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Background Materials Regarding The Plebisite
On The Division Boundary
Type of Study: Reference Material
Date of Report: 1992
Catalogue Number: 10-1-25

BACKGROUND MATERIALS REGARDING THE
PLEBISITE ON THE DIVISION BOUNDARY

Sector: Land Claims Information

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10-1-25

Reference Material





BACKGROUND MATERIALS REGARDING THE
PLEBISCITE ON THE DIVISION BOUNDARY
TO BE HELD ON MAY 4, 1992

Background Papers to the Plebiscite - May 4th, 1992

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 - a) Nunavut and the West
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This material is meant to serve as an aid in interpreting the history of the plebiscite vote to be held on May 4th, 1992; a plebiscite to accept or reject the boundary line between the Tungavik Federation of Nunavut Land Claim, and the Dene-Metis and Inuvialuit Claim areas.

EVOLUTION OF THE BOUNDARIES OF THE **NORTHWEST** TERRITORIES

Division of the Northwest Territories is not a new idea. In fact, division of the Northwest Territories has been ongoing since 1870, two years after the British Parliament enacted the **Rupert's Land Act** which authorized the transfer of Rupert's Land and the "North-western Territory" to Canada. This Act said that the territory shall be known as the "North-West Territories". The area transferred included all the lands covered by the Hudson Bay and James Bay drainage systems as well that of Foxe Basin and Hudson Strait. In 1880 the remainder of the Arctic Islands were transferred and attached to the Northwest Territories. The prairie provinces, the northern portions of Ontario and Quebec, and the Yukon and Northwest Territories as we know them today were created out of this huge area.

- * 1870: The Province of Manitoba is established.
- * 1876: The District of Keewatin is established.
- * 1877: The District of Keewatin is reduced through the outward extension of Manitoba's boundary.
- * 1881: The District of Keewatin is again reduced through the further extension of the Manitoba boundary.
- * 1882: The districts of Assiniboia, Saskatchewan, Alberta and Athabaska are created for administrative and postal purposes.
- * **1884:** The first northward extension of the boundary of Ontario.
- * **1895: The unorganized districts of Yukon, Mackenzie, Franklin and Ungava are established.**
- * 1897: The first northward extension of the boundary of Quebec.
- * 1898: The Yukon Territory is established.
- * 1905: The provinces of Saskatchewan and Alberta are established.
- * 1912: The boundaries of Manitoba, Ontario and Quebec are again extended northward.
- * 1918: The final reorganization of the boundaries of Mackenzie Franklin and Keewatin occurs and the present configuration of the external boundaries of the Northwest Territories are established.
- * 1926: Arctic Islands Game Preserve (**AIGP**) is established encompassing the High Arctic Islands, northwestern Baffin Island and islands west to and including northeastern Banks Island and a small portion of the mainland.

- * 1929: The balance of Banks Island and part of the Beaufort Sea are added to the **AIGP**.
- * 1942: The balance of **Baffin** Island, Southampton Island, Coats **Island** and more of the mainland are added to the **AIGP**.
- * 1966: The AIGP is abolished by the Territorial Council **and its** area **is** encompassed within the same legislative framework as the rest of the Northwest Territories.

SEATS OF GOVERNMENT OF THE NORTHWEST TERRITORIES

- ★ 1870-1874: Fort **Garry**, Manitoba (**Winnipeg, Manitoba**) **is** the seat of government for the Northwest Territories.
- 1875-1877: Fort Livingstone, Swan River, Northwest Territories (**Kamsack**, Saskatchewan) **is** the seat of **government** for the Northwest Territories.
- 1877-1882: Battleford, Northwest Territories (Saskatchewan) **is** the seat of **government** for the Northwest Territories. •
- 1882-1905: Regina, Northwest Territories (Saskatchewan) **is the seat** of **government for the Northwest Territories**.
- **1905-1967**: Ottawa, Ontario is the **seat** of government for the Northwest Territories.
- 1967- **Yellowknife (NWT)** is the seat of government.

POLITICAL EVOLUTION OF THE NORTHWEST TERRITORIES

- * 1870-74: the Northwest Territories is governed from outside the Territory by the Lieutenant Governor of Manitoba. He is designated the Lieutenant Governor of the Northwest Territories and governs with the assistance of a North-West Council.
- * 1875: the seat of government is established within the Territory a separate Lieutenant Governor is appointed. He is aided by a Council with both legislative and executive powers.
- * 1888: an elected Assembly replaces the Council.
- * 1897-1905: a complete system of responsible government is in **place**, however aboriginal people were not considered to be part of the system.
- * 1905: an amendment to the Northwest Territories Act provides for the appointment of a Commissioner and a Council of not more than four to assist him. It also provides for the transfer of the seat of government to Ottawa.
- * 1921: the Council is enlarged to six. **The Council though is made up of senior public servants located in Ottawa.**
- * 1919-63: the Deputy Minister responsible for northern administration is the Commissioner of the Northwest Territories.
- * 1951: after an amendment to the Northwest Territories Act that year the first election of members to the Northwest Territories occurs. The Council is enlarged to eight, three members have to be elected from constituencies in the District of Mackenzie and at least one yearly session of the Council is to be held in the **NWT**.
- * 1963: the first full time Commissioner is appointed.
- * 1966: the Territorial Council abolishes the Arctic Islands Game Preserve and brings the Eastern and High Arctic within the the same legislative framework as the Northwest Territories.
- * 1967: Yellowknife becomes the capital of the Northwest Territories.
- * 1979: for the first time the the Northwest Territories is divided into two electoral districts for a federal election; Nunatsiag and the Western Arctic.

* In 1979 the first **fully elected** council^{and} the first with a clear **aborigininal majority becomes** the **Legislative** Assembly of the Northwest Territories.

- **1986:** after this year the position of **Commissioner becomes** that of a figurehead.

TERRITORIAL REPRESENTATION AT THE FEDERAL LEVEL

- 1947: the Mackenzie district west of the 109th meridian is added to the federal constituency of the Yukon and becomes the constituency of the Yukon-Mackenzie River.
- * 1949: elective representation at the federal level is granted to the Northwest Territories.
- * 1952: the Mackenzie River **is** established as a **seperate** constituency.
- * 1960: aboriginal **people in** the Northwest Territories are given the vote.
- * 1962: the Mackenzie River constituency **is** enlarged and **is** redesignated as the constituency for the Northwest Territories.
- * 1976: a Special Electoral **Boundaries Commission** recommends the division of the Northwest Territories into two electoral districts.
- * 1979: for the first time Northwest Territories is divided into two electoral districts for a federal election; Nunatsiq and the Western Arctic.

SIGNIFICANT EVENTS ON THE ROAD TO DIVISION

- * 1926: the Arctic Islands Game Preserve (**AIGP**) is established in the eastern and High Arctic to bolster Canada's claims to sovereignty. It provides a distinctive system of administration for the **Inuit**.
- * 1929: the boundaries of the AIGP are expanded.
- * 1942: the boundaries of the AIGP are expanded to encompass **all** of the Eastern Arctic with the exception of the southern Keewatin and some islands in Hudson Bay.
- * 1950's: many non-aboriginal peoples in the Mackenzie Valley believing that the political evolution in the west is being held back by less sophisticated people in the east begin advocating division of the Northwest Territories.
- * 1960: aboriginal people in the Northwest Territories are accorded the right to vote in federal elections.
- * 1962: September 27; the Conservative government in its Throne Speech indicates that measures will be introduced to provide greater self-government leading to the creation of new provinces in Canada's North.
- * 1963: May 21; the Liberal government, based on endorsements by the 1957-60 and 1960-63 Northwest Territories Council, introduces legislation proposing, amongst other things, the division of the Northwest Territories into the Mackenzie and Nunassiatq Territories. The Mackenzie Territory is to be that part of the mainland and associated islands west of the 105th meridian together with Banks and Victoria Islands. The remainder of the Northwest Territories is to be the territory of Nunassiatq. If the legislation **had** not died on the Parliamentary Order Paper, the Mackenzie Territory as of April 1, 1964 would have had five elected and four appointed Council members. **Nunassiatq** was to have a Commissioner and two elected and five appointed members. Only one appointed member was to be an **Inuk**. While the Mackenzie was to have its capital located within the territory, (possibly Fort Smith), Nunassiatq was still to be governed from Ottawa.
- * 1964: a new Northwest Territories Council is constituted and it opposes division. Dean **A.W.R.** Carrothers is appointed by the federal government to head an "Advisory Commission on the Development of Government of the Northwest Territories".
- * 1966: the Carrothers Commission advises against division for the next ten years but recognizes that it is inevitable due to the sheer size of the Northwest Territories.
- * 1966: the Territorial Council abolishes the AIGP and brings the

area within the same legislative framework as the rest of the Northwest Territories.

- * 1976: February 27; the **Inuit** Tapirisat of Canada (**ITC**) proposes division of the Northwest Territories, (as part of the **Inuit** land claim), and the creation of a new territory in the eastern arctic to be called **Nunavut**. The **Nunavut** Proposal includes the **Inuvialuit** region (represented by the Committee for Original Peoples Entitlement (COPE)) in the Beaufort Sea and part of the Yukon Territory.
- * 1976: the **Inuvialuit**, due to development pressure in the Beaufort sea split off to settle their land claim independently of **ITC**.
- * 1976: a Special Electoral Boundaries Commission recommends dividing the Northwest Territories into two electoral districts; Nunatsiaq and the Western Arctic.
- * 1977: July; the Metis Association of the NWT proposes dividing the Northwest Territories by extending the Manitoba/Saskatchewan north.
- * 1977: August; Bud **Drury**, the Special Representative of the Prime Minister is commissioned to undertake a study on Constitutional Development in the Northwest Territories.
- * **1977**: December 14; the **NWT Inuit** Land Claims Commission puts forward a proposal to the federal government calling for the formation of a new territory and government along the lines of **Inuit** political institutions.
- * 1978: October 31; the COPE Agreement-In-Principle states in principle an **Inuvialuit** interest in a Western Arctic Regional Municipality.
- * 1979: for the first time the Northwest Territories is divided into two electoral districts for a federal election; **Nunatsiaq** and the Western Arctic.
- * 1979: March; the Dene Nation Executive releases a discussion paper which suggests that one, two or more territories be a matter of negotiation.
- * 1979: September; Inuit Tapirisat of Canada (**ITC**) at its Annual General Assembly in **Igloolik**, releases a discussion paper entitled "Political Development in **Nunavut**" which calls for division of the Northwest Territories within ten years and provincehood for a Nunavut Territory within an additional five years.

- * 1979: November 16; the Legislative Assembly creates the Special Committee on Unity.
- * 1980: January; the Report of the Special Representative is released and comes out in support of a united Northwest Territories, but also suggest that the Council for the **Government** of the Northwest Territories involve itself in formal discussions regarding division.
- * 1980: October; at its **Annual** General Meeting in **Coppermine ITC** unanimously passes a resolution calling for the creation of Nunavut.
- * 1980. October 22; the **Special** Committee on **Unity** in its **report to the Legislative Assembly** indicates that it **failed to find** a consensus favouring the continued existence of the Northwest Territories as a single jurisdiction. The Assembly advocates a commitment in principle to **divide** the Northwest Territories subject to **the will** of the **people** to be determined by plebiscite and to request the federal government to divide the Northwest Territories if the plebiscite is answered affirmatively.
- * 1980: November 5; "The Special Committee on the Impact of Division" is established by the Legislative Assembly.
- * 1980: the Legislative **Assembly** votes **16-1** in favour of division of the Northwest Territories.
- * 1981: May; the Legislative **Assembly** votes **12-0** in favour of a plebiscite concerning the creation of **Nunavut**.
- * 1981: November; the Legislative Assembly adopts a plebiscite ordinance and sets the date, **April 14, 1982** and the question "Do you think the Northwest Territories should be divided?" Yes or No.
- * 1981: November 9; **the Dene Nation** and the **Metis** Association of the NWT releases "Public Government for the People of the North" which proposes a new jurisdiction with province-like powers in the west to **be** called **Denendeh**.
- * 1982: February; severs! members of **the** Legislative Assembly, ITC, the **Dene Nation**, the **Metis Association** of the NWT and COPE unite to form the Constitutional Alliance (**CA**).
- * **1982**: February; the Legislative Assembly supports the formation of the **CA**.
- * 1982: April 14; a plebiscite **is** held on the question of division of the Northwest Territories. Fifty-six percent of those who voted **affirm** their desire to divide.
- * 1982: May 19: the Legislative Assembly **passes a motion**

recommending that the federal government appoint a federal boundaries commission.

- * 1982: July 6-7; because a boundaries commission is not appointed the CA meets in **Coppermine** to pursue the matter of division and constitutional development. It breaks **itself** into two sub committees, the Western Constitutional **Forum (WCF)** and the Nunavut Constitutional Forum (NCF). COPE is permitted seats in one or both forums.
- * 1982: November 26; the Minister of Indian and Northern Affairs, John **Munro** announces the federal governments approval-in- principle to divide the Northwest Territories, subject to four conditions being met: the settlement of land claims; a continuing consensus on division; the development of government structures and systems of administration; and agreement on a boundary.
- * 1983: the NCF publishes "**Nunavut**" and "Building **Nunavut: A Working Document with a Proposal for an Arctic Constitution**" and tours 34 communities to explain the documents.
- * 1984: May 19; the **Tungavik** Federation of Nunavut (**TFN**) and the Committee for Original Peoples' Entitlement sign a boundary and overlap agreement. The original COPE boundary is "adjusted" but will revert back to its "original" position unless the the **Inuit** land claim is settled within ten years.
- * 1984: June 4; COPE and the federal government sign the Inuvialuit final agreement.
- * 1984: October 10; the WCF releases "**Resource Management Boundary Problems**" which examines five different boundary alternatives.
- * 1984: November; the WCF releases "**Western Constitutional Forum: Workbook**" which contains a number of pamphlets on constitutional development in a western territory.
- * 1984: Prime Minister Trudeau at a First Ministers Conference advocates Nunavut as a 'work-able form of self-government.
- * 1984: December; the **TFN** and the Dene/Metis Negotiation Secretariat sign a memorandum of understanding concerning a process and principles to guide overlap and boundary negotiations.
- * 1985; January 12-13; the NCF and the WCF as the CA come to a **tentative agreement** as to a boundary for division and the location of the Inuvialuit in a western territory.
- * 1985: February 6; the Minister of Indian and Northern Affairs, **David Crombie**, announces to the Legislative Assembly that the federal government is willing to support division of the

Northwest Territories upon finalization of a boundary for division.

- * 1985: November: the Dene Nation releases an official discussion paper 'Denendeh Public Government'.
- * 1986: May 9; TFN and the Dene/Metis sign a boundary and overlap agreement that establishes a boundary through the Kitikmeot and Keewatin regions.
- * 1987: January 15; the Iqaluit Agreement which is premised on the still unratified 1986 TFN and Dene/Metis boundary and overlap agreement and that lays out principles and a timetable and a date (October 1, 1991) for division and constitutional development is signed by the leaders of the CA.
- * 1987: March 12; the Legislation Assembly approves the document entitled 'Boundary and Constitutional Agreement for the Implementation of division on the Northwest Territories between the Western Constitutional Forum and the Nunavut Constitutional Forum and recommends to the Commissioner that a plebiscite on the proposed boundary be held.
- * 1987: March 31; The Iqaluit Agreement collapses because of the inability of TFN and the Dene/Metis to firm up their understandings regarding their 1986 boundary and 'overlap agreement. As a result an impending plebiscite on the boundary is cancelled.
- * 1988: September; the Dene/Metis sign their land claim Agreement-In-Principle with Prime Minister Mulroney.
- * 1990: April 9; Dene/Metis sign their final land claim agreement with the federal government.
- * 1990: April 30; TFN and the federal government sign the Inuit land claim agreement-in-principle. It contains provisions for a commitment in principle on division of the Northwest Territories and a plebiscite of the boundary.
- * 1990: July; the Dene/Metis Annual General Assembly in Hay River does not support their final agreement. The Gwich'in leave to settle their-claim on a regional basis.
- * 1991: July 13; the Gwich'in sign a comprehensive claims agreement with the federal government.

