



CONSTITUTIONAL ALLIANCE

OF

THE NORTHWEST TERRITORIES

PROGRESS REPORT

January 1987-October 1988

Prepared for presentation to the Northwest Territories Legislative Assembly at its fall Session commencing October 12, 1988

**Constitutional Alliance of the Northwest Territories****Progress Report: January 1987-October 1988**

January-March 1987

On January 15, 1987, at Iqaluit, the Western and Nunavut Constitutional Forums signed an agreement on the boundary for division of the Northwest Territories. The Inuvialuit were not signatories to the this agreement. Its main components were:

- a boundary which places the Dene-Metis and Inuvialuit land claims areas in the west and the Inuit land claims area in Nunavut
- a ratification process which included an NWT-wide plebiscite as soon as possible
- principles for constitution building by the two forums for the two new proposed territories.

On March 12, the Legislative Assembly voted to approve the agreement, 17 to 3, with 3 abstentions. It was also moved that a plebiscite be held May 20, 1987 on the proposed boundary. The plebiscite would not take place if the agreement was not ratified by the aboriginal groups before April 1, 1987.

The Dene-Metis and the Inuit could not agree on a claims boundary before the April 1 deadline. The dispute centered on traditional hunting areas in Keewatin.

April 1987-March 1988

No plebiscite took place. Federal funding was reduced and the work of both forums wound down. The NCF ended up about \$100,000 in the red, according to a recent audit. The WCF stayed afloat by running a bare-bones operation.

Metis Association President Mike Paulette became chairman of the WCF. The forums appealed to the GNWT for funding of \$75,000 each in September 1987.

A Territorial election was held in October, and a new GNWT Executive was appointed November 12. This Executive decided not to fund the forums, on the grounds that this was a federal responsibility.

Mr. Paulette also appealed to the new Legislative Assembly to show its support for the Constitutional Alliance by appointing representatives to the two forums. Dene-Metis negotiators were close to an Agreement in Principle with the federal government on

the land claim. It was thought that the Dene might not ratify the agreement without complementary political guarantees.
On March 31, 1988, federal funding to the NCF and WCF ran out.

April-August 1988

By April of 1988, the Dene-Metis AIP was imminent. The GNWT agreed to fund a meeting to revive the Constitutional Alliance.

On April 10-11, representatives from the Legislative Assembly and the aboriginal organizations agreed that the Alliance should continue as the sole body responsible for political and constitutional development in the Northwest Territories. Substantial work could be done without prejudicing division.

Inuvialuit Regional Corporation Chief Councillor Roger Gruben stated that the Inuvialuit would participate in the Alliance as full members, a change from their previous status as observers.

An April 21, the Legislative Assembly appointed MLAs Steve Kakfwi, Peter Ernerk, Titus Allooooloo, and Tom Butters as the Legislative Assembly representatives to the Alliance, with Ludy Pudluk and Richard Nerysoo as alternates. These appointments were formally accepted at the next Alliance meeting, April 30-May 1.

Meanwhile, a resolution was passed at the Inuit Tapirisat Annual General Meeting April 25-29 to transfer the responsibility for constitutional development in Nunavut solely to the Tungavik Federation of Nunavut from the NCF. ITC is therefore not represented on the Alliance; TFN is permitted two members. Each of the other organizations has one member on the Alliance.

A Statement of Agreement and a short-term action plan were adopted. Members agreed to develop a single body of principles for future constitutional arrangements in the NWT. The principles will recognize and protect the right to aboriginal self-government within public government. Members, except for the Inuvialuit, stated their continuing support for the Iqaluit Agreement.

The Alliance requested five months' funding of \$134,000 from GNWT. The GNWT Executive agreed to provide \$94,000. This amount excluded costs internal to the aboriginal organizations and meeting honoraria. The government will be bringing forward a Supplementary Appropriations bill in this Session to cover the expenditure.

The federal Minister of Indian and Northern Affairs indicated by letter that he was willing to fund the Alliance if they came up with an acceptable long-term work plan.

The Alliance met again June 26-27 to approve its own internal constitution and by-laws for registration as a society under NWT

law. Members participated in two conference calls between this meeting and the next to identify issues for discussion.

