

LEGISLATIVE ASSEMBLY OF THE  
NORTHWEST TERRITORIES  
9<sup>TH</sup> ASSEMBLY, 4<sup>TH</sup> SESSION

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TABLED ON MARCH 13, 1981



Northwest Territories Minister for Aboriginal Rights & Constitutional Development

January 30, 1981

The Honourable John C. Munro, P.C., M.P.,  
Minister of Indian Affairs and  
Northern Development,  
Terrasses de la Chaudiere,  
Ottawa, Ontario.  
K1A 0H4

Dear Mr. Munro:

The Executive Committee of the Government of the Northwest Territories has carefully reviewed the letter of December 24, 1980, to Senator Steuart regarding the COPE Agreement in Principle, and the Negotiations to a Final Agreement. We have also considered the implications of your letter for the residents of the Northwest Territories and this government.

We feel this is a very serious situation and we question the wisdom of the course of action being considered by yourself and Senator Steuart.

As you know, this Agreement has put great importance on the early settlement of Native Land Claims in the Territory. Mr. Drury observed, as have most residents of this Territory, that both political and economic development will only be possible and meaningful when these outstanding land claims and rights have been successfully negotiated and settled. It is the Executive's view that any delay in the resolution of these legitimate claims will only serve to compound and prolong the uncertainty with respect to the political and economic development of this Territory.

The Legislative Assembly and the Executive have worked very hard to foster a good working relationship with the Native Associations for the settlement of their claims. We have endorsed the fundamental principle that the negotiations are primarily between the native people and the Federal Government. This Government is to act in support of both of the parties to achieve a desirable settlement and has agreed to participate as part of the Federal Team. We are therefore dependent upon you and your government to take the lead and settle these outstanding claims in a responsible fashion.

...2

The Honourable John C. Munro

January 30, 1981

We interpret your letter of December 24 as directing the Chief Government Negotiator, Senator Steuart, to break or significantly alter certain aspects of the Agreement which was signed in 1978 with cabinet approval.

We are aware of the understandings between COPE and you as to the negotiating process. For you to alter Canada's Agreement with COPE without their consent would appear to be a serious breach of the Agreement and the commitment of Cabinet. This falls into question the credibility of the Federal Government to honour its agreements and honour its understanding about negotiations.

The last treaty between the Federal Government and the Indians was signed in 1921 and pertained to lands in the Mackenzie River Valley. This agreement as with other historical treaties has been subjected to numerous breaches which is a well known, sad fact of history. Our residents demand that contemporary governments not repeat these historical breaches of faith.

This could have very serious implications for this government and the residents of this Territory.

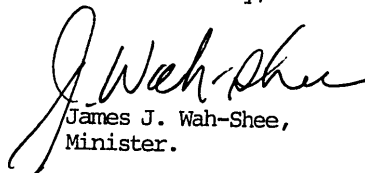
I would be surprised if COPE were to continue negotiations in these circumstances. Given that the Agreement in Principle is within the parameters of the August 8, 1973 claims policy set by the Federal Government and since the COPE negotiations are by far the most advanced, such a breakdown might seriously jeopardize the entire land claims process in the N.W.T. and Yukon.

Given the present optimistic climate for settling the claims of Inuit Tapirisat of Canada and the Dene, which this government has worked very hard to facilitate and the priority this government places on settling claims, a breakdown of Federal responsibility would not be in the best interests of the Northwest Territories.

If your government reneges on its agreement with COPE, it would, in my mind, seriously bring into question the federal commitment for other negotiations between our governments and native associations on constitutional and economic development matters.

We understand that you are to meet with COPE in the near future. We trust that you will continue to honour the obligations of Canada. The progressive development of this Territory might well depend on your success with COPE.

Yours sincerely,

  
James J. Wah-Shee,  
Minister.

c.c. -To Presidents of all N.W.T.  
Native Groups;

-Mr. Michael Kirby.



Northwest  
Territories Leader of the Elected Executive

February 25, 1981.

The Honourable John C. Munro, P.C., M.P.,  
Minister of Indian Affairs and  
Northern Development,  
Government of Canada,  
Les Terrasses de la Chaudiere,  
10 Wellington Street,  
OTTAWA, Ontario.  
K1A 0H4.

Dear Mr. Munro:

The purpose of this letter is to elaborate further on correspondence sent to you by my colleague, the Honourable James Wah-Shee, on January 30, 1981. The correspondence I am referring to expressed the Executive Committee's concern about the impact which your instructions to Senator Steuart are having on aboriginal rights negotiations with C.O.P.E. and the precedent which your action sets for the substance and process of aboriginal rights negotiations with other native organizations in the Northwest Territories. Further, Mr. Wah-Shee's letter referred to the manner in which your action has been interpreted in light of other federal responsibilities concerning political and economic development in the Northwest Territories. Suffice it to say that Mr. Wah-Shee's letter was a strong expression of our concerns and reactions. It was intended to be, just as are the statements I will be making to you in this letter.