- * 1992: January 24; **TFN** and the federal government sign the **Inuit** final agreement. It contains an agreement for the development of a political accord and a federal commitment to create a Nunavut Territory subject to a review of the results of a plebiscite on the boundary for division.
- * 1992: January 31: the Government Leader at the **Nunavut** Leaders Summit in **Iqaluit** announces publicly the wording of the plebiscite question.
- * 1992: February 17: the Government Leader of the Legislative Assembly in a letter to the Chief Plebiscite Officer establishes **May 4, 1992** as the date for a plebiscite on the boundary for division.

BOUNDARY AND CONSTITUTIONAL AGREEMENT FOR **THE**
IMPLEMENTATION OF **DIVISION OF THE NORTHWEST TERRITORIES**

BETWEEN THE WESTERN CONSTITUTIONAL FORUM AND
THE NUNAVUT CONSTITUTIONAL FORUM

January 15, 1987
Iqaluit, Nunavut

The residents of the **Northwest Territories** decided by plebiscite on April 14, 1982 that the Northwest Territories will be divided.

On this day January 15, 1987 in the Northwest Territories, the **Western Constitutional Forum (WCF)** and the **Nunavut Constitutional Forum (NCF)** which together make up the **Constitutional Alliance of the Northwest Territories** have reached agreement on Issues **required to implement division**, namely the **location** of a boundary and a number of other Issues which relate to the **establishment of two distinct political jurisdictions**: an eastern region to **be called Nunavut** and a western **region** which is as yet unnamed.

This agreement and the constitutions for and boundary between the eastern and western regions are subject to formal ratification in accordance with Part I, section 5 of this **agreement**.

PART I: MATTERS OF GENERAL CONCERN

1. The Boundary

The boundary **dividing** the eastern and western jurisdictions will have three basic **components**:

- a) the ratified boundary delineating the **Dene/Metis** and TFN Claims Regions **from** the 60th parallel to its point of intersection with the **Inuvialuit Settlement Region**;
- b) thence along the eastern boundary delineating **the Inuvialuit Settlement Region** and **the** TFN Claims Region to the point **latitude 80°00' N** and longitude **110°00' W**, and
- c) thence along longitude **110° 00' W** to the North Pole.

Attached as Appendix "A" to this Agreement is a **map** and written description **of** the boundary referred to above.

The **Dene/Metis** and **Inuit** overlap agreement dated **May 9, 1986** and the overlap agreement between the **Inuit** and **Inuvialuit** provide for the protection of those rights and interests of the **Inuit** and other groups which extend across Claims and Settlement Region boundaries.

The **new** constitutions of the eastern **and** western jurisdictions will require the respective governments to protect actively in the exercise of their powers, the non-resident aboriginal rights guaranteed and interests recognized in the ratified overlap agreements. In order to protect and enhance these agreements, provision will be made in the constitutions of both jurisdictions to require co-operation between governments in decisions relating to non-resident aboriginal **rights** and interests.

For the effective management of trans-boundary interests **generally**, provision shall also be made for co-operation in management and use respecting resources, harvesting and other matters as may be agreed upon.

2. Constitutional Mandates and Agenda of the Forums

The WCF continues to be responsible for the development of a constitution for the western jurisdiction and the NCF continues to be responsible for the development of a constitution for Nunavut. For greater particularity, each Forum is responsible for:

- a) reaching an agreement among Forum members on a new constitution:
- b) overseeing public consultation and the formal ratification of the proposed constitution, and
- c) in co-operation with the Government of the Northwest Territories, negotiating with the Government of Canada the nature and scope of the constitution, appropriate financing and revenue-sharing arrangements, and such other arrangements as are necessary for the creation of each territory.

The NCF and WCF commit themselves to completing the work outlined in subsections a), b) and c) above in accordance with Appendix "B" attached. In the interim the NCF and WCF shall also work together on research and strategies for the two constitutions. It is recognized that while the two constitutions will provide for public governments which respect the rights of all residents, the two constitutions must also recognize, affirm and guarantee the unique rights of the Inuit, Dene, Metis and Inuvialuit, including their land claims rights and their rights of self-government.

3. Regional Government

Both Forums agree that communities will have the right to form regional governments within each jurisdiction and this shall be recognized in the two constitutions.

4. Government Services

A major objective of division is to improve the quality of government and the delivery of services to citizens. Both Forums recognize that adequate funds must be provided by the Government of Canada to ensure that in the process of division, the level and quality of services presently available to N.W.T. residents and the rate at which capital needs are met are at least maintained. Both Forums commit themselves to pursuing a guarantee of adequate funding for division from the Government of Canada.

5. Ratification

The members of the WCF are the Dene Nation, the Metis Association of the N.W.T., and appointed members of the Legislative Assembly of the N.W.T. residing in the western N.W.T. The members of the NCF are the Inuit Tapirisat of Canada, Tungavik Federation of Nunavut, representatives of each of the Regional Councils, representatives of each of the Regional Inuit Associations, and appointed members of the Legislative Assembly of the N.W.T. residing in the eastern N.W.T.

This agreement and certain decisions it contemplates are subject to formal ratification as follows:

- a) **Ratification of the Dene/Metis and Inuit claims boundary between the two claimant groups, Pursuant to the Dene/Metis and Inuit overlap agreement, and**
- b) **Approval of this Agreement by the Legislative Assembly and the other leaderships from each Forum whose representatives are signatories, and**
- c) **Ratification of the proposed boundary for division by a majority of voting residents in an NUT-wide plebiscite. Following approval of the Agreement, the Forums shall ask the Office of the Legislative Assembly to conduct the plebiscite in a fashion similar to the way in which that Office conducted the 1982 plebiscite on division. In addition the results of the plebiscite will be reported by total votes across the N.W.T., by community, and from within each proposed new territory. Suggested wording for the question is attached as Appendix 'C' to this Agreement. Both Forums must finally approve the question appearing on the ballot, and**
- d) **Ratification of the constitutions for the two jurisdictions when completed. Ratification in each jurisdiction shall be by the people of the jurisdiction, and shall respect basic democratic principles. The WCF will conduct a plebiscite of western residents to ratify a western constitution, unless when the constitution for a western jurisdiction is completed all WCF members agree on an alternate process. Non-approval of either constitution may be interpreted only as non-approval of a specific constitutional proposal and can not abrogate or diminish in anyway the right of self-government of the Inuit, Dene, Metis and Inuvialuit.**

Division of **the Northwest Territories** may follow immediately upon the completion of this ratification process, and the two Forums are committed to achieving division by October 1, 1991. However, this ratification Process notwithstanding, certain aspects of division may be implemented prior to division with the mutual agreement of the two Forums.

II: MATTERS OF CONCERN TO THE WESTERN CONSTITUTIONAL FORUM

The following matters are of exclusive concern to **the WCF**. While the NCF supports the aspirations of the residents of the western region to establish a jurisdiction suited to their needs, the NCF does not necessarily adopt the principles which follow and is not bound by them.

1. Principles of Constitutional Development for the Western Jurisdiction

Aboriginal people will likely constitute a minority of the population in the western territory after division. Consequently the **Dene, Metis and Inuvialuit** are concerned that their political rights, their culture and their future as individuals and as aboriginal peoples be secured to their satisfaction in the new constitution for the western jurisdiction. Non-aboriginal residents of the north recognize and accept the need to address the concerns of the **Dene, Metis and Inuvialuit** within the context of a public government system based upon democratic principles. To this end all parties to the **WCF** agree that the following principles shall be addressed and procedure used in the constitutional proposal being developed by the **WCF**.

- a) The overriding objective of a new constitution is to **build** a system of **public government** which will protect the individual **rights** of **all** of its **citizens** and the collective **rights** of its **aboriginal peoples** and whose overarching **principle** is one of **bringing** peoples **together**.
- b) To accomplish this objective a **new** constitution **must** balance two principles:
- 1) The protection of Individuals **in** that each and every bona fide **resident** of the **western jurisdiction** should have the **right** to **participate in** and **benefit** from public Institutions, programs and services **according** to basic **democratic** principles guaranteed in the constitution, and
 - 1 f) The protection of the Dene, **Metis** and **Inuvialuit** in that each aboriginal **community** in the **western jurisdiction** shall **be** explicitly **recognized** in the constitution, and mechanisms shall **be** entrenched to **enable** **each** **community** to flourish as a **distinct** cultural entity regardless of its proportion of the total population.
- c) Some of the issues which shall be included in a new constitution in a fashion acceptable to all parties **in** order to balance these two principles are:
- 1) **Government decision-making** should rest as **closely as** possible with those governed; people and **communities** should have control **over** those matters **which** affect them exclusively **and** they should have input in and influence over those **decisions** which affect them as **well** as others:
 - 1 f) **Aboriginal** rights relating to language, culture and any other **political** rights which are not included in claims agreements shall be entrenched in the constitution and means shall be **found** to help ensure that all aboriginal rights are protected;
 - 1 f f) There shall be a guarantee of aboriginal **participation** in **government** and significant **impact** on **decision-making** in the future including perhaps **exclusive** aboriginal jurisdictions **in** **limited** areas of direct concern to aboriginal people; the focus would be on cultural matters and on the **special** relationship that **exists** between aboriginal peoples and the land and the political protections required to ensure its **maintenance**;
 - 1 v) Every level of **government** in the western jurisdiction must have sufficient powers, **authority**, and resources **available** to it to enable it to carry **out** its responsibilities; the **level** of **funding** **available** should **be** assured and predictable and the restrictions on the uses of these resources **flexible**;
 - v) In the negotiation of the **proposed** constitution with the **Government** of Canada, **in** the context of **recognizing** aboriginal **self-government**, and without prejudice to the negotiation of land **claims**, the further transfer of powers and jurisdictions **from** Ottawa shall be **vigorously** pursued, and
 - vi) The constitution or those **parts** which address each of these principles and objectives must not be **amendable** **without** the **approval** of **aboriginal** and non-aboriginal peoples.

- d) It is intended that if negotiations toward a western constitution succeed, they will result in a constitution whose relevant sections are designed to constitute, together with provisions in land claims agreements, the definition of aboriginal self-government in the western jurisdiction. Any such definition must fully reflect any right of self-government held by the Dene, Metis and Inuvialuit.
- e) All substantive decisions of the WCF on elements of the constitutional proposal must have the approval of all members.

2. Provisional Principles for Regional Government In a Western Jurisdiction

As a result of efforts to negotiate a set of specific principles for regional government acceptable to the Inuvialuit, the WCF has adopted a set of principles applicable to regional government throughout the western jurisdiction. WCF members agree that if no aboriginal self-government provisions were to be included in the western constitution, the Beaufort-Delta region and the other regions of the western jurisdiction are guaranteed as a minimum these principles. However, if through the process of constitutional negotiations WCF members agree on a number of features which can be entrenched in a constitution as provisions for aboriginal self-government, WCF members cannot guarantee that trade-offs on these regional government principles will not be required. WCF members are confident that with co-operation, time and hard work they can build a constitution which will generously protect the interests of all aboriginal peoples as well as the rights of each individual citizen. The WCF continues to offer full membership to the Committee for Original Peoples' Entitlement (COPE) and hopes that the Inuvialuit will take part in this work.

The specific provisional principles regarding regional government which WCF members accept are:

a) Right to Form Regional Government

Under the constitution of the western jurisdiction, community governments will have the right to form a regional government.

Subject to the following principles, the territorial level of government will be obliged to recognize and accept regional governments so formed.

b) Formation and Membership

A number of issues relating to the formation of regional governments and membership within them have yet to be decided. These include the method of deciding among and within communities whether the communities desire to form a regional government, the method of establishing regional government, the number of consenting communities required, and the terms upon which a community may exercise its right to withdraw its membership. The structure and accountability of the regional government will be determined by member communities in accordance with democratic principles.

c) Funding

Funding for any regional government will be fair and adequate. In particular a regional government will be assured that insofar as it assumes duties previously held by other governments, it takes over the funding previously available to those other governments.

d) Mandate

The WCF supports regional governments obtaining from the other levels of government: shared responsibility, management and control over certain programs and services, including aspects of education, economic development, local government relations, police services, game management, land use planning and management and of the powers to tax by way of property taxation, business taxes and license fees and amusement taxes.

The WCF does not at present support extending legislative authority to a regional government in these areas, but the WCF agrees that the community and territorial governments should be empowered to delegate such authority.

e) Boundaries

Regional government boundaries may describe such a geographic region as is appropriate considering the community composition of the regional government at any point in time. Boundaries would be established for administrative purposes only and would change as individual communities join or withdraw from a regional government from time to time.

f) Official Languages

Official working languages of a regional government will include the regional aboriginal language or languages, and English.

g) Rights to Participate

Every resident of the region shall have an equal right to participate in the regional government and to benefit from its programs and services, but programs and services and the manner of participating in government need not be identical for members of different cultural groups.

h) Public Lands and Resources

Public lands within regional government boundaries and outside community boundaries should be held by the territorial level of government.

Territorial authority over the management of sub-surface resources, on-shore and off-shore, should be exercised in a manner which reflects the needs and interests of all residents in the jurisdiction.

The regional land interests may be considered formally in land use planning and management.

III: MATTERS OF CONCERN TO THE NUNAVUT CONSTITUTIONAL FORUM

The following matters are of exclusive concern to the NCF. While the WCF supports the aspirations of the residents of Nunavut to establish a jurisdiction suited to their needs, the WCF does not necessarily adopt the principles which follow and is not bound by them.

1. Principles of a Nunavut Constitution

Over nearly five years the NCF has consulted with communities, individuals, representative groups and associations throughout Nunavut on the basis of accepted and familiar public conventions of Canadian constitutional practice in order to develop a Nunavut constitution:

- a) which strengthens Canadian sovereignty and democratic government in the north;
- b) which opens the opportunities of full Canadian public participation to the residents of Canada's arctic villages, towns and outposts, and
- c) which reflects the interests and meets the needs of Nunavut's unique Inuit and settler society.

This work has been consolidated in a document, Building Nunavut: Today and Tomorrow, approved in a Nunavut constitutional conference in Coppermine in early autumn, 1985.

Two further issues requiring particular attention are Inuit claims settlements and implementation. The Nunavut concept itself grew logically and naturally out of the movement to settle Inuit claims. NCF has always insisted that a special feature of Nunavut's larger constitutional foundation be the settlement of Inuit claims. By securing the aboriginal and historical economic rights of the permanent Inuit population, that population is free to join with all other residents in the open and free activity of governing Nunavut through conventional political processes. The complementarity of the institutions of claims settlements and of general politics (or "public government" as it has become known) for the efficient functioning and accountability of collective life within Nunavut must be assured.

The other issue is the importance of active involvement of the claims and other Inuit associations which participate in NCF in the design of implementing government in Nunavut.

2. Principles of Implementation

NCF has long recognized that, moral and constitutional principles apart, Nunavut would succeed or fail through practical implementation of an administrative system responsive to the state of politics, culture, society and economy prevailing, and to the *elected* legislature of Nunavut.

Specific areas of concern have emerged from the research, consultations and consensus-building conducted by NCF. These include the following:

- a) Nunavut as the first native majority jurisdiction within the Canadian federation has a particular obligation to structure its institutions so as to reflect Inuit culture and Canada's pioneering work in giving aboriginal interests political and legal shape through the twin processes of claims settlements and national constitutional amendments. Nunavut should be a showcase of progress in these areas.
- b) The development of a workable form of regional authority within Nunavut, reflecting the strength of community life as the centre of Nunavut society and the need for a strong Nunavut government capable of dealing with the large challenges facing the Nunavut region, is a priority. Regional institutions in Nunavut have helped provide the experience and infrastructure needed for a successful Nunavut government.

