuse itself in that process. As I have said before, but I will say again, if any one of the other parties would not approve the agreement, then the agreement will not lead to a plebiscite. The agreement is dead. How much more so, that should apply to this Assembly as well. If this Assembly will not approve the agreement, then there should be no plebiscite. The agreement is dead.

MR. McCALLUM: Hear, hear!

Agreement And Timing Are Good

MR. MacQUARRIE: There are perhaps a couple of other points that I want to make, not so much as a Member of the WCF but as a westerner and as a representative of westerners. I keep hearing Ms Cournoyea, Mr. Pedersen, Mr. Curley, Mr. Wray, say that this boundary is simply not acceptable. They say it is not acceptable because it does not fulfil the dream of a greater Nunavut. I will ask them as a westerner then, just to clarify for my own people -- and I am just asking it rhetorically now, but I will expect that it be answered soon -- I ask as a westerner, are you telling us -- obviously these Members are saying, Mr. Chairman, that they will not support the agreement, they will vote "No" in a plebiscite, and presumably they will encourage other people to vote "No", and presumably if they want that point of view to prevail, they will encourage westerners to vote "No", just to ensure that the whole thing loses. Well, I think, before that time, westerners would like them to answer this question: Are you saying to them that if they vote "No" to this boundary, that they will then hear from you over the next four years and eight years, that there must be division of the Northwest Territories along a tree line boundary? That is what I am hearing you say and I would appreciate it if you would clarify that for westerners. It seems to me that that is the position and I think westerners would like to know.

MR. McCALLUM: Time for a commercial.

MR. MacQUARRIE: Time for a commercial, go ahead, Mr. McCallum. I think those are the major points that I would like to make. I feel that based on the best evidence we have had over the years -- and without being told by Members who are now expressing concerns that they had those concerns a year ago or two years ago and that perhaps we should cease what we were doing or modifying what we were doing -- based on the best evidence we have had, we have brought back to this House an agreement that has provisions for constitutional development and it has a proposal for a boundary to divide the Northwest Territories. All things considered, I believe that it is a good agreement.

Another question I suppose that aboriginal people ought to ask themselves is: Is there a better time? Well, first of all on the boundary, is it assumed that at some time in the future there will be a better time to get a greater Nunavut? I do not think so. At some time in the future, will there be a better time for aboriginal people to have full participation in a constitutional

process? Is there a better time than now? I say, I do not think so. This is the moment; things will change. So, lying on the table before Members is something that would permit the opportunity for significant change. Perhaps significant progress for all people. Again, for someone who does not believe in division, I am not someone who will try to persuade them that they must believe in division. But I do say to those that believe that it is desirable or believe that it is necessary, that I would recommend that they go for this agreement because it is a good agreement in many respects.

CHAIRMAN (Mr. Wah-Shee): Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, would you be so kind as to put my question to our Law Clerk? The question I addressed to the Chair which the Chair did not feel was fair to be made. I do believe that we do have a Law Clerk in our employ and maybe my question could be dug out of the debate record by him and responded to.

CHAIRMAN (Mr. Wah-Shee): Mr. Butters, Members of this committee can pose questions to the Law Clerk at any time and it is not necessary to do so through the chairman of the committee of the whole. Mr. Curley.

Motion To Extend Sitting Hours, Defeated

HON. TAGAK CURLEY: Mr. Chairman, I was going to move that we extend the sitting hours in order to complete general comments and I would now move that we extend the hours for the general comments until they have been concluded today, beyond 6:00 p.m.

CHAIRMAN (Mr. Wah-Shee): Your motion to extend the sitting time to deal with the matter at hand is always in order and it is not debatable. All those in favour? Opposed, if any? Motion is defeated.

---Defeated

General comments, Mr. Curley.

Motion To Report Progress, Carried

HON. TAGAK CURLEY: Mr. Chairman, I move we report progress.

CHAIRMAN (Mr. Wah-Shee): Motion is in order and is not debatable.

MR. MacQUARRIE: Point of order.

CHAIRMAN (Mr. Wah-Shee): Point of order, Mr. MacQuarrie.

MR. MacQUARRIE: Perhaps it is a question of order. If this were carried does that mean that this item is first in committee of the whole tomorrow then? Is that correct?

MR. McCALLUM: That is right -- until we agree it is concluded. Would you believe 1991?

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie, if this motion for progress is carried then the matter would remain on the order paper for tomorrow. All those in favour? Opposed, if any? Motion is carried.

---Carried

The Chair will report progress.

MR. SPEAKER: Mr. Wah-Shee.

ITEM 16: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF TABLED DOCUMENT 1-87(1), BOUNDARY AND CONSTITUTIONAL AGREEMENT FOR THE IMPLEMENTATION OF DIVISION OF THE NORTHWEST TERRITORIES BETWEEN THE WESTERN CONSTITUTIONAL FORUM AND THE NUNAVUT CONSTITUTIONAL FORUM

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MR. WAH-SHEE: Mr. Speaker, your committee has been considering Tabled Document 1-87(1); I wish to report progress.

Motion To Accept Report Of Committee Of The Whole, Carried

Mr. Speaker, I move that the report of the committee of the whole be concurred with.

MR. McCALLUM: I second.

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

SOME HON. MEMBERS: Agreed.

---Carried

MR. SPEAKER: Mr. Clerk, announcements and orders of the day.

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. I have been asked to advise the Members who are going to Fort Smith tomorrow that a bus will be leaving the front of the building immediately after adjournment tomorrow.

ITEM 19: ORDERS OF THE DAY

Orders of the day for Friday, February 27th, at 10:00 a.m.

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: Tabled Document 1-87(1); Bills 1-87(1), 7-87(1), 6-87(1)

18. Report of Committee of the Whole

19. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Friday, February 27th at 10:00 a.m.

---ADJOURNMENT

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