First, I want to stress that Mr. Wah-Shee's letter expressed a major concern about the aboriginal rights negotiations process, not only as it related to C.O.P.E., but also to other native organizations just beginning their negotiations. In general terms, native people and native organizations must have complete confidence in the credibility of the process, particularly in terms of the federal and territorial commitment to reaching the result we all desire; that is, the settlement of outstanding aboriginal rights. We believe that while little headway has been made in C.O.P.E. negotiations, your instruction to Senator Steuart has further damaged the credibility of the claims process and prior federal commitments. Unfortunately, this action was taken at a time when we were looking forward to having three negotiations proceeding at the same time. In this respect I would urge you, as has my colleague Mr. Wah-Shee, to

..2

The Hon. John C. Munro

February 25, 1981

appoint a negotiator to begin work with the Dene Nation. We can only hope that credibility in the process and federal commitments can be restored so that negotiations can proceed in the near future. I note that by telex of February 13, you have invited C.O.P.E. to the negotiating table.

Second, the Executive Committee feels that your action was taken without consideration to its possible impact on our present political and economic condition which you and your officials must admit is a vast improvement on the decade of the 1970's. The Legislative Assembly and Executive Committee have worked very hard since our election in 1979 to improve the relationship between various groups and institutions in the North. I believe we have managed throughout the North to develop those conditions which allow for political and economic development during the time when claims negotiations are taking place. I believe the evidence, particularly in the area of mining, illustrates that everything need not come to a halt prior to the settlement of aboriginal claims. Mr. Minister, we do not wish to see native organizations take, or be seen to be taking, drastic legal action which will upset the balance and progress of the past year. To conclude this point, we are concerned that your action could produce such a reaction on the part of the native organizations and, given the composition of our Legislative Assembly, we may be directed to support the native groups in this respect.

Third, Mr. Minister, your action with respect to Senator Steuart's mandate has caused us to question the commitment of your Office of Native Claims and the Claims Policy Committee to work jointly with us on claims negotiation matters affecting the North. My government agreed to participating in negotiations as a member of the federal team. Your action, without any personal consultation with my colleague, Mr. Wah-Shee, or the Executive Committee, suggests that the federal government is not living up to the spirit of the agreement between our two governments in this area. Further, Mr. Wah-Shee has advised me that you have not contacted him about the recent review of comprehensive claims policy and your upcoming statement on claims before the N.W.T. Association of Municipalities. How are we to work jointly on a team when you do not consult with the appropriate territorial Minister on issues of great significance to the Northwest Territories? We are anxious to play our proper role in future negotiations.

Further, and on the matter of comprehensive claims policy, I would hope that your recent review will clarify for all of us in the North the extent to which the federal government is prepared to go in settlement of claims. As one who has a personal and in-depth knowledge of the policy and its interpretations by various Ministers

The Hon. John C. Munro

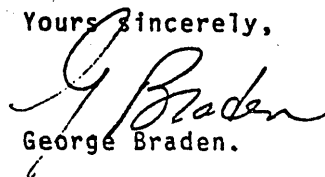
February 25, 1981.

during the past seven years, I feel such clarification is absolutely necessary. Had this been done back in 1973, perhaps we would have avoided much of the frustration and misunderstanding surrounding the policy and its application. We may also have been able to avoid the present stalemate with C.O.P.E. and what appears to them to be an action to renegotiate or step-back from prior federal commitments.

Fourth, your actions with respect to claims negotiations and other examples such as federal proposals in Bill C-48, have caused us to question the federal commitment to meaningful progress in constitutional and economic development in the Northwest Territories. I believe that the present Legislature and Executive in the Northwest Territories is committed to making substantial progress in the life of our present Assembly and in the life of the present federal government. We do not wish to experience the frustration and lack of progress which characterized the 1970's. Nor do we want to get involved in a relationship which reflects the present conflict between the federal government and certain provincial jurisdictions. I trust that we can ensure a positive working relationship through close co-operation and communication in the future.

To conclude, Mr. Minister, I hope that this letter clarifies some of the concerns expressed by the Executive Committee through my colleague, Mr. Wah-Shee. You can be assured, Mr. Minister, that I and my colleagues wish to see the present stalemate resolved with C.O.P.E. and that we wish to participate constructively in all future negotiations. The N.W.T. Government obviously continues to have concerns with the C.O.P.E. Agreement in Principle. These concerns have been, over the past few months, expressed through a variety of forms, including direct representation to C.O.P.E. In the future, as the negotiations proceed, we expect to be able to continue to voice our concerns which we will address in a similar fashion. However, we do not expect that all of the N.W.T. Government's concerns will ever be resolved to our complete and total satisfaction. That is to say, Mr. Minister, we recognize negotiations involve give and take and some sacrifices and gains on the part of all parties involved. Most importantly, negotiations, particularly with native people on their aboriginal rights, require that government develop and maintain a credible process and commitments. The experience with Treaties in our territory and southern Canada demands no less.

Yours sincerely,



George Braden.