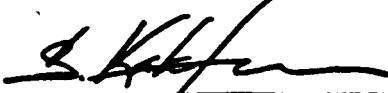
- c) A **policy of making Inuktitut** an official language of **Nunavut** and a language of teaching **is essential**, and requires both statutory **commitment** and phased **introduction**.
- d) Decentralisation of administrative **centres** seas to **spread** both the benefits and impacts of **public** sector development has been **agreed**. This **will** also help attract local, **qualified Inuit** into jobs which otherwise would be too remote **from their family commitments** and **their** cultural district.
- e) The assurance of full **human rights** within **Nunavut**, especially to guarantee to **non-Inuit** their opportunities for personal **fulfillment** and **social** and **political** life, have been studied and a course of action proposed. Such assurances are an essential political **commitment of NCF**.
- f) The **establishment** of a functional **federal-Nunavut** working relationship and sharing of powers, responsibilities and revenues **in** respect of ocean areas is required.
- g) The contribution and role of the **Inuit north to Canada's** arctic sovereignty interests and the conduct of a northern foreign **policy** have been **highlighted** in Parliament's special international relations **committee report** of June, 1986, and in the federal foreign policy statement of **December, 1986**, and should be acknowledged in the **Nunavut** constitution.
- h) A suitable **preamble** to a **Nunavut** constitution highlighting the principles of conservation and wise management of the arctic **environment and** resources, the permanence of **Nunavut** as a cultural **homeland of Inuit**, and the fact that **Inuit** have actively sought and successfully negotiated **full** participation in the Canadian federation, should be prepared.

3* Principles of Federal-Nunavut Relations

Inuit through their organizations and public bodies have developed a unique and uniquely productive **relationship** with federal authorities, **despite** periodic disagreements. It is proposed **by NCF** that this situation **be** continued in the **development** of the **Nunavut government**. As has been repeatedly stated **in NCF documents**, a core of secure rights relating to cultural identity **and economic** resources is required as the "**critical mass**" of a **Nunavut political** settlement. Beyond that, flexible **arrangements** for the **acquiring** of experience and sharing **in management** decisions by **Nunavut** authorities can be creatively explored **and** implemented through **administrative arrangements**.

Executed this 15th day of January, 1987 at Iqaluit, Nunavut.

FOR THE WESTERN CONSTITUTIONAL FORUM:



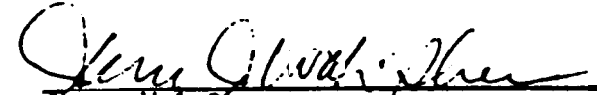
Stephen Kakfwi
President, Dene Nation



Bob MacQuarrie
MLA, Yellowknife Centre

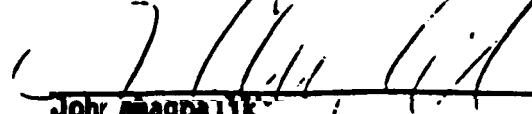


Larry Tourangeau
President, Metis Association of the NWT



James Wah-Shee
MLA, Rae-Lac La Martre


FOR THE NUNAVUT CONSTITUTIONAL FORUM:



John Amagoalik
Chairman, Nunavut Constitutional Forum



Rhoda Innuksuk
President, Inuit Tapirisat of Canada.




Donat Milortuk
Chairman, Tungavik Federation of Nunavut




Ludy Pudluk
MLA, High Arctic

WITNESSES:



Stephen Iveson
Executive Director, WCF



Allen Maghaqak
Executive Director, NCF

on behalf of the staff and resource people who contributed to this agreement.

APPENDIX "A"

The tentative boundary is described as follows:

"Commencing at the approximate point latitude of $60^{\circ}00'$ N and longitude $103^{\circ}10'$ U, and thence along the line identified as the Single Line Boundary in Schedule "A" of the Overlap Agreement between the Dene/Metis and the Tungavik Federation of Nunavut dated May 9, 1986 to the point of intersection with the boundary of the Inuvialuit Settlement Region at the approximate point latitude $68^{\circ}00'$ N and longitude $120^{\circ}50'$ W, and thence along the boundary of the Inuvialuit Settlement Region to the point latitude $80^{\circ}00'$ N longitude $110^{\circ}00'$ U, and thence northerly to the North Pole along longitude $110^{\circ}00'$ W."

APPENDIX "C"

SUGGESTED PLEBISCITE QUESTION

Upon the recommendation of the Ninth Legislative Assembly, a question was put to residents of the N.W.T. on April 14, 1982 asking whether the N.W.T. should be divided. The division of the N.W.T. was approved by a majority and work to establish a boundary agreement was undertaken.

A proposed boundary agreement has now been approved by the Constitutional Alliance of the Northwest Territories and the Tenth Legislative Assembly. The boundary agreed upon is described as follows and outlined on the attached map. If this boundary is approved by a majority of voting residents, a plebiscite will later be held on a proposed constitution in each of the new territories.

On these terms, do you agree with the proposed boundary for division of the N.U.T.?

YES ()

No ()

OFFICIAL SUMMARY OF THE
BOUNDARY AND CONSTITUTIONAL AGREEMENT
BETWEEN THE
WESTERN CONSTITUTIONAL FORUM
AND THE
NUNAVUT CONSTITUTIONAL FORUM

January 15, 1987
at
Iqaluit, Nunavut

The agreement is between the two Forums.

It acknowledges that the decision to divide was made in the '82 plebiscite and the agreement spells out the terms, conditions and schedule for division.

The boundary is the eastern boundary of the Inuvialuit Settlement Region and the line between the Dene/Metis and Inuit claims regions. The latter line still has to be ratified under their claims overlap agreement.

Provisions are included for Nunavut and Western territorial government cooperation in protecting the rights of the aboriginal claimants on either side of the boundary, and in managing trans-boundary interests generally.

The two Forums will continue to be responsible for developing new constitutions in each jurisdiction and negotiating, in cooperation with the GNWT, the constitutional proposals with the federal government.

The target date for division is October 1, 1991. Before division may take place - the claims boundary must be ratified by the aboriginal organizations concerned,

- the leaderships of the member organizations of the two Forums, and the Legislative Assembly, must approve the agreement
 - the boundary must be ratified by NWT-wide plebiscite
 - the residents of each jurisdiction must ratify their new constitution.
- This will be by plebiscite unless agreed otherwise.

Aspects of division may be implemented before the ratification process is complete, with the agreement of both Forums.

The agreement recognizes that division must not impair the quality of government services and expected rates of capital funding in the territories, and commits both Forums to ensuring that the federal government makes the necessary funds available.

While they have declined to become members of the WCF and thus are not party to the agreement at this time, the Inuvialuit have been assured of minimum guarantees for regional government in any constitutional agreement if no other forms of aboriginal self-government are included. Other regions have been assured of the same guarantee. The WCF also continues to offer full membership to the Inuvialuit. Any new constitution in the western jurisdiction will require the approval of each member of the WCF before being submitted to the public for ratification.

Both Forms have endorsed the right of **communities** to form **regional governments**, a right which will be **recognized** in both constitutions. Both **Forums** are **committed** to permitting **communities** to design workable forms of regional **governments** which assist them to meet the needs of their residents within an overall system of **government** which reflects the **community-based** nature of northern society and **provides** for **strong** territorial or provincial **governments**. The **WCF** has also set out in the agreement more particular **principles concerning** the **establishment, powers and resourcing** of regional **governments**. These **principles** will be applicable to the **Beaufort-Delta** and other **regions** in the western jurisdiction.

Each Forum has also stated in the agreement the principles which will **underly** the development of each constitution.

In the west, these principles include:

- **balancing** the individual **rights** of **all citizens** with **collective** rights including the **land claims rights** and **self-government** rights of the resident **aboriginal groups**;
- bringing government decision-making as **closely** as possible to those governed;
- providing each level of **government** within the jurisdiction with sufficient authority and resources to carry out its responsibilities;
- **pursuing** the further **devolution** of **powers** from Ottawa in a manner that does not Prejudice land claims or **aboriginal self-government**;
- constitutional entrenchment of **aboriginal** rights not included in **land** claims such as language, cultural, and certain **political** rights;
- guaranteeing **aboriginal participation** in **government** and significant impact on decision-making including possibly exclusive **aboriginal** control in limited areas of direct concern to **aboriginal** peoples;
- guaranteeing to the **aboriginal** and non-**aboriginal** peoples that the constitution or certain parts of that constitution cannot be amended **without** the approval of both Peoples.

In the east, these principles include:

- recognition of the role of **Nunavut** in strengthening Canadian sovereignty and democratic government in the north;
- **providing** full Canadian **public participation** in government to all residents;
- meeting the needs and interests of **Nunavut's** unique **Inuit** and settler society;
- recognition and protection of **land claims** rights in the **Nunavut** constitution and the efficient coordination of **claims** and **government** institutions, and
- designing **decentralized** administration in **Nunavut** capable of meeting the unique needs of **Nunavut** efficiently.

For further information contact:

Western Constitutional Forum
 P. O. Box 1589
 Yellowknife, N.W.T.
 X1A 2P2
 (403)920-2667

Nunavut Constitutional Forum
 Suite 300, 63 Sparks Street
 Ottawa, Ontario
 K1P 5A6
 (613)694-0158

Memorandum of **Understanding**
Between the **Nunavut Constitutional Forum**
and the **Western Constitutional Forum**
Concerning **Recommendations** to the **Legislative** Assembly

Where **significant steps** have been taken **in recommending** a boundary for **division to the Legislative** Assembly and the **people** of the Northwest Territories

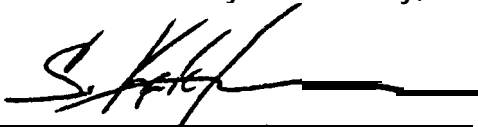
and whereas the **proposed** boundary Agreement **aims** at achieving **division** by October 1, 1991, **which** entails a **critical** period of preparation, planning and pre-implementation:

and whereas these important matters **should** be undertaken **with balanced** representation **from** both prospective new **territories**.

It is therefore agreed that the **Constitutional Alliance** of the Northwest Territories recommends to the **Legislative Assembly** of the Northwest Territories that serious consideration be given **to the principle** that representation from **each** of the proposed new territories be guaranteed equally on the **Executive Council**, among **Officers** of the **Legislative** Assembly and on certain territorial boards **with** a territorial mandate.

And further, that serious consideration be given to **alternating** the Government Leader between each of the proposed new **territories**, and to holding alternate **sessions** of the **Legislative Assembly** in **each** of the proposed new territories.

Dated this 15th day of January, 1987.



Chairman
Western Constitutional Forum



Chairman
Nunavut Constitutional Forum

CONSTITUTIONAL ALLIANCE OF THE NORTHWEST TERRITORIES

PRESS RELEASE

BOUNDARY AGREEMENT REACHED

January 15, 1987 - Iqaluit, Nunavut

Today marks an historic day for the residents of the Northwest Territories as the two Forums of the Constitutional Alliance signed an agreement on the boundary to create Nunavut Territory in the Central and Eastern Arctic; and a new territory in the west, as yet unnamed, which includes the Beaufort-Delta and Mackenzie Valley Regions.

After four years of discussions and negotiations between the Nunavut Constitutional Forum (NCF) and the Western Constitutional Forum (WCF) on the boundary and constitution building, the hard work and patience has finally paid off.

The main components of the agreement are:

1. A boundary which places the Dene/Metis and Inuvialuit Land Claims areas in the west and the Inuit Land Claims area in Nunavut.
2. A ratification process which includes a NW-wide plebiscite as soon as possible.
3. Principles for constitution building by the two Forums for the two new proposed territories.

John Amagoalik, Chairman of the NCF stated that this historic moment will insure the political security required to compliment the Land Claims Settlement being negotiated by Tungavik Federation of Nunavut.

"With this agreement, the Inuit can now begin the process of building a government that is wholly their own, created from the grassroots up, and most of all an appropriate model for self-government for the Inuit of Canada.

Stephen Kakfwi, the Chairman of the WCF said, "We are very happy to have reached an Agreement which allows the Inuit to fulfill their dream for Nunavut.

"At the same time this agreement means we in the west finally have an unhindered opportunity to pursue our own dream of a new form of government which respects our aboriginal right to self-government within a public jurisdiction serving all residents.

"Our task ahead is to make those aspirations a reality. I earnestly hope that it will be a co-operative effort with the Inuvialuit. I look forward to their membership on the WCF and active participation."

Billy Oay, President of the Committee for Original Peoples' Entitlement attended the meeting as an observer.

The next stage for the Constitutional Alliance will be to table the agreement in a report to the Legislative Assembly of the N.W.T. at their next-sitting beginning February 11, 1987 in Yellowknife. To begin the process of officially dividing the N.W.T. the Alliance has a separate agreement recommending to the Assembly interim measures concerning representation on the Executive Council, the Assembly and certain territorial boards.

Communiqué

SIDDON ANNOUNCES DECISION ON PARKER REPORT

OTTAWA (April 19, 1991) -- The Honorable Tom Siddon, Minister of Indian Affairs and Northern Development, today announced his acceptance of John Parker's advice regarding the western boundary of the land claim settlement area for the Tungavik Federation of Nunavut (TFN) of the Northwest Territories.

Appointed as the Minister's adviser on this issue in January 1991, Mr. Parker studied the question and submitted his report, The Boundary Between Comprehensive Claim Settlement Areas of the Inuit and Dene/Metis of the Northwest Territories, early this week. The report recommends a compromise between the solutions proposed by both groups. Mr. Siddon turned to Mr. Parker when after five years of negotiation the aboriginal people in the Northwest Territories were unable to reach an agreement on a boundary.

Recognizing that the issues in dispute are complex, and that no solution will be fully satisfactory to all parties, Mr. Siddon gave Mr. Parker's advice careful consideration. Based on this, the Minister has concluded that Mr. Parker's proposal represents a fair and equitable solution to this longstanding problem.

"I have accepted Mr. Parker's advice and informed the TFN that I am willing to accept the line he proposed to define the western boundary of their land claim settlement area," Mr. Siddon said. "I hope that the TFN will accept this proposal after giving it their own detailed consideration."

The Dene/Metis and the Government of the Northwest Territories have also been advised of the Minister's decision and offer to the TFN.

...2

Consistent with the Parker Report, the federal government is prepared to work with the affected groups, including the Indians of northern Manitoba and Saskatchewan, to ensure that the boundary is not an impediment to continuation of their "traditional use and wildlife harvesting activities.

"I believe the TFN, the Dene peoples of the Northwest Territories, northern Manitoba and Saskatchewan and the federal and territorial governments will be able to work out adequate protection for this traditional use of land north of the sixtieth parallel," said Siddon.

Ref: Helen Fisher
Media Relations
(819) 997-8404

Background Information on Boundary Dispute

On May 6, 1986, negotiators for the Dene/Metis and the Tungavik Federation of Nunavut (TFN) comprehensive claims signed an agreement that defined a single-line boundary between the two claim areas and a zone of overlapping use on either side. In March 1987, this agreement was rejected by the Dene Chiefs.

Since that time, the Dene/Metis and TFN have been unable to reach full agreement on a boundary. Disagreement over the disputed areas narrowed, in early 1990, to areas around Contwoyto Lake and the Thelon Game Sanctuary. The parties were not, however, able to resolve these differences.

In August 1990, both the TFN and Dene/Metis welcomed the appointment of an independent fact-finder to identify on a map the areas of agreement and disagreement. This report was submitted to the Department of Indian Affairs and Northern Development in November 1990.

On January 29, 1991, the Minister of Indian Affairs and Northern Development appointed John Parker, the former Northwest Territories Commissioner as an advisor. Mr. Parker's task was to recommend a single-line boundary between the claim areas. The report was due April 13, 1991.

THE BOUNDARY BETWEEN COMPREHENSIVE CLAIM SETTLEMENT AREAS OF THE INUIT AND DENE-METIS OF THE NORTHWEST TERRITORIES

Introduction

Negotiations of the **claims** of the **Inuit** and **Dene-Metis** people of the Northwest Territories with the Federal Government have **been** underway *for many* years. An important element of **these negotiations** has been the **identification** of a line to serve as a **boundary** between the claim settlement areas. Each of the groups has **carried out** studies resulting in reports and **maps outlining** the extent and nature of their land use and occupancy.

