

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
9TH ASSEMBLY, 3RD SESSION

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The Ministers at the regional
level of the Government
and rights and interests

**ABORIGINAL RIGHTS AND CONSTITUTIONAL
DEVELOPMENT IN THE NORTHWEST TERRITORIES**

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A Sessional Paper presented to the
The Honourable Second Session of the Ninth Legislative
Assembly of the Northwest Territories
and approved by the Executive Committee of the
Government of the Northwest Territories.

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ABORIGINAL RIGHTS AND CONSTITUTIONAL DEVELOPMENT IN THE
NORTHWEST TERRITORIES

I. Introduction

The purpose of this paper is to suggest ways to begin implementing the principles, expressed by the first session of the Ninth Legislative Assembly, of fostering co-operation and constructive dialogue between this Assembly and the native organizations with respect to the two fundamental issues of Aboriginal Rights and Constitutional/Political Development in the Northwest Territories.

As a result of the Executive Committee review, initiated at the request of the Assembly, it is recommended that the Assembly provide general direction about these issues at this time.

The paper presents a brief overview and recommendations for a new role for the Assembly and the Executive Committee on this issues.

II. Overview

The Ninth Assembly has identified that:

1. Aboriginal Rights and Constitutional/Political Development are fundamental issues requiring the development of understanding and the initiation of positive action as quickly as possible, in order to achieve the worthwhile objective of substantial resolution during the term of this Assembly.
2. Although these issues have been dealt with in various separate forums they are fundamentally and perceptually inter-related.
3. While the legislative competence for these issues ultimately rests with the Parliament of Canada, the Assembly recognizes that their harmonious resolution within the Territories can be best achieved through the development of co-operation and mutual trust between the Assembly, the native associations and all residents in the Northwest Territories.
4. A Special Committee of the Assembly on Unity has been established to deal with certain aspects of these issues. The Executive Committee is committed to close co-operation with, and support for, the work of that Committee.

III. Recommendations

In order to develop constructive dialogue and mutual trust between the Assembly and the native associations, it is recommended that:

1. The Legislative Assembly recognize aboriginal rights. Such aboriginal rights are to be more precisely defined through a process of negotiation between the federal government and the NWT native people.
2. The Legislative Assembly reaffirm its commitment to the expeditious resolution of aboriginal rights through negotiation between the federal government and the native people. Notwithstanding this affirmation, the Assembly asserts that the NWT government may have an interest in the consequences of final aboriginal rights agreements, and declares that the foregoing affirmation does not preclude the possibility of its participation in negotiations should such participation be agreeable to all parties concerned.
3. This Assembly recognize that aboriginal rights negotiations may deal with certain matters relating to constitutional development. The Assembly supports the right of the native associations in making certain assumptions in their

aboriginal claims negotiations about making major changes to the present government system of in the Northwest Territories as outlined in their respective land claim proposals.

4. Informal dialogue with the native associations be initiated by a Minister of the Executive Committee, appointed by the Executive Committee to:
 - (a) seek out areas of commonality;
 - (b) identify issues where the native associations can be supported by the Legislative Assembly either directly within its own legislative jurisdiction or within other jurisdictions;
 - (c) identify issues where the native associations can support the Legislative Assembly either directly or indirectly;
 - (d) identify areas and processes whereby outstanding issues relating to aboriginal rights and constitutional/political development in the Northwest Territories could be resolved.
5. From this informal dialogue the Minister responsible will bring forward recommendations to this Assembly and to the

"Unity Committee" which have been endorsed by the respective native associations and the Executive Committee on how this Assembly and the native associations can proceed co-operatively on the issues of Aboriginal Rights and Constitutional/Political Development.

6. As a demonstration of the Assembly's commitment to constructive dialogue, the Memorandum of Understanding on the Role of the Government of the Northwest Territories in the Claims Process between the Minister of Indian Affairs and Northern Development and the Commissioner, signed October 1978, be reviewed by the Territorial Minister responsible and the Northwest Territories native associations, with a view to obtaining their concurrence to amendment or termination.

7. Until the Assembly receives the recommendations of the responsible Minister, and adopts more detailed positions, the responsible Minister in consultation with the Executive Committee is given authority to take action he deems necessary to achieve the intent and spirit of the aforementioned recommendations and shall report all such actions to the Assembly, or between sessions, to all members. Such actions may include, by way of example:

- advising appropriate Ministers at the federal, provincial and territorial levels of the Assembly's position on issues of aboriginal rights and constitutional/political development;
- studying issues and monitoring progress related to constitutional development on a Northwest Territories-wide basis, bearing in mind that "aboriginal rights" are being negotiated regionally, and are at different stages of resolution in the Northwest Territories.

8. The Minister shall, at his discretion, have made available to him whatever resource staff he requires to carry out his duties, and in accordance with his mandate will recommend to the Executive Committee any organizational changes required within the territorial administration to facilitate the aims of this paper.