September-October 1988

At the September 25 and 26 Alliance meeting, members directed that a short paper describing principles for devolution and the role of the Alliance be presented to the Legislative Assembly. Aboriginal members were concerned at the lack of consultation by the GNWT prior to signing the Northern Energy Accord enabling agreement.

Members outlined their positions on aboriginal self-government:

-**Dene Nation** President Bill Erasmus noted the Hay River Dene Assembly's support of the Alliance and the Iqaluit Agreement, along with interest in federal-aboriginal community self-government agreements. He would be seeking further direction from the Dene leadership during the week of October 3.

-**TFN** representatives Jack Kupeuna and Donat Milortuk indicated that the Inuit position on the creation of Nunavut had not changed.

-**IRC** Chief Councillor Roger Gruben stated that there were sections of the Iqaluit Agreement the Inuvialuit could now work with.

-**Metis Association** President Mike Paulette said he thought Dene-Metis people were more concerned with controlling what happens on Dene lands, than with comprehensive government programs.

- **MLA Tom Butters** summarized the **Legislative Assembly** representatives' position as supportive of aboriginal rights.

The Alliance approved a long-term work plan that would allow members to develop their own positions to the end of December, 1988; meet as the Alliance in January to consolidate common principles; conduct community consultation; and finalize the common principles in March.

The Dene-Metis and TFN agreed to complete work on the boundary issue by the end of March. This would permit a plebiscite in 1989-90. The amended workplan and budget for 1988-89 was approved for presentation to the Minister of Indian Affairs as soon as possible.

Mike Paulette and Titus Allooloo were appointed co-chairmen of the Alliance, with Tom Butters as secretary-treasurer. The Alliance also received a briefing on the Executive Council's Sessional Paper on political and constitutional development.

Messers Paulette and Bill Erasmus took the long-term action plan and budget proposal to Ottawa on September 29. Early indications are that INAC will fund about \$200-300,000 of the total \$453,500 in federal support requested. The money is expected to come from \$300,000 set aside for boundary ratification and from \$46,000 held in trust for the Western Constitutional Forum for the same purpose. The NCF debt of approximately \$100,000 may be deducted from the total funding.

A total of \$144,000 was requested from GNWT, including the \$94,000 already provided and about \$50,000 worth of in-kind services such as translation and publication.

Summary of Recent Progress

1. The Western and Nunavut Constitutional Forums have regrouped as a single body, the Constitutional Alliance. Inuit agreed to be represented by one organization only, the TFN. Both Ministers of Aboriginal Rights and Constitutional Development have participated in Alliance meetings, along with the other Legislative Assembly representatives. These factors make the new Alliance streamlined, co-ordinated and effective.

2. All members have demonstrated a strong commitment to the Alliance process. Funding for internal staff work and meeting honoraria was not provided. Nevertheless, aboriginal leaders and Members of the Legislative Assembly have participated fully, often meeting on weekends.

3. There has been significant movement in members' positions towards the necessary common ground. Both the Dene-Metis and the Inuit recognize the urgent need to determine a claims boundary. They are prepared to resolve this issue by the end of March. The Inuvialuit have now stated that there may be certain portions of the Iqaluit Agreement that they find workable.

4. Members have presented a workplan and budget for the coming year that has met with the partial approval of the federal government. Alliance members plan to develop their individual constitutional positions to December; meet in January to exchange views and develop common principles; consult their constituencies and the public, and publish the common principles by March. A boundary plebiscite could be held in the following fiscal year.

Recommendation

Prospective Dene-Metis and TFN land claim beneficiaries have said that final claims agreements will not be ratified without progress on aboriginal self-government, including, for the TFN, Nunavut.

If the Legislative Assembly does not support the Alliance, the aboriginal groups are likely to go their own ways. Federal-aboriginal community self-government agreements or an appeal for federal arbitration on division are among their possible routes.

It is therefore recommended that the Legislative Assembly of the Northwest Territories indicate its support for the work of the Alliance, re-affirm the Iqaluit Agreement and ensure that its representatives to the Alliance are formally approved.

These actions would demonstrate the Assembly's continuing commitment to its historic goals of responsible government, economic development and social justice in the Northwest Territories.