Discussions between the parties **has** resulted in agreement on the northwestern and southeastern sectors of the boundary, **and** recognition and identification of areas of overlapping use. Thus far, an agreement on a boundary through two central **sectors**, the **Contwoyto Lake** and **Thelon areas**, has not been reached.

As **claims negotiations** proceed through agreement in principle stages towards final resolutions, it has become increasingly imperative that a boundary be established. In particular, at the time of this writing, the **Tungavik Federation of Nunavut (TFN)**, negotiators **for the Inuit claim**, have commenced land selection and are **working** towards a final agreement within a few months.

While work on an overall **Dene-Metis** claim is not now proceeding, certain regional claims are being advanced and their successful conclusion **also** will depend upon the establishment of a **claims** boundary.

In mid-1990, the Minister of Indian Affairs and Northern Development appointed Dr. **Magnus Gunther** as a fact-finder. Dr. Gunther recorded the history and background of the boundary discussions through a thorough review of documents which pertain, and through discussions with the concerned parties. His report to the **Minister**, completed in **October, 1990**, made no judgments on the issues nor recommendations, but serves, as it was intended, **as a** valuable review of events and as a **status report** on the boundary debate.

The Minister sought my advice on the boundary and requested me to meet with the groups as necessary and to use Dr. Gunther's report as base data in the preparation of my recommendation of a single line boundary.

An initially agreed upon reporting date of mid-March was extended to mid-April to provide the **Dene-Metis** an opportunity to conclude and assemble data from certain studies already underway, and time for me to digest this material.

It soon became apparent that the broader issue of the possible future division of the Northwest Territories into two territories impinges itself on the claims boundary issue. Should division occur, there will be strong pressures to use the claims boundary, as the "political" boundary. Clearly, the TFN would seek to include all of the Inuit people of its claim settlement area within any new territory established. While new territorial boundaries are not within my terms of reference, this issue is one of the factors to be borne in mind.

An additional issue, which lies outside my terms of reference, concerns the claims of the Chipewyan people of northern Saskatchewan and Manitoba. These bands have traditionally and currently continued to utilize areas within the Northwest Territories immediately north of the 60th parallel, adjacent to the northern borders of the provinces, for hunting, fishing and trapping. In fact, they regard these areas as part of their "homelands", although they do not form part of their treaty areas. Again, I will make further observations on these concerns within this report.

Terms of Reference

The Terms of Reference which were provided for me by the Minister are attached as Appendix "A".

Methodology

Following is a general description of the materials studied and procedures which were followed in the preparation of this report:

- (a) Review of the Gunther Report (the fact-finder), and the maps which accompanied it.
- (b) Meetings with the following groups or their representatives:
 - (1) TFN
 - (2) Dene Nation
 - (3) Chiefs, elders and representatives of the Dene Bands whose lands are adjacent to the boundary.

- (4) **Metis Association** of the **N.W.T.**
 - (5) **Government Leader and Cabinet Ministers** of the Territorial Government.
 - (6) **Chiefs** and representatives of the **Chipewyan** bands of northern Saskatchewan and **Manitoba**.
- (c) innumerable telephone and direct discussions with a broad range of knowledgeable and concerned individuals, including, of course, **members** of **the** groups named under **(b) above**:
- (d) Review **of** new and additional reports and maps submitted by **TFN and Dene/Metis**. In his report, **Dr. Gunther** noted that the Dene were going to **submit** maps containing additional details of land use, particularly in the **Thelon and Contwoyto areas**. These **maps have been** available to **me, together with** explanation of the symbols used. Aswell, I have received copies of maps showing **Inuit landselection in the vicinity of the 1986 line**.

OBSERVATIONS

1. Through all of my discussions with individuals and groups, through my reading of meeting reports and preliminary agreements, and in correspondence I have studied, I have found a high level of goodwill between the aboriginal groups. Clearly, there have been frustrations on both sides with process and pace, but the *negotiators always* demonstrated an understanding that the long term desires of the people they represented was for continued peaceful and shared use of the land they all love and respect.
2. Stories were repeated to me and have been noted by others of times when Inuit and Dene people helped each other, camped and travelled together, traded goods, and shared personal losses and tragedies. Caribou meat and hides were conserved, and in the barren grounds, meagre supplies of wood and twigs were used sparingly in order that they would last throughout a season.
3. When considering land use and occupancy, one must realize that in this century both the Dene and Inuit were present in very small numbers in the eastern parts of the Mackenzie district and western parts of the Keewatin, especially considering the immensity of the area involved. There had been a substantial population of Chipewyan people who were widely distributed in the Thelon, and South Slave area before being decimated by diseases introduced at the time of early European contact. Both groups claim they rarely saw members of the other group. This was due, in part, to their differing seasonal traveling patterns, as well as the small total numbers.
4. In the past, caribou herds were of paramount importance to the inland people, both Dene-Metis and Inuit. The caribou were their life support and the well-being and changing migration patterns of the herds were of vital interest and concern. Both peoples lived somewhat nomadic lives because they followed their "food supply". The nomadic patterns have been modified as so called "southern civilization" imposed itself on their life style through the introduction of the fur trade, trade goods and weapons, and faster modes of travel. While the people's dependence on caribou has been reduced, the herds continue to be of great importance, both for food and in support of cultural values and a lifestyle closely in tune with the land. Their importance, both real and perceived, cannot be over estimated. Caribou are regarded as a hedge against hard times, a resource to fall back on if employment fails. Caribou herds migrate across the boundary spring and fall, and calving grounds lie northeast of the boundary area. In setting a boundary, these important elements must be understood.

Some accommodations are possible **through suitable overlap provisions for** hunting access on both **sides** of the boundary and **it is essential** that the participants arrive **at mutually satisfactory arrangements.**

5. **Birthrates among the Inuit • ti Dane currently are** high, and populations are **increasing.** This **results in** pressures to ensure that land is available for traditional pursuits and **makes the Contwoyto and Thelon areas particularly important to both sides.**
6. **When the Thelon Game Sanctuary was established in 1927,** use of it for resource harvesting was denied to **both Inuit and Dene-Metis.** While some hunting occurred within the Sanctuary, normal patterns were not continued. Land use must **therefore be judged in large measure on pre-1927 activities.** The Dane were relatively **more numerous in the area, coming into the Thelon from the west, attracted particularly by good hunting and the availability of wood, so unusual for the Barrens.**

Both **groups appear to want the Thelon maintained as • game preserve or park, protected as breeding ground for several species of animals.** But **each** group seeks a portion of the **Thelon for its settlement area, in case the other group opts for more open use of the Sanctuary.**

7. **The issue of overlap concerns and differences in approach in the area easterly from the east shore of Great Bear Lake which were noted by Professor Gunther do not bear directly on the selection of a single boundary line.** They relate in part to current **levels of wildlife harvesting, and as such it is important that they be addressed through overlap negotiations and by the respective game councils.** In general, the Dane **favour traditional or subsistence hunting in overlap areas and not "commercial" hunting and trapping.** The Inuit would **be reluctant to give up commercial trapping and hunting in overlap areas.**
8. The Metis have fewer interests **in the Boundary area as they have made limited use of the barren lands in the past.** They are anxious to see movement on **claims settlements, including the boundary question, and seek to have as large a western settlement area established as is reasonably possible.**
- 9* Land ownership and boundaries are not concepts which fall naturally into Dene and Inuit thinking and life style. They are much more in tune with the sharing of the land and its resources. There is recognition, of course, that in pursuing separate claims, boundaries must be identified: The Dene have had boundaries imposed on them, such as the 60th parallel and COPE

boundary . **Their perception is one of having their traditional lands constricted. This explains in part the length of time involved in negotiations and the level of reluctance to reach final conclusions and decisions.**

Conclusions and Recommendations

1. **The boundary between the claimant groups must, as fairly as possible, divide the areas of overlapping use. The decision must be based on information which is as complete as reasonably possible. With the addition of land use maps and reports developed in the last two or three years, I believe that the information now available meets that criteria.**
2. Agreement was reached *some time ago* by the **Inuit and Dene-Metis** on the two ends of the boundary line, but the middle part posed a major problem because of its importance to each group and the extent of overlapping use throughout a very **considerable** time span.
3. The boundary must **strike** a balance between the **Inuit** use of the area, which in general has been more recent, and the earlier **Dene** use, both of the time frames under consideration being within living memory.
4. Any boundary which will achieve a reasonable level of acceptance must provide a "window" on **Contwoyto Lake** for the **Dene**. The lake *has immense* cultural and traditional importance, particularly to the **Dogrib** people. For similar reasons, most of the lake itself and the area west of the north end, around **Concession Lake**, should stay within the **Inuit Settlement Area**.
5. Because of its status as a Game Sanctuary, the **Thelon** has had little recent use **by either group**. The **Dene-Metis** have used the west-southwest sector, and the **Inuit** the easterly portion. It makes sense to divide it in this fashion.
6. The single-line boundary which I recommend, together with some detailed explanations, is as follows:
 - (a) As already **agreed** the boundary should commence, at its northwesterly end, at *the* corner of the **Inuvialuit Claim Settlement area**, specifically **68°00'N and 120°40'51"W**.

- (b) It should then proceed southeasterly in a straight line to **65°30'N and 112°30'W**, which point lies just east of **Itchen Lake**. At its southern end, this line is approximately 5 miles west of the 1986 line. This small deviation recognizes the **Inuit** land use around **Rockinghorse** and **Concession Lakes**, and provides water access to **Itchen Lake**.
- (c) From the above point, I recommend that the line proceed due west to **65°30'N and 110°40'W**. This point is about three miles east of the shore of **Contwoyto Lake**.
- (d) The line should then proceed southeasterly to **64°50'N and 109°20'W**. This point is approximately five miles north of **Gloworm Lake**. These last two segments place **Fry Inlet**, which is an arm of **Contwoyto Lake**, within the **Dene-Metis Settlement Area**, thereby providing them with direct water access and the "window" on **Contwoyto Lake** which I described earlier.
- (e) The boundary then proceeds in a straight line east southeasterly to **64°14'N and 102°00'W**. This point is close to the south shore of the **Thelon River** where it crosses the 102nd line of longitude.
- (f) The final segment of the line proceeds due south along longitude **102°W** to its intersection with the 60th parallel, at 60° and 102°. This is the point where the **Saskatchewan-Manitoba** boundary meets the 60th parallel, and is the southeasterly end of the line which was proposed as a concession by **TFN** and accepted by the **Dene-Metis**.
7. The claims of the **Chipewyan bands** of northern Saskatchewan and Manitoba to land within the Northwest Territories pose a difficult problem. There can be no doubt that they currently use, and have always used areas adjacent to and north of the 60th parallel for hunting, trapping, and *fishing*, with nearly year round occupancy in some time periods. The Government of the Northwest Territories makes provision for them in their Wildlife regulations.

I have no recommendations in this matter beyond urging all parties involved to ensure that their traditional uses continue to be recognized in overlap arrangements and agreements.

APPENDIX "A"

TERMS OF REFERENCE

TFN AND DENE/METIS BOUNDARY ADVISOR TO THE MINISTER

TASK

To recommend a single-line boundary between the **TFN and Dene/Metis** settlement areas.

CRITERIA

Agreements reached to date between the **Dene/Metis** and **TFN**.

Land use by **Dene/Metis** and **Inuit** residents of the **N.W.T.** within living memory.

Reasonable considerations such as communications and transportation systems, natural features and administration costs .

PROCEDURE

The Advisor shall consult with the **Dene/Metis** and **TFN**, the **GNWT**, the Northern Affairs *Program and such other parties and organizations* that the Advisor feels must be consulted.

For the **Dene/Metis**, the Advisor shall consult with the Tribal Council(s) of the affected region(s) or its nominees. For the **Inuit**, the Advisor shall consult with the **TFN**.

The Advisor shall use the materials that were presented to the fact-finder, and shall evaluate and interpret such materials as the Advisor deems appropriate.

The Advisor shall submit his recommendation for the **complete** single-line boundary to the Minister of Indian Affairs and Northern Development by **March 15, 1991**.

CONDITIONS

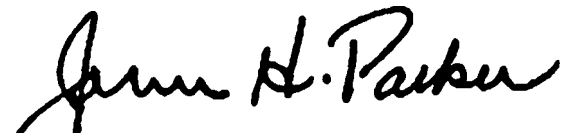
The decision made will be consistent with the objectives of the 1986 Comprehensive Land Claims Policy.

The boundary will be used as a basis for establishing the jurisdiction of wildlife management boards, environmental impact review boards and land or water management structures.

There may be overlap zones on either side of the single-line boundary. There will be no joint management boards for these overlap areas. In the overlap zone, a claimant **group will** have the right to participate on the management boards which have jurisdiction on the other side of the single-line boundary.

8. The negotiation of overlapping land use and the further delineation of overlap areas by the Dene-Metis, the Inuit, and the Chipewyans of the provinces is of vital importance. The satisfactory and meaningful implementation of claims settlements will depend upon the continued sharing of the resources of the land, and the recognition that the boundary is not intended to be a barrier to ongoing good relationships.

Finally, I wish to express my appreciation and thanks to members of TFN, the Dene-Metis group, territorial cabinet ministers and officers of the Department of Indian Affairs for the warm reception and strong cooperation I received in carrying out this task.



John H. Parker, O.C., P. Eng.

April 13, 1991





LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

**PUBLIC DISCUSSION ON THE BOUNDARY
TO DIVIDE THE NORTHWEST TERRITORIES**

YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, MARCH 10, 1992

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**PUBLIC DISCUSSION ON THE BOUNDARY TO
DIVIDE THE NORTHWEST TERRITORIES
YELLOWKNIFE, NORTHWEST TERRITORIES
TUESDAY, MARCH 10, 1992**

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PUBLIC DISCUSSION ON THE BOUNDARY TO
DIVIDE THE NORTHWEST TERRITORIES
YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, MARCH 10, 1992

MEMBERS OF THE LEGISLATIVE ASSEMBLY

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REPRESENTATIVES OF ORGANIZATIONS

Mr. James Eetoolook, Tungavik Federation of Nunavut; Mr. John Amagoalik, Tungavik Federation of Nunavut; Mrs. Liza Enzoe, Dene Nation; Mr. Antoine Michel, Dene Nation; Mr. Roger Gruben, Inuvialuit Regional Corporation; Mr. Charles Dent, Non-Aboriginal Representative M. David Krutko, Gwich'in Tribal Council, Inuvik

CHAIRMAN (Mr. Pudluk): I would like to call this meeting to order. Before I begin my opening remarks, I would like to remind the gallery and the Members about the channels for the languages: zero is for language; one, English; two, Chipewyan; three, French; four, South Slavey; five, Dogrib; six, North Slavey; seven, Gwich'in; eight, Inuktitut. I am going to begin my opening remarks in Inuktitut, and then halfway through I will speak in English,

Chairman's Opening Remarks

(Translation) I would like to call this meeting to order and welcome Members of the Legislative Assembly and representatives from various groups from across the Northwest Territories. I also welcome the listeners and viewers from across the Northwest Territories who are following this important meeting on radio and television.

This meeting was arranged after the Legislative Assembly received a request from the Tungavik Federation of Nunavut to allow them to appear before the Legislature to discuss the upcoming plebiscite on a boundary to divide the Northwest Territories. Members of this House felt that it would be more beneficial to arrange for a full and public discussion on this important issue. To facilitate this, representatives of the major aboriginal organizations and other groups were invited to attend this meeting today. Unfortunately, the Members of Parliament for the Western Arctic and Nunatsiag send their regrets that they are unable to participate because of prior commitments. As well, the Shihta Regional Council are unable to attend as they begin negotiations on their land claim today. (Translation ends)

The format for the meeting has been circulated to each participant, but I would like to briefly outline the procedure that we will follow. The topic for discussion is the May 4th plebiscite on a boundary to divide the Northwest Territories. Each organization, or group, will be permitted to make a 15 minute opening statement, followed by 10-minute opening statements by each Member of the Assembly. Once those who wish to participate have spoken, there will be a short break followed by a two-hour question and answer period. Each participant will be permitted to ask three questions of each other.

