

**TERMS OF REFERENCE**

**COMMISSION FOR CONSTITUTIONAL DEVELOPMENT**

**PREAMBLE**

People of the Northwest Territories have a strong interest in the development of their institutions of self government and in securing their democratic rights in a public government. They have stressed the importance of collective aboriginal rights and self government jurisdictions, individual rights, and community/regional government. They also want a redistribution of power between the federal, territorial and community level.

Given these circumstances it is imperative for the Government of the Northwest Territories and the other aboriginal groups to be prepared to describe in detail to their constituencies the possible shape of governmental structures in the Northwest Territories.

Recent meetings between representatives of the Government of the Northwest Territories, the Inuvialuit Regional Corporation, the Dene Nation, the Metis Association of the Northwest Territories, the Sahtu Dene/Metis Council and the Gwich'in Tribal Council to discuss the constitutional development process in the Northwest Territories has resulted in agreement to create an independent commission. The commission will develop a comprehensive constitutional proposal for those regions of the Northwest Territories remaining after the creation of Nunavut.

**DEFINITIONS**

**Commission for Constitutional Development:** A commission with the following terms of reference as prepared by the Committee of Political Leaders and funded by the Government of the Northwest Territories.

**Committee of Political Leaders:** An informal group of political leaders including representatives from the Government of the Northwest Territories and from the major aboriginal organizations in the western Northwest Territories.

June 5, 1991

JUL 04 1991  
Government of N.W.T.  
Yellowknife, N.W.T.



# Commission for Constitutional Development

## MEMBERSHIP OF THE COMMISSION

The Commission is comprised of four members and a chairperson. The members and the chairperson are appointed by the Committee of Political Leaders.

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## MANDATE AND OBJECTIVE

The ultimate objective of the Commission is to develop a comprehensive constitutional proposal for those regions of the Northwest Territories remaining after the creation of Nunavut for consideration by way of a plebiscite.

The Commission shall engage in a variety of activities to reach this objective including;

- researching a wide variety of existing documents relevant to the topic,
- public consultation including community visits and the convening of one or more constituent constitutional conferences if deemed necessary by the Commission,
- receiving formal submissions from aboriginal organizations and from other interested parties,
- hiring staff and consultants as required,
- consulting with but maintaining an independent status from the Committee of Political Leaders, and
- reviewing its draft reports with the Committee of Political leaders,
- submitting its final proposal to the public by way of a plebiscite.

The project will be divided into two phases.

Phase I will run from July 1991 to early 1992 and its primary purpose will be to provide the public with clear, basic information about constitutional development and the potential options available for the public to consider in preparation for the boundary plebiscite in 1992.



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7. The completion of a preliminary report by early 1992. Without limiting what the Commission might choose to include, the report should summarize the responses the Commission obtained from its community meetings and the starting principles and constitutional options should be reviewed with those responses in mind.

### STRUCTURE OF THE COMMISSION

The Commission shall be incorporated under the Societies Act. It shall receive its budget from the Government of the Northwest Territories by way of a standard contribution agreement. The Commission will hire its own staff, consultants, etc. and be responsible for its own financial policies, records and audits.

### RELATIONSHIPS WITH OTHER BODIES

Although independent, the Commission will be affected by other groups and it is therefore useful to clarify its relationship with these groups.

#### Legislative Assembly of the Northwest Territories

It will be necessary for the Legislative Assembly to pass a motion endorsing the Commission and directing the Government to assist in its establishment. It will also be necessary for the Assembly to pass a motion approving in principle the early 1992 date for a boundary plebiscite.

#### Government of the Northwest Territories

The primary role of the GNWT will be to identify funds for the Commission for 1991-92 and for the plebiscite, and to establish budgets for both during the current fiscal year.



## **Commission for Constitutional Development**

### **Individual Aboriginal Organizations**

Aboriginal organizations will participate directly in the constitutional development process as members of the Committee of Leaders and as groups receiving funds to prepare indepth positions on constitutional development.

### **Non-Aboriginal Community**

While having a right to participate fully in the process, the non-aboriginal community does not have an organization created specifically to represent their interests. The caucus of western non-aboriginal MLAs in the Legislative Assembly continues to be the most appropriate vehicle to represent generally the views and interests of non-aboriginal residents. In addition, non-aboriginal residents will be fully involved in the community meetings and in the constitutional conferences, and certain groups may be able to access some funds for independent research.

### **Communities and Regions**

The communities and the regions will be full and equal participants in constitutional development process and will be assured of at least two visits by the Commission for public meetings during its lifetime. Regions in particular may be eligible for some funds for research.