To begin, I would like to go around the room, starting on my left, and ask each individual to introduce themselves. Once this is completed, we will begin with James Eetoolook, from TFN, with his opening statement.

To assist with the timing, we will use the timer on the wall. The Clerk will alert each speaker when they have two minutes

left by ringing this bell. Please do not be offended if I cut you off. I will try to be as fair as I can with all participants. With that, I would like to begin with the introductions beginning from my left.

Introduction 01 Members Of The legislative Assembly

MR. PUDLAT: (Translation) Thank you, Mr. Chairman. My name is Kenoayoak Pudlat, and I represent Baffin South. I represent three communities: Lake Harbour, Sanikiluaq and Cape Dorset. Thank you.

MR. NERYSOO: Thank you, Mr. Chairman. I am Richard Nerysoo. My constituency is the Mackenzie Delta. I represent Fort McPherson, Aklavik and Arctic Red River.

MRS. MARIE-JEWELL: Thank you, Mr. Chairman. My name is Jeannie Marie-Jewell. I am the MLA for Thebacha. I represent the constituency of Fort Smith.

MR. KOE Mahsi, Mr. Chairman. My name is Fred Koe. I represent the constituency of Inuvik.

MR. ANTOINE Mahsi, Mr. Chairman. My name is Jim Antoine. (Translation) I will be speaking my own language. I am the MLA for Nahendeh. I represent six communities: Fort Simpson, Fort Liard, Fort Wrigley, Nahanni Butte, Trout Lake and Jean Marie River. Thank you.

MR. TODD: I am John Todd, the MLA for Keewatin Central, which encompassed the communities of Rankin Inlet and Whale Cove. Thank you.

MR. BERNHARDT: Thank you, Mr. Chairman. My name is Ernie Bernhardt. I represent the Kitikmeot riding. My riding consists of Bathurst Inlet, Bay Chime, Cambridge Bay and Coppermine.

MR. LEWIS: I am Brian Lawis, the MIA for Yellowknife Centre. It is the downtown business centre, which I can walk around in about an hour and a bit.

MR. ARNGNA'NAAQ: (Translation) Thank you, Mr. Chairman. My name is Silas Arngna'naaq. I represent Kivallivik, which is Baker Lake and Eskimo Point, Arviat.

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Chairman. My name is Titus Allooloo. I represent Amittuq. The communities I represent are Pond Inlet and Hall Beach. Thank you.

HON. JOHN NINGARK: (Translation) Thank you, Mr.

Chairman. My name is John Ningark. I represent Natilikmiot. The communities are Pelly Bay, Spence Bay and Gjoa Haven.

HON. JOHN POLLARD: John Pollard, Mr. Chairman, representing Hay River and Enterprise. Thank you,

HON. NELLIE COURNOYEA: I am Nellie Cournoyea. I represent the riding of Nunakput; the communities are Tuktoyaktuk, Sachs Harbour, Paulatuk and Holman Island.

HON. STEPHEN KAKFWI: (Translation) My name is Steve Kakfwil. I am the voted Member for Colville Lake, Fort Franklin, Norman Wells and Fort Good Hope.

HON. DON MORIN: Thank you, Mr. Chairman. My name is Don Morin. I represent the riding of Tu Nadhe, which consists of Fort Resolution and Snowdrift.

HON. TONY WHITFORD: Thank you, Mr. Chairman. My name is Tony Whitford. I represent the constituency of Yellowknife South,

HON. DENNIS PATTERSON: (Translation) Thank you, Mr. Chairman. My name is Dennis Patterson. I represent the community of Iqaluit.

HON. MICHAEL BALLANIYNE: Thank you, Mr. Chairman. My name is Michael Ballantine. I am a Member of the Legislative Assembly for the constituency of Yellowknife North.

CHAIRMAN (Mr. Pudluk): Thank you. Somebody just walked in. Would you please introduce yourself?

MR. ARVALUK: (Translation) I am sorry; I left my papers and I had to go back and get them. My name is James Arvaluk. I represent Aivilik. The communities I represent are Cheaterfield Inlet and Coral Harbour. I am glad that my previous colleagues are here at present.

MR. GARGAN: Thank you. I apologize, Mr. Chairman, for being late. I was trying to look at myself on TV.

—Laughter

I am the Member for Deh Cho, which consists of Fort Providence, Kakisa and the Hay River Reserve. Mahsi cho.

CHAIRMAN (Mr. Pudluk): (Translation) Thank you. I am the chairman, and my name is Ludy Pudluk. I am the MLA for High Arctic. Before we proceed, I would like to ask the presenters who are representing various organizations to indicate who they are and introduce themselves.

Introduction Of Representatives Of Organizations

MR. JAMES EETOOLOOK: (Translation) My name is James Eetoolook. I am the acting president for the Tungavik Federation of Nunavut.

MR. DENT: Thank you, Mr. Chairman, I am Charles Dent. I am the MLA for Yellowknife Frame Lake,

MR. DAVID KRUTKO: My name is David Krutko. I represent the Gwich'in Tribal Council, Inuvik.

MR. ANTOINE MICHEL: Thank you, Mr. Chairman. My name is Antoine Michel. I am the chief of Lutsel'K'e. I have with me one of my eiders.

MRS. LIZA ENZOE: (Translation) My name is Liza Enzoe, and I work for the Snowdrift Band.

CHAIRMAN (Mr. Pudluk): (Translation) We will now proceed. We will start off with the Tungavik Federation of Nunavut.

Presentation By Tungavik Federation Of Nunavut

MR. JAMES EETOOLOOK: We will be talking in English so that the western Members can understand. I would like to address the Assembly on division and the plebiscite. My name is James Eetoolook. I am the acting president of the Tungavik Federation of Nunavut, which represents 17,000 Inuit living in the Nunavut region of the Northwest Territories. I am here with John Amagoalik. Mr. Amagoalik is the constitutional advisor to TFN and a member of the Inuit committee on constitutional issues. We will be making this address together.

The Inuit of the Nunavut region have pressed for division of the Northwest Territories for almost 17 years, but we have not been alone in our desire for division. The original idea to divide came from our neighbours in the West back in the 1860s, and since that time division has gained support in many quarters. The previous Legislative Assembly is on record in support of division. The ninth Legislative Assembly passed motions of support for division and the creation of Nunavut in 1960 and 1981. In the 1962 plebiscite on division, 56 per cent of the voters voted in favour of it. In that same year, the Legislative Assembly established the Constitutional Alliance to pursue the matter of division and other constitutional issues. The alliance's work culminated in the 1967 Iqaluit Agreement, which was endorsed by motion of the 10th Legislative Assembly. That Assembly authorized a plebiscite on the boundary, just as this Assembly has.

The aboriginal peoples of the Northwest Territories have also supported division. The Dene Nation advocated division in 1976 for the first time. One year later the Metis Association of the Northwest Territories did the same thing, and both have called for division many times since. In 1965, the Constitutional Alliance, in which the Dene and Metis participated, agreed in principle to a boundary to divide the Northwest Territories, and in 1987 the alliance agreed again to divide according to the terms of the Iqaluit Agreement.

The federal government, as well, has been supportive of division. In 1962, John Monroe, Minister of Indian Affairs, declared the federal government's approval in principle to division. In 1984, Prime Minister Trudeau, at the First Ministers' Conference on aboriginal issues, advocated Nunavut as a workable form of self-government. In 1965, David Crombie, Minister of Indian Affairs, announced to the 10th Legislative Assembly that the federal government would be willing to divide upon finalization of boundary, and today, as is evident by its agreement to Article 4 in the TFN final agreement, the current federal government also supports division. And there are many other instances of support.

The point of this short historical summary on support for division is to underscore that there is support, and there has been support for many years now. To divide or not to divide is no longer the question. A more relevant question today is whether the proposed boundary is acceptable to the residents of the Northwest Territories. At this point, I hand it over to John.

History Of Boundary Selection

MR. JOHN AMAGOALIK: Considerable discussion and controversy has surrounded the boundary issue for years, and many different boundaries have been proposed. What criteria should be used to come up with an acceptable boundary? Where should the boundary be located? In which territory would the Inuvialuit be located? et cetera, are all questions that were debated time and again. But as of 1985, the questions had finally been answered. In January of that year,

opinion was consolidated when the Constitutional Alliance agreed in principle to a constitutional building process and to use the land claims boundary between the Inuit and the Dene/Metis as the boundary for division. This 1985 understanding, coupled with the 1986 boundary and overlap agreement between the Dene/Metis and Inuit, laid the foundation for the Iqaluit Agreement in 1987.

The Iqaluit Agreement outlined principles and processes for constitutional development of both territories, and set a timetable and target date for division, October 1, 1991. But subsequent failures by the Inuit and the Dene/Metis to firm up the 1988 agreement led to the collapse of the Iqaluit Agreement. So five years later where are we, apart from being a year and a half past the alliance's target date of October 1, 1991? Until recently we appeared to be still struggling to move beyond the point at which we left off in 1987. Now, as is evident in the recommendations contained in the Commission for Constitutional Development's interim report, the West is once again ready to move toward division. So let us go on with what we have already decided to do and divide the Northwest Territories.

Given all the past support for division, is there a problem? Should we be concerned that it may not happen? Well there may be a problem if the people of the West choose not to endorse the boundary. Some people in the West do not like the boundary, not so much because it is not fair, but because in their view it was decided upon without their concurrence. At TFN we had no choice but to accept this situation if we expected to settle our claim. We had tried for seven years to get a boundary agreement but were unsuccessful, so former Commissioner Mr. John Parker was asked by Tom Siddon, Minister of Indian Affairs, to recommend what he thought to be a fair line. In our view, the line was a reasonable compromise. It was not perfect, as no compromise can be, but it was acceptable.

Mr. Parker's boundary resembles the 1988 Inuit and Dene/Metis boundary, which was thought to be fair at the time. At that time, though, there were no demands by the Dene/Metis to include land use in the Northwest Territories by Dene in the provinces. The 1988 line also proved to be a fairly equitable split of valuable mineral regions, when compared with mineral resource maps developed in 1984 by the Western Constitutional Forum. As well, it posed no greater problem for migratory species of wildlife than do the current territorial or provincial boundaries. The overlap agreement that went with the boundary protected the rights of both parties to carry out traditional land-based activities in the overlap area, and it provided for joint management of the lands and resources, and when it was negotiated it included several elders from both sides at many of the meetings. Any differences that existed afterwards appeared to have greater emotional significance than geographic impact.

The present boundary, recommended by Mr. Parker, differs in only a few respects from the 1988 boundary. It allocates small parcels of land to the Inuit on the southern side of the line. It dips a bit further south in the western sector, and it lies further north and east throughout the remainder of its length.

So now we have a history of consensus for support. We have the grass-roots results of the 1982 plebiscite vote, and we have a boundary recommended that is not overly different from the one that had been negotiated in 1988. Why, then, are some people nervous? In our view, it appears to boil down to a general sense of uncertainty on the part of some people in the West concerning the West's political and economic future, and to a dislike of the line by some aboriginal people,

Legitimate Concerns In The East And The West

We recognize that there are many legitimate concerns in both the East and the West that cannot be taken lightly. Although progress is being made on claims at the regional level, the notion of a unified Dene/Metis claim has collapsed, leaving them uncertain about their self-government future as a nation or nations. The Inuvialuit remain as concerned as ever about being in a "mine" position in a western territory. The non-natives are concerned about their jobs in the public sector and about the economic impacts of division in general. The western caucus of the territorial government is confronted with the problem as to what shape to give a western territorial government, and people in Nunavut are querying the ability of Nunavut residents to implement both their land claim and Nunavut at the same time. These are real concerns, and they must be addressed. However, many of the answers to these concerns are there, should people choose to recognize and accept them.

To begin, division of the Northwest Territories and the creation of Nunavut is not something that will happen overnight. It is a process that will occur over a 15-year period, accompanied by a massive human resources development plan. The first seven years will see the establishment of a core operation of a Nunavut government, essentially the legislative, executive, judicial and financial functions. A further eight years will see the establishment of its remaining functions. A further eight years will see the establishment of its remaining functions. Now this careful phase-in of government administration over 15 years, which is 10 years greater than what we agreed to under the Iqaluit Agreement, should meet many concerns.

In the first place, it will provide for a smooth division of powers and responsibilities so as to cause as little disruption as possible to the remaining western territory. This lengthy time frame will not require the West to make hasty decisions regarding its administrative and constitutional future. Seven years to divide up the governmental responsibilities for \$5,000 people should not be an onerous task. If East and West Germany, containing over 80 million people from two very different economic, social and political backgrounds, can unite within a year, then surely 55,000 people can divide over a seven to 15-year period.

Also, the division of governmental responsibilities in departments will be overseen by a Nunavut implementation commission. Its job will be to ensure that an orderly transfer of responsibilities and division of resources will occur, so as not to leave the western territorial government in the lurch or overburden a fledgling Nunavut government.

Governing the West without Nunavut should be made easier. Current territorial policies and programs must balance the very different needs and interests of both the East and the West. After division, policy formation and program development can be tailored with only western priorities in mind. Of course, this situation will benefit the people of Nunavut as well.

The transition period was also designed to allow for adequate time to train eastern residents in order to ensure proper implementation and running of a Nunavut government. Some people in the East have raised concerns that the quality and level of services may suffer without proper training and planning. These concerns are legitimate, and that is why training will be a fundamental component of the transition period.

In areas of government where people cannot be trained fast enough, the Nunavut government will contract out services to agencies that have the expertise, much like the current territorial government does now for major aspects of health care. It is expected that the western territorial government

will benefit from eastern needs since it will possess some of the facilities and skills that may be lacking in Nunavut at the time of division. People in Coppermine and Cambridge Bay, for instance, will continue to go to Yellowknife for health and educational needs until such time there are comparable services in the region.

Economic Impacts Of Division

Regarding the economic impacts of division, it is the East, not the West, that will be taking the major risk. It is the West that will retain the oil and gas of the Beaufort Sea, Mackenzie Delta and Valley, and most of the operating mines. Business interests in the West stand to benefit from the considerable amount of money that will enter the eastern economy as a result of the creation of Nunavut and the settlement of the Inuit claim.

It is estimated that some \$560 million to \$632 million will be required to establish a Nunavut government. It is known that the Inuit land claim will bring in \$1.15 billion into Nunavut over a 14-year period. This large capital injection into the East will spawn many economic spinoffs, some of which will benefit business interests in the West. It is unrealistic to expect that existing trade and travel ties with the East will collapse completely after division.

There are also other economic fears in the West. In particular, fears related to jobs and job security in the public sector. These fears are not well-founded for two reasons: 1) A Nunavut government will contract out services for programs that it cannot provide for itself. This means job security in Yellowknife for many employees; 2) A Nunavut government is to be a decentralized government, employing local residents so as to reduce the need for imported labour from Yellowknife and other places. The territorial government's study estimated that not more than 250 jobs in Yellowknife will be lost because of division...

CHAIRMAN (Mr. Pudluk): Excuse me. The term has expired. We all know that the paper will be distributed throughout the delegation, as we have stated earlier about the procedures of the meeting, so we will keep on going, as the time has run out. According to the agenda here, the Dene Nation is here to do their presentation. The Dene Nation is next. We will have a question period after Mr. Kakwi.

HON. STEPHEN KAKWI: Mr. Chairman, in light of the fact that there are going to be at least three different presentations from the western part of the Territories and the TFN are the sole spokesmen from the East, I would suggest that we let them complete their presentation.

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Kakwi. I think all the Members agree on the continuation by TFN.

MR. JOHN AMAGOALIK: Thank you very much, Mr. Kakwi. Although this study cited approximately 1500 new jobs would have to be created for Nunavut, the figure was arrived at by simply dividing the current government and duplicating its functions in Nunavut. A study concurrently being undertaken by the federal government is based on other parameters. It is looking at establishing a decentralized government. A decentralized government will mean a small government capital, limited to core government functions, with its remaining government departments established in regional centres across Nunavut. This will minimize the impact and maximize the benefits to communities. This approach, coupled with appropriate training programs for Nunavut

residents, will ensure that local residents will get the lobe and that hundreds of outsiders will not be needed to be brought in to run it. This has the added advantage of not requiring new, or not having to overly tax existing infrastructures, because fewer new houses and attendant support systems, et cetera, will be needed; and because of the technological advances in recent years, a decentralized approach is not unrealistic. Fax machines, computers, and the like will ensure instantaneous communication between government agencies. Effective systems of communication also mean less travel will be required and, therefore, lower government expenditures.

Ethnic Concerns

Now the foregoing has addressed mainly the economic concerns of the West and the concerns of the eastern residents regarding the capabilities of eastern residents to run a Nunavut government. I have not touched on any of the ethnically related concerns of the non-natives regarding their future after division, nor have I addressed the aboriginal-specific concerns of the Dene/Metis or the Inuvialuit, and without in any way meaning to suggest the best way forward for the West, I would like to make a few observations regarding such concerns.

In the East, minority rights would be guaranteed under our Nunavut bill of rights as outlined in the 19SS Nunavut constitutional forums' document, 'Building Nunavut.' In the West, non-native interests would be taken care of simply because they will be a majority. Western non-natives are among the better educated westerners, and they are the holders of some of the best jobs. Canada is a democratic country, and their rights as Canadian citizens are protected under the Canadian Charter of Rights and Freedoms.

Furthermore, the commission for constitutional development recommended, in its interim report, a reaffirmation of Charter rights in a western territorial constitution. We should not forget that the plebiscite question stipulates that, in achieving division, public sector employment preferences will be respected, and levels of government services will not be compromised. Moreover, the territorial government has agreed to provide all residents of the West an opportunity to participate in the development of a western constitution.

Some aboriginal peoples in the West see division as a trap rather than an opportunity. They fear a minority status in the West and face an uncertain future regarding their aboriginal rights. They wonder how they can participate effectively in a western territorial system of government in a predominantly EuroCanadian society.

These concerns are understandable, but let us keep things in perspective. To begin, if people would look around this Assembly, they would observe that aboriginal Members from the West far outnumber non-aboriginal Members. There is little reason to think that this would change much after division. Division, as well, will provide a catalyst for negotiating a new relationship with the territorial government, and the negotiation process is not likely to be one-sided. Aboriginal people in the West can negotiate from a position of some strength. Current federal constitutional discussions may result in a renewed federal relationship with aboriginal peoples throughout the country. This, in turn, may assist aboriginal peoples in the western territory to negotiate their self-government future, not only at the federal level but also at the territorial level at a time when the western territorial government may be more receptive to innovative self-government arrangements.

This opportunity could not be enjoyed as it might if it were not for division opening up constitutional opportunities at the territorial level. Furthermore, the commission for constitutional

development would not have been formed if it were not for the possibility of division. Its continuing work in consolidating opinion and providing innovative thought on future western territorial constitutional arrangements may provide solutions to the problems confronted by aboriginal minorities.

Moreover, division of the Northwest Territories will not result in the extinguishment of aboriginal title, nor will it affect existing treaties. In fact, the commission's interim report recommends an entrenched inherent right to aboriginal self-government and the protection of treaty rights at the western territorial constitution.

Division, therefore, may provide greater opportunities for a revitalized future for aboriginal peoples in the West than are currently recognized. In doing so, it will not infringe on matters sacred to the hearts of many. TFN endorses the recommendations of the commission, and we also support the Metis National Council's efforts to have Metis recognized as Indians under section 91 (24) of the Constitution Act.

Special Consideration For Inuvialuit

The Inuvialuit deserve special consideration. Their concerns and needs are just as real as those of other aboriginal peoples, yet they appear, for the most part, to have been overlooked in the process. Perhaps it is because they settled their claim in 1984 and they are not seen to need the attention that other aboriginal peoples require. Perhaps it is because of their small numbers that their voices are not heard over those of their more vocal and more numerous neighbors. Whatever the reason, their needs must be taken seriously.

For years now, they have been lobbying for a regional government. They see it as the most effective means of achieving self-determination in a minority situation in the West. Without the Inuit in the East, with whom they prefer to remain, they will constitute only about 10 per cent of the total western territorial population after division. Western refusal to divide without the oil and gas of the Beaufort Sea and the Mackenzie transportation corridor to the sea has seen to that.

A reasonable model of regional government should not be viewed as a threat to the territorial government, and it may be entirely consistent with federal and aboriginal ideas of aboriginal self-government to which the Inuvialuit would be entitled under the Constitution. It is certainly consistent with the commission's recommendations for district orders of government. Thus, recognition of a regional government will go a long way in reassuring the Inuvialuit that their future is secure, and Inuvialuit support in the plebiscite is just as important as that of everybody else.

MR. JAMES EETOOLOOK: Division is the path to the future. By following it, we will ensure that Inuit will attain their long-sought objective of Nunavut and that the West will regain the road that was abandoned five years ago after the collapse of the Iqaluit Agreement. While the East has continued to march forward, the West has marked time. It is time now for both Nunavut and Denendeh to renew our respective journeys, but on separate paths. So support the boundary, and take the next step.

Thank you, Mr. Chairman and honorable Members, for generously allowing me the time to address this Legislative Assembly on this most important matter. Again, thank you, mahsi cho, qujannamiik.

--Applause

CHAIRMAN (Mr. Pudluk): Thank you. We will now hear from the Dene Nation. Mr. Michel.

Presentation By Dana Nation

MR. ANTOINE MICHEL: Thank you, Mr. Chairman. I will do this in my Chipewyan language. (Translation) We are concerned about the land around the Thelon River. We used to use that land for hunting and trapping; people used to live on that land. We want to talk about that as the most important thing over in our land. This country is big, but people are talking about it; the Inuit are talking about their land; we, the Chipewyan people, have to talk about our land and how we used to live off the land. That is what I want to discuss with you today.

This boundary that was established, for me, I do not think it was right the way it was handled. The reason is that some of our land has been taken, not only our's but the Dogrib People's. The way I saw it on the map, I do not like it if seams as though we are giving up a lot of land to Inuit. By rights, Dogrib, Inuit and Chipewyan people could get together and solve it ourselves. Why should somebody else do it for us? For me it is not right. I would like to have people face each other and we could talk about it. The only way to solve things is by talking; that is the way to do things right.

When we are talking about this Chipewyan land over in Saskatchewan and Manitoba, before, when there was no Saskatchewan and Manitoba, it was all Northwest Territories. Once the boundaries were established we lost touch with our relatives over in Manitoba and Saskatchewan. The way the boundary is now, the game sanctuary goes straight down to the Manitoba/Saskatchewan border and people from Saskatchewan and Manitoba have traps in the Territories. It looks like it is going to be gone now. That is not right. It looks like the Inuit are going to be taking our land. We cannot have that.

I have a map here. I can show it to you. When they talk about surrendered land, we never did that. People still have cabins out there and have traps. People still use the land. Around the Thelon River, we have cabins there; we have traplines there, things that are not expensive, like white fox and wolves, but in the future our kids, if they want to live off the land and set traps, they could do that. They could use the land to wander around. The people out in the barren lands - a lot of people grew up there, a lot of Chipewyan people. We used to travel all the way to the Arctic Ocean. That is the story I got from my elders. That is how far people used to travel, and it is all shown on the map. We used to live off the land. We used to travel a long way in those days. Now, this Thelon Game Sanctuary they are talking about, around the Cameron Lake area, not too far from the East Arm - there used to be a game sanctuary there. After 1950 they moved it up to the Thelon. Now they consider it a park.

When they started in 1986, TFN made a boundary and showed it to us, and then we discussed it. If they came to us and said, "This is the way we are going to do it," and then we sat down and talked about it - if that is the way they did it, we would have had a good working relationship. But that is not the way it happened. It looks like the Inuit established the line, and that is when the work started.

Boundary Not acceptable To Chipewyan People

We are not saying we do not like the people. That is not what we are saying. What we are saying is, now we can work things out? I just want you to know that. The way we used to work, if the Inuit and Chipewyan people can sit down side by side, we can fix it. Otherwise, it cannot be fixed. That is the way I look at it.

Yesterday I had a call here. This morning I came here. What I wanted to say is what I was told to say. The land is ours.

This line where the boundary is built is not right, and people have told me not to say yes, I cannot say yes to it.

In 1966, when it started, I was involved with a project. I did not want to lose land. I started work with the elders who are no longer with us, but I am still involved. Now I am chief and I am still involved in this issue. I work for my representative and for the Dogrib nation. The only way we can fix it is by talking. The way it is drawn up, I do not think it is right. You left out Saskatchewan people, and now they are taking it to court. People still use the land extending from Saskatchewan into the Territories. This map is here, if you want to look at it. The kind of work we have done is all on it. They gave us 15 minutes to talk here.

Two weeks ago I travelled in the Saskatchewan and Manitoba area to my relatives. I talked to people in that area, and a lot of elders there are saying it is not right. A lot of elders are still living by what was told to them in Treaties 8 and 11. All that Chipewyan land is still theirs. It was never surrendered. It is all written on a map here, and the way the line was drawn, the people from Manitoba are not too happy with it. It seems like Chipewyan land will be given to the Inuit. You cannot do that. If they want it, they can sit down and visit us and talk about it. That is the only way we can fix it; otherwise we cannot. If you want to fix it, we can still do it, but we have to sit down and look at each other and talk about it; otherwise you cannot fix it. We only have 15 minutes to make a presentation, so I would like my elder, Liza, to say something on this matter. That is all I have to say. Thank you.

- Applause

MRS. LIZA ENZOE: (Translation) I would like to thank you, all the MLAs that are here and the ones we are talking to. This land that you are talking about - we live off the land. We use it like a pillow. We, as people, should not fight each other for it. That is the way the world was left for us by our elders, but it looks like now we do not ask each other questions and we do not work that way, and it is no good.

The current work we want to do is all written on a map. Over by the Thelon River - I travelled in that area, too. A lot of our elders really worked the land for us. That is the way we did it in the old days. In order not to lose that, the federal government has papers in their offices of the way the land was used, where the traps were set, and where we travelled. All this we have discussed, in order to fix it all up. When the paper was first made, the boundary was established. It is not going to change, but what happened is that today it seems people are just taking whatever land they want. People do not even ask each other what they have to say. It is not supposed to be done that way. The way the elders used to live, they did not write things down on paper but they remembered what people said. I have never been to school, but I lived off the land. I travelled with a dog team. There were no white people there. We used to use hide for caribou.

Solutions Must Be Based On What Is Best For Everybody

Now the government seems to make motions for people to do things. That is not right. We have to make our own motions. We have to look at each other. We are not supposed to fight over things, argue. We have to ask each other questions about what would be best for each of us. That is how we have to work. Somebody else from different areas, or Inuit people, have to talk about what to do with the land. That is how they are supposed to deal with each other, but that is not even what is happening; for me that is how it seems, according to the TV services. A lot of people in southern Canada are probably the ones that are making motions for us. We have to make our own motions. The way

people used to live in the old days cannot be left behind and follow the new ways. That seems to be the way we are talking. That is not right.

Over in the Barren Lands where people used to go hunting, it seems like they made the boundary over our land. They did not ask us when they were going to move the line. They were supposed to sit down and let us know. A lot of people are unhappy about that; not only Chipewyans, but Dogribs and everybody else. If we are going to come up with something we are going to have to talk about it. We are not supposed to fight over land; that is not good. You can see by the examples of down south, the federal government down there, all they talk about is land. If we do not work according to those wishes, things are going to get pretty rough. In order to avoid that, we have to work together. That is what the Lord made the land for; for us and for our children.

The government has to let us know what we are talking about, but it does not seem like that is what is happening. After the map was made and they showed it on TV, somebody asked me if they talked to me about it, and I said I did not know. My son told me what it was that they were saying. Do you think it is right? If you are going to do a job, then you have to do it slowly and you have to work with each other. If you are going to make a dam on a river, you have to talk about it. You have to ask each other things, you are not supposed to go over each other's heads and do things without talking about it. That is not good, and that is not how you work.

We raise our children on the land and that is why we know. All of our kids used to work in the bush. They used to get everything off the land, water and wood. That is how they know it. If you work as though you do not know what it is you are working about, then it is not so good. That is the way it seems we are talking. For me, my land is like my pillow. If I die, I will be six feet underground. Then I will not be able to say anything or talk to people. That is the way people work, and that is not good. If somebody wants to make money, then they can say, 'We can do things this way. There is oil and gas, so let us do exploration.' I do not like people asking me - everybody wants everything for themselves; that is how they do things, and it is not good.

In the future, what we leave for our children, that is how we are supposed to work. We have to get things for our children, and that is what the Inuit people want, too. That is how it is supposed to work for everybody: Dogrib, Chipewyan, everybody.

I have never sat before at this kind of meeting. Sometimes it is not too good for me. In the Barren Lands there is an old lady who stays there. Every summer people go over there. For three summers we have gone there and talked to her and prayed to her. She told us, 'Last year they operated on me for cancer. I do not want a dam built on that river.' There are places like that, so that is why we have to look at this carefully and work well. Where the woman went into the ground there is still fire and smoke, you can still see everything. We have to watch places like that. On this land with the caribou and all of the animals, that is what native people live off.

—Applause

CHAIRMAN (Mr. Pudluk): Representing the Gwich'in, David Krutko.

Presentation By Gwich'in Tribal Council

MR. DAVID KRUTKO: Thank you, Mr. Chairman. (No English translation...) The cost of creating a new territorial government may reduce the services in the western territory.

Some of the options that the government may consider implementing as soon as possible are: The community transfer agreement, which would, somehow, include regions. This will reduce the need for services to be delivered out of Yellowknife; consider combining coats with the claims implementation institutions which will be established under the Gwich'in Agreement; revisit the current capital expenditures in Nunavut and reflect the needs for the Nunavut institutions that will be needed for that government examine the ways for the transfer to divide the territorial programs and services with regard to health, social services and education, in an equitable manner,

We would also like support from the Inuit leaders for the Gwich'in self-government, to protect the aboriginal self-government in the West. For example, if the Gwich'in have difficulties with the Government of the Northwest Territories on self-government negotiations, the matter may have to be resolved in this Legislative Assembly. At this time, we would like to mention that support may be needed at that time. With that support, the Gwich'in are willing to support the Nunavut in their aspirations of establishing a self-government arrangement with the creation of Nunavut, similar to the way the Gwich'in will be establishing a self-government arrangement through our self-government framework agreement.

The other concern we have is the question of the Bluenose caribou herd which inhabits both territories, the West and the East. There has to be an effort made to have a management regime in place, as soon as possible, to resolve the issue of the habitat of the caribou herd,

The Gwich'in strongly support the aspirations of any aboriginal organization in the North, in the South, or wherever, to take it on by themselves to do things by themselves and take more responsibility for their lives and control for their peoples. We support the aspirations of the Nunavut group, and also the question of division. Thank you.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. Inuvialuit Regional Corporation is next. I would like to remind you that we have a time limit for opening statements.

Presentation By Inuvialuit Regional Corporation

MR. ROGER GRUBEN: Thank you, Mr. Chairman. I would like to thank the MIAs and, as well, the Legislative Assembly for allowing us to make some comments with regard to the upcoming plebiscite and, as well, the constitutional process that is currently under way in the Northwest Territories.

The Inuvialuit continue to support the aspirations of Inuit to achieve a measure of self-government through the establishment of Nunavut. We believe that progress in the area of self-government, including the creation of Nunavut, is long overdue. Like the Inuit, the Inuvialuit have been working continuously toward a model of self-government for over 15 years and, to date, we have not achieved significant results.

Division of the NWT is a very controversial issue in the Western Arctic. Many Inuvialuit favour their inclusion in a Nunavut territory, while others would prefer to be in a western territory. At this time it is not possible to predict how Inuvialuit would vote on a plebiscite question. The IRC believes that the vote in our area on the plebiscite question will depend, in some part, on voters having information in regard to, basically, three fundamental questions:

1) The issue of the costs of dividing the Territories, which to date has been addressed to a certain degree; however, there

has *not* been any great detail or certainty attached to any of those figures.

2) How will the government ensure that there will be no reduction in the level of services after division? And again, Mr. Chairman, we recognize that in the plebiscite question there is the contemplation for there not being a reduction in services, but how do we know? And what kinds of qualifications are there going to be that indeed there will not be any lessening of services or lowering of quality of services for the people in the part of the Territories that remains after Nunavut is created?

3) What protection, including protection of the Inuvialuktun language and culture, will we, as an Inuvialuit minority, be provided with in whatever territory we are located in?

During the past several months the Inuvialuit have participated aggressively in various constitutional forums, both at the national and at the territorial levels. We have also had extensive consultations within our Inuvialuit communities. TFN conducted regional workshops and, as well, assemblies. Representatives of governments and, as well, other aboriginal groups, community leaders from our Inuvialuit communities, were all in attendance at these consultations.

We have conducted our activities with the objective of playing a positive role in the constitutional development process and assisting the achievement of self-government for all peoples in the North, including the creation of Nunavut for the Inuit. In particular, we have put forward substantive proposals to assist all parties to be more comfortable with the current schedule for constitutional development.

For example, in our proposal to Mr. Bourque's commission on constitutional development, we suggested several fundamental principles to be incorporated into a western territorial constitution, to provide cultural and linguistic protection for all aboriginal peoples. We also outlined to the commission our aspiration for the establishment of a Western Arctic regional government. In putting forward our proposal for regional government we are not suggesting an untried new form of government or governmental institutions. Regional governments have been operating for many years with great success in other areas of Canada and throughout the world. The North Slope Borough in Alaska and the Kativik Regional Government in Quebec are two very noteworthy examples of effective northern regional governments,

North Slope Model Of Effective Northern Regional Government

We did take a study tour to the North Slope of Alaska, Mr. Chairman, and we studied the Inupiaq, the Alaskan way, of self-government. That resulted in a report that we have made available for distribution to various Members of the Legislative Assembly. We have made that report available to Jim Bourque's commission on constitutional development, and we feel that the model for how the Inupiaq in Alaska run their form of government, through a regional government, is quite workable in the Western Arctic.

With representation from their communities they are able to bring decision-making closer to the people that they represent. As an example, they are able to provide increased and better services to their people, which number only 6000. They are able to make decisions that are going to better enhance the standard and the quality of living of the people within their boundaries of the regional government. For instance, one decision they have made which is going to be so beneficial for them in coming years is that they have decided to put grade 12 schooling in all of their communities, regardless of the size of that community. Can you imagine what would

happen if we, as the Inuvialuit or any other region of the Territories, had that ability to make those kinds of decisions at the regional level, so that the beneficiaries of that regional government are able to see immediate and long-term benefits?

We heard before from the TFN representatives of the need for better education. We think, as the Inuvialuit, that the setting up of a regional government is one way to realize the required level of education to run a particular form of government.

The Inuvialuit are very pleased with the efforts of the commission to date and their ability to provide a substantive interim report within the established timetable. In particular, we are encouraged by Jim Bourque's commission and their support for the decentralization of powers and authorities. We also believe that the Inuvialuit proposal for a Western Arctic regional government can be accommodated within the concept of district governments put forward by the commission.

Mr. Chairman, again I would like to stress to the Members of the Legislative Assembly that we are taking the report of the commission very, very seriously. We heartily endorse a majority of the recommendations, in particular the recommendation that refers to district governments. We recognize that the commission, through the language and through the recommendation on that particular issue, is, in many ways, making references to regional governments. We are anxiously looking forward to the continuation of the work of the commission.

We feel, as the IRC, that when we are talking of a regional government that we are not pursuing anything different from what the current Government of the NWT is proposing. For many years, and more strenuously now since the election last year, there has been a lot of talk and there have been a lot of initiatives undertaken for the setting up of community governments. That is the initiative, we understand, from the Executive Committee of the government. However, I think they recognize and we recognize that to date there is no vehicle within the legislative process within the government that would allow for any community to pursue and achieve a measure of self-determination if they wish to do so.

I would say, check the record; you had some existing legislation before and some processes that were available to communities and residents of the NWT. Can you name me one community across the North right now that is self-governing? I do not think that you can. To me that means that there is something fundamentally wrong with the process.

Vehicle For Inuvialuit Regional Government

We are quite prepared as the Inuvialuit to suggest a vehicle for us to achieve regional government. And right now we are working with Members of the Legislative Assembly to put together draft legislation that would allow for the creation of regional governments. And, Mr. Chairman, at your request, I will provide that draft legislation to all Members of the Legislative Assembly, if you feel it would be worthwhile and contribute to the process. We have been working on that draft legislation, recognizing that at some point we will have to develop legislation anyway.

So back to my comments on the commission. Based on the commission's progress to date, the Inuvialuit would suggest that the commission continue its work into phase II, with the objective of finalizing a western constitution for presentation to the voters by the spring of 1993. Regional and local consultation, including the review of a draft constitution by a constituent assembly in the fall of 1992, would be essential components of the commission's work in phase II.

The Inuvialuit will continue to work toward developing measures to provide sufficient protection to aboriginal peoples. We will also attempt to play a constructive role in identifying and ensuring that government commit sufficient resources to allow division to occur without negative effects upon the services delivered to all NWT residents.

In closing, I will provide a few comments on the current process. I think we all realize that we are here today in this type of forum because of TFN and their ability to get Canada to include a Nunavut government provision in their claims settlement. TFN and their legitimate aspirations for self-government are driving this process, and we must all be prepared to accommodate the necessary timetables. Toward this goal, the Inuvialuit have worked very hard at developing our positions on division and recommending the necessary steps required to assure that all aboriginal peoples are provided with the opportunity to achieve a measure of self-government. We will continue to work with all parties to promote a positive result on the plebiscite and facilitate the creation of Nunavut and the establishment of similar self-government opportunities for other aboriginal peoples in the NWT. Thank you very much, Mr. Chairman.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. The last presentation is from our non-aboriginal representative, Mr. Dent.

Presentation By Non-Aboriginal Representative

MR. DENT Thank you, Mr. Chairman. Mr. Chairman, I was asked by several of my honorable colleagues in the Legislative Assembly to speak today on behalf of the non-aboriginal people of the NWT. If time had permitted, Mr. Chairman, we would have looked outside the Legislative Assembly for a representative of the non-native people of the NWT. However, this public discussion was organized in an extremely short period of time, making it virtually impossible to establish a process to select one person who could represent the widely diverse community of non-native peoples of the NWT. John Pollard, Brian Lewis and Michael Ballantyne, the other non-native MLAs from the Western Arctic, asked me to speak on behalf of non-native Northerners because of my involvement with the current western constitutional committee of political leaders. So I accepted this task, but with great reluctance, and on the understanding that I cannot speak on behalf of the non-native people of the Eastern Arctic.

Non-aboriginal people are represented in every region of the NWT and, as with native people, their concerns and aspirations differ from region to region, from town to town, even within towns. I do not believe that one person can speak on behalf of all non-aboriginal people of the NWT, any more than one native person can speak on behalf of all the Dene, Inuit and Metis people of this land. Nevertheless, it is important for a non-aboriginal voice to be heard at this discussion, to voice at least some of the concerns that other non-native Northerners have stated to us and to express our own concerns as long-time Northerners who want the best for the NWT.

Mr. Chairman, we do not believe there is significant concern among non-natives in the NWT over the location of the proposed line for dividing the NWT that all Northerners are being called to vote on, on May 4. There is, however, a great deal of concern over, and probably opposition to, the actual concept of dividing the NWT into two separate entities. It is important to note, Mr. Chairman, that most of these concerns are based solely on the financial implications of division. We firmly believe that the majority of non-native Northerners support the aspirations of the Inuit in creating a homeland in

Nunavut. However, it is only natural for the non-natives to ask, "At what cost will division occur?"

Non-native Northerners want assurances that all residents of the Western Arctic will be able to vote on a constitution for the new western territory that will be created by division. Further, Mr. Chairman, non-native Northerners in the Western Arctic cannot support division without the firm knowledge that if a new constitution for the West contains guaranteed representation, it will be guaranteed for all.

Non-native Northerners on both sides of the proposed boundary will also have difficulty supporting division, I expect, if it results in any loss of services currently provided by the Government of the NWT. Mr. Chairman, non-native residents also want assurance that division will not result in a further carving up of the already inadequate funding we receive through transfer agreements with the federal government. We need to be convinced that long-range planning will be undertaken to ensure that division will minimize any negative impact on current employees of the Government of the NWT, and there is also a concern over how non-native rights will be affected by division and by native self-government.

Mr. Chairman, it is said that there is strength in unity. Well, Northerners know from our past dealings with the federal government that much of our strength lies in our ability to work together and present a unified front. There is some concern, then, that if we carve the North into two halves and then further slice it into autonomous regions, we run the risk of weakening our central government and subsequently any strength we enjoyed in dealing with the federal government.

Mr. Chairman, most non-native Northerners fully support the concept of native self-government, but this is also our home. I would like to emphasize that we feel we have the right to be part of the process. Thank you, Mr. Chairman.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. Before I ask Legislative Assembly Members to comment, we will take a 15-minute break. When we come back we will start with any Member who wishes to make a 10 minute statement. It will be limited to 10 minutes.

—SHORT RECESS

I call the meeting back to order. Now I will allow any Member who wishes to make a statement. We will have a 10 minute limit, Mr. Koe.

Statements By Members Of The Legislative Assembly

MR. KOE: Mahsi, Mr. Chairman. I would like to thank all the presenters for being here and going through this process. I think it is a new era and new ground that has just been opened for future groups and future issues such as this. I have a lot of respect for TFN negotiators, and all negotiators that have been involved in land claims or aboriginal rights, and especially TFN in their ability to get the proposed Nunavut territory into their claim and to bring it to today's session and whatever the future holds. I have one concern, and that was raised by the Dene Nation representatives, that it does not seem fair or just to settle one claim to the detriment of another, and I believe and have been involved in negotiation processes where groups should be able to settle boundary issues by themselves. They must be given a fair opportunity and be allowed to do this.

I personally have no problem with the principle of division, but at this time a lot of my constituents do, and subsequently, I think they may not support the question of the boundary

issue. The reasons, I think, are no secret. There is a fear of the future; and what are the cost implications to all Northerner? What will the future costs and impacts be on the western territory? What will they be on an eastern territory? How will these costs impact on government's ability to deliver programs to residents? The plebiscite is a question that division will occur to respect the opportunity of residents in the Mackenzie Valley and Beaufort areas to develop new constitutional arrangements in the future for the western part of the NWT, and it has been mentioned that for this to happen there are no guarantee that any constitutional arrangements will be negotiated.

There are so many constitutional processes that are occurring now. We have the NWT constitutional process; we have the National Unity constitutional process; there is also an aboriginal constitutional process; and all have different timetables. I do not think we can assume that the recommendation they come up with will be the same, or all have the same time frame to finish. We know that for a fact. I think that in our term as MLAs we may never resolve these issues, yet on May 4 we are expected to vote similarly with the public of the Northwest Territories on this plebiscite issue. I feel it is much too quick. As a consequence, there may be a "No" vote from the West, and I for one believe this to be totally unnecessary. What is required is maybe some further negotiations between the Dene Nation, the Chipewyans especially, and the Inuit, and maybe some alterations to the boundary line could be made, and then we may get a satisfactory result. That is all I have to say at this time, Mahsi.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Arvaluk.

MR. ARVALUK: (Translation) Thank you, Mr. Chairman. I am very happy to be in this House when we are able to sit down with the delegation of aboriginal and non-aboriginal leaders of the Northwest Territories and discuss the future of our respective societies. At the outset, I want to say that I am one of the victims of the colonial system of the federal government. I am one of the victims of social genocide when the whalers, the Hudson Bay Company and the RCMP came to rule our land on their own terms and pleasure. I am pleased to see my former colleagues of the past 20 years who are still very active in the struggle to bring justice and self-determination to their people through land claims and through the creation of self-government.

To my friend from Inuvik, I have been involved in trying to achieve Nunavut for 20 years. It is not that we just heard about it and we are going to vote on May 4 at the plebiscite; we have been working for almost a quarter of a century on that. Everybody knows that. Everybody had an opportunity to do that. I remember in 1971, we had a staff of five people in the Inuit Tapirisat of Canada. There was no funding from the Secretary of State. All the funding for us was through donations. I, for one, was living in the YMCA with no pay for six months. I was the executive assistant to the president. I think we should realize that it is not just an aspiration of Nunavut residents to create a Nunavut territory. It is not only an aspiration. They have been working on it for a long, long time. Sometimes it was impossible to continue going forward. Sometimes we had to stop and think of where we have gone, what we have done, what we could do, and proceed again. We were fortunate that our friends across the ocean, Kallaatiit Nunaani were able to achieve a home rule. That caused us again to drive more, even harder, so that we too sometime would like to achieve that aspiration to finally start running our own land and the destiny of our people.

It is not a separation to divide the territory into two. I

sincerely hope that we still will be able to work together on the issues of wildlife management, hunting rights, as it is clearly a region in the agreement. The issue is not whether you will be able to go hunting over the border any more. We have been doing that all the time. I am in the Dene country. I could hunt here. A Dene person can go to Coral Harbour and hunt there. It is perfectly legal. The question is, to have a government that can administer its own people with the common grounds, common land, that could be best served without too much spending, thousands of dollars discussing and discussing, without being able to come to an agreement, like we do in this House sometimes. There is a lot of money spent on that. Money we could use to build houses and airstrips. The government could tell you how much it costs per day here.

I would like to assure my friends that we are not breaking away from the other part of the NWT. We are trying to achieve our goals and objectives and our dreams so that we could live in a more peaceful and understanding way within our own homeland. Thank you very much, Mr. Chairman,

CHAIRMAN (Mr. Pudluk): Thank you. Member for Kitikmeot.

MR. BERNHARDT: Thank you, Mr. Chairman. I would like to thank the people who gave their speeches. I understand you put a lot of years and hard labour into what you are trying to accomplish. But before I go any further, historically the people of Coppermine and Cambridge Bay have always been connected with the Western Arctic in essential services such as hospitals, schools, health and social services. I hope that we will continue to have these services, preferably written in stone.

Geographically, should Nunavut become a reality, which I hope it will, we will be in the western part of Nunavut. We have a different form of writing, like Roman orthography, than the remainder of the proposed Nunavut territory. We would like to see us continue our own way of writing. We must be guaranteed and given any opportunity to hold on to our culture, and we would like to grow economically and socially within Nunavut territory. Because I think it is important that we sort of become independent, because from what I am seeing in sitting in the Legislative Assembly, it is pretty hard to get things going in the region that I represent, so I would like the people of Nunavut to listen to what we have to say in the Kitikmeot Region. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Member for Amittuq.

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Chairman. I would like to welcome the delegations, the Dena Nation, as well as the Gwich'in Tribal Council and the non-native MLA from the West, also the Tungavik Federation of Nunavut, for airing their thoughts on the division of the Northwest Territories. (Translation ends)

Nunavut is the aspiration of my people who are living far in the East. To us living in the far East, Yellowknife as headquarters, is similar to Montreal being administered out of Alberta. It is just about as far as that. It is not sensible that a territory of this size should stay in one territory. For example, Mr. Chairman, since the election I have not been home, because it is too far away to go home. This creation of Nunavut territory is the aspiration of my people, it is not going to go away. Like TFN said, it has been attempted all through the years to come up with a boundary.

Back in 19S6, with the assistance of the Dene Nation, Metis Association, TFN and this Legislature, it was agreed in the Iqaluit Agreement that they would come up with a boundary. We asked the Dene Nation, the Metis Association and TFN to come to an agreement by talking together. They were not

able to. For seven years they talked and they were not able to come to an agreement on a boundary.

Finally, because of the TFN claim coming into reality, the Government of Canada had to do something. The TFN claim had to have a boundary. So they asked the former Commissioner of the NWT to solicit information, consult with the Dene Nation, Metis Association, all the people in the NWT, to come up with a boundary. As a result we have a boundary that has to be ratified or not ratified on May 4th.

I would encourage everybody, people in the East, people in the West, to come out and vote on the plebiscite boundary. Mr. Chairman, I have been asked by our Member of Parliament to read his statement into the record, if I am permitted. This statement comes from our MP, Jack Anewak. He says:

Statement From Jeok Anawak, MP, Eastern Arctic

"I would like to thank the caucus of the 12th Assembly for this opportunity to make a presentation on the boundary to divide the NWT. I regret that prior commitments prevent me from making this submission personally.

● As Members of this Assembly know, Nunavut has been a long-standing desire of Inuit in the East. Inuit have worked long and hard to get to this point today - the point of deciding on the actual boundary for Nunavut. Along the way many obstacles have been overcome, but the process has been steady. Nunavut will be created. It will happen because it is the necessary and natural outcome of the people's wish for self-determination in their homeland.

"I do not believe there are many people in the NWT or in Canada as a whole, who would want to deny the Inuit their right to self-determination in their own homeland. The high level of support Inuit have received for Nunavut from non-aboriginal peoples and other aboriginal peoples, both within and outside the North, must be acknowledged and recognized.

"Nunavut itself is not the issue on May 4th. Neither is division. It is important that everyone understands this. The division issue was settled in the plebiscite of 19S2 when the majority of the people of the NWT voted in favour of division. The Government of the NWT and the federal government have committed themselves to division. That commitment is spelled out in Article 4 of the TFN land claim agreement.

"The vote on May 4th is the next important step in the process toward division and the creation of a Nunavut territory and a new western territory. The vote on May 4th concerns the boundary between the eastern and western territories. On May 4th the people of the NWT will be asked their opinion on a particular boundary line. This boundary line was agreed upon between the representative of the federal government and the Tungavik Federation of Nunavut. A 'Yes' vote would simply establish this boundary as the one which would separate the eastern and western territories. It does not mean division will occur immediately.

"At the Nunavut Leaders Summit in Iqaluit in January, 199S we set the target date for the establishment of Nunavut. This is seven years away. This time frame, which is a little longer than the one initially proposed, will give all of the people of the Northwest Territories more time to prepare for division.

"Confirming a boundary for Nunavut is a necessary step in the process. Prior to the boundary vote on May 4, the federal and territorial governments must deal with some of the concerns which have been expressed, particularly in the West.

"Concerns about cost and services must be laid to rest. We all want to ensure at least the same level of service we have

today. We must ensure that the federal government lives up to its commitment to division by providing the necessary financial resources.

"In conclusion, I want to comment on the voting age for this boundary vote. I believe it is preferable to lower the voting age to 16 so that the youth in Nunavut will have the same opportunity to vote on the boundary question, as on the land claim ratification. The future of the youth is at stake. If they are old enough to vote on the land claim, they are old enough to vote on the boundary issue. Ten years from now the 16 year olds will be 26 years old and many of them will be leaders. We should not deny them the opportunity to have a voice in the shape of our future. I urge this Assembly to lower the voting age to 16 for this particular vote.

"I urge all NWT residents to carefully consider the consequences of their vote. The importance of Nunavut to the Inuit must not be underestimated. Nunavut is the supporting pillar around which the TFN land claim is built. Nunavut also provides western NWT residents with the opportunity to design and develop a government which truly reflects their own values and aspirations.

"With good will and co-operation we can build together a new and better north for our children. Thank you. Jack Anawak, Member of Parliament,"

Mr. Chairman, as Jack Anawak states, it is the aspiration of the Inuit, and I would urge all people in the Northwest Territorial to vote 'Yes' on this boundary. Qujannamiik.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Pudlat.

MR. PUDLAT: (Translation) Thank you, Mr. Chairman. First of all, I would like to thank the representatives who are here before the Legislative Assembly, talking about their respective organizations. I would like to thank all of them. I know that years ago you did a great deal of work to realize your aspirations. I think we all know that we have to go ahead each as an organization, in our own homeland.

We all know that in the 1940s we started realizing that our grandparents taught us that we had to take care of our own lives, rather than have somebody else run it for us. We have to live off the land, and we have to take care of our own wildlife. We realize, today, that even some of the animals that we used to be able to hunt, we can no longer hunt. We can still hunt them today, but only in a limited number. Today, we live as we please because our grandfathers told us to live that way.

Looking at what our ancestors told us, sometimes we have to work very hard to keep the wishes of our ancestors. I think we have to realize that we have to go ahead and change what we want, as individuals, so we can start a path for our young people to continue the way they want to. We have to make a good future for our people in the Northwest Territories. If we do not work for them now I think we are going to make a hard life for our future generations. I think we have to work with each other and to try to understand each other, so that we can do a good job for the future generations. We have to think about how our ancestors used to work together. They had a hard life because they had to migrate to where the game was.

In conclusion, I would like to ask us to work together during this upcoming boundary plebiscite because it has been worked on for quite some time. Thank you, Mr. Chairman.

---Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Kakfwl.

Idea Of Division Not New

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. I am also pleased to have had the opportunity to listen to the presentations made by the organizations and leaders today, I believe that this forum is important, because we have a high commitment to keep ourselves informed and to keep the public informed as well, about the issue of division, the work to arrive at an acceptable boundary, and the history involved around division and the commitments which have been made to it in the last 30 years.

As the TFN has pointed out, division just about happened in the 1960's when the federal government presented a bill that died on the order paper. This was proposed at that time by the federal government, recognizing that the territory was too vast to be governed by one single government, or administration. However, it has been a fundamental basis for federal policy, since then, that the question of division in any political and constitutional development of the North would be made by people here in the Northwest Territories.

In following the plebiscite in the early 1950s, the various organizations and the Legislative Assembly convened a conference that led to the creation of the Constitutional Alliance. This was based on the fundamental assumption that we all had to work together to support and give form to the particular aspirations that each one of us has for our future. With the result of the plebiscite at that time there was agreement to divide the Constitutional Alliance into two parts; the Western Constitutional Forum and the Nunavut Constitutional Forum. It was based on the fact that division was accepted as a given, and that the West had to work to get its act together to devise a constitution. Ten years later, we are just beginning again to work toward that process, I think it is important for all of us to look at the principle of why some of us support division. You have to be careful, I think, to not over-simplify a rather complicated issue. It is true that the Inuit have aspired to have their own territory, their own government, and a claim implemental within that jurisdiction. Consistently, as far back as people like myself remember, when the claims process was first initiated by the Inuit, that is a reason to support them. It is the reason to support the Dene and the Metis and the Inuvialuit, and every other aboriginal group that aspire to achieve their own goals, to support them in their quest for claims and their quest to create and give form to the type of government they want to govern themselves under. But the question comes, how long do you hold one group back because others are not prepared to move?

I think that is a fundamental question that is going to plague all of us for the next while. As you know, it plagued us when the Inuvialuit chose to set up a regional claim due to the fact that the ITC claim back in the 1970s was faltering. The Inuvialuit worked to set up their own claim, their own organization, and despite objections from others asking them to hold up and come back and work for the common good, they went ahead, and they have achieved the things they set out for. When the Dene/Metis claim started to fall apart, the Gwich'in came and said they were prepared, willing and able to go after a regional claim, and there were those of us who did not support them. There were those of us that said they should wait. There were those of us that said they were not ready, but they went ahead with the support that some of us gave them, and they have achieved certain things as well, so the question comes up in my mind, how long do you oppress one group and hold them back because other groups are not ready, are not willing, or are not organized, or are not interested enough to make some movement? I do not know the answer to the question, but I do know that in each of

these cases, good things have come as a result of the efforts of some of these groups. Personally, I believe that the TFN has to be given full support. I think it would be a disaster of some proportion if the plebiscite vote was a decisive "No" if that affected the ratification vote of the TFN claim, because we cannot have another seven years of talking about where the line should go, and we know that in 1988 Dene chiefs negotiated a deal. It was the Chipewyan chiefs. It was the Dogrib chiefs. It was the Sahtu chiefs. It was the Metis leaders that negotiated and signed that boundary agreement. You cannot get any better than that and yet we failed. There does not seem to be any new element that could be injected into the boundary discussions at this time, that can promise us a better result. But what has been more startling for me in more recent months, is the realization that in spite of the fact that institutions like the Legislative Assembly, like the Government of the Northwest Territories, are not institutions that our great-grandparents grew up with, it is not the institutions that our parents grew up with, that our people identify with, it is hardly even institutions that we, as the present generation, can say are part of our traditions and our values.

Some of us have only been here a few months as Members of this Legislature, but I get a bit alarmed when I think about how quickly we become afraid to change things; how quickly we seem to run to the defence of keeping what is here. I find that alarming, because I know that to change anything is difficult enough as it is. I always thought it was to our benefit that most of the institutions that we want to change, and the laws, are recent creations, and that we of all people should have the least interest in trying to protect. In fact, we should try to take advantage of any momentum for change so that we can bring about better things. But it is difficult, I think, at times to see it, because the level of interest and the level of commitment to bring about change is really sometimes drowned in a sea of ourselves looking after our own particular little constituencies, and we fail often to see the big picture.

Myself, I am an optimist. I believe that only good things will happen as a result of a "Yes" vote in the plebiscite. I think the move towards division will be orderly, the concerns of the non-aboriginal people will be taken care of.

CHAIRMAN (Mr. Pudluk): Mr. Kakwi, your time is up.

SOME HON. MEMBERS: Agreed,

CHAIRMAN (Mr. Pudluk): We agreed we would have a 10-minute limit. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. One of the main things that has been working against the aboriginal people is the perpetuation of this myth that institutions and values rooted in the history of Europe are better than that of aboriginal ways that sustained our people for over forty thousand years. We must be able to establish institutions and forms of government that draw on our own strength as people. We must have a justice system, for instance, that incorporates the concept of reciprocity and consensus, and forgiveness through which our communities maintained law and order in pre-European times.

We must have the freedom to develop a social safety net that incorporates our notion of family responsibility and interpersonal caring. What I am talking about here, Mr. Chairman, is our essential right to self-government. Much has been said about the issue of aboriginal self-government. I certainly do not want to seem repetitious, but it seems like the question, again, is becoming hung up on the matter of the universal definition of self-government and of inherent right. I can understand the fear that non-native Canadians have with respect to this issue, within the narrow and inflexible European conceptualization of nationhood and sovereignty on maps that

show boundaries, build armies, establish social control and whatever else is needed to protect ownership over the land. In the Dene world view, I have learned that the way of thinking about a nation has always seemed foreign to me. Frankly, it seems to inflict some of the worst characteristics of human nature. We, the Dene, have never owned the land. We have been a part of it, and it has been a part of us. We look after it and it sustains us. We do not believe in boundaries which prevent others from accessing our hunting areas, or exercising a franchise for the making of political decisions. We have believed in the power of community and, in the wisdom of our elders, to govern our conduct together. We have valued the importance of living in harmony with others and have embraced the idea of a philosophy on the basis of our physical and cultural survival. With these basic values there is little room for concern over the European notion of sovereignty.

In Denendeh, the Greet Spirit holds a deed to our territory. That is our view of sovereignty. For this reason, the legal argument presently raging about whether or not an inherent right implies sovereignty seems somewhat irrelevant. We do have the right to govern ourselves. We were born with it because our parents and grandparents had it, and never gave it up.

When our forefathers were negotiating Treaty 8 and Treaty 11 they were doing it on the basis of a nation-to-nation dialogue. The Dene were recognized by the non-native signatories as a nation. We still have the rights that our forefathers had before, during, and after the signing of the Treaties. We have them because we did not choose to give them away. Since our right to self-government is inherent it is a part of our being. It is a part of our relationship with other Canadians. It is a part of our history and our contemporary presence in this world.

This has never implied the desire to make boundaries within Canada, that prevent others from realizing their legitimate destiny and living in harmony with the Dene people. This has never reflected our desire to establish a sovereign nation in the European sense of the word. What we want is the ability for our community to be able to decide what kinds of government services and programs should be supplied to the people and the community. We want each community to be able to develop its own model for making this happen.

One of things that has been happening during the last 20 years - again, with regard to the whole thing that has been reflected by land claims - is a separation issue that confronts our country at the present time, with the division of the Northwest Territories. They are, no doubt, aware that the people of the Northwest Territories have long been considering the concept that this jurisdiction should be divided to create an Arctic homeland for the Inuit, and a separate Western Arctic territory. Both would remain in Canada but would function as independent territories and, perhaps, some day as provincial units.

I believe in the establishment of Nunavut. I have supported the concept in the Legislative Assembly because my Inuit colleagues have embraced this as a dream for many years. Like them, I would like to see their dream of an Inuit homeland become a reality.

On April 4, 1982 a bare majority of Northerners voted in favour of dividing the Northwest Territories in a plebiscite. Now, on the basis of a 10-year old vote, a proposed boundary has been endorsed by Hon. Tom Siddon, and the people of the Northwest Territories will be asked to ratify it in a second plebiscite to be held in May of this year.

I spoke earlier about my feelings on the issue of boundaries.

This is just another example. Last year, when the Gwich'in claim was agreed upon there was a strong reaction from the Government of the Yukon because the claim area crossed the Northwest Territorial/Yukon border. With the Nunavut claim there is continuing concern that the boundary has been drawn too far to the West, precluding the Chipewyan Dene of the Great Slave to their traditional hunting areas. As you are aware, there is also concern that the TFN claim offends the legitimate interests of Chipewyan communities in northern Manitoba and Saskatchewan. In my view the Canada I would like to see is one in which First Nations are less constrained by boundaries, property rights, reserves, and non-native designation, and so on. Until these issues are resolved and on a constitutional level, I will not be willing to support the ratification of any boundary that will divide the Northwest Territories.

I believe in Nunavut and the legitimate aspirations of the Inuit to establish a territorial homeland, but the timing is wrong right now. I believe, also, Mr. Chairman, that the creation of Nunavut could become a reality with or without a boundary.

--Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Arngna'naaq.

MR. ARNGNA'NAAQ: (Translation) Thank you, Mr. Chairman, I will be talking in Inuktitut. I am glad that we are able to get together and discuss this issue. I would like to thank the people who have come.

I would like to say today that I have not had the opportunity to consult the people in my constituency, Baker Lake and Arviat. Therefore, I am not able to speak on their behalf on this topic. However I will point out that the majority of these communities voted to divide the Northwest Territorial. In total 538 people voted, of that 88 per cent voted 'Yes.' According to this, people in Baker Lake and Arviat do want Nunavut.

In listening to the Dene Nation, I was touched, because the people of Baker Lake also use the Thelon River. People from Baker Lake hunted, trapped and fished even in the Thelon Game Sanctuary until the 80's and the 70's.

The people of Arviat did not always live on the coast. Ahirmiut and Padleimiut were from the Ennadai Lake area and they would travel as far south as Churchill, Manitoba. The Inuit and the Dene were able to use these areas for hunting. However when the Europeans came they set boundaries. Our elders did not live by boundaries.

I stated earlier that I had not consulted with my constituents, but this is something I wanted to voice. Thank you.

CHAIRMAN (Mr. Nerysoo): Thank you. Mr. Ningark.

HON. JOHN NINGARK: (Translation) Thank you, Mr. Chairman. I would like to thank the participants: James Estoolook, John Amagoalik, Liza Enzoe, Antoine Michel, Roger Gruben, Charles Dent and David Krutko. I am glad to be here with you today. We do not always agree on the things that we do, even at home. There is sometimes lack of communication with our wives and children too. However the more we communicate the more we can understand, even though there are hardships. We can take out our stress and then be more comfortable with ourselves.

The division of our land was previously voiced in a different way. I would like to say that we are all from different areas. I wish to tell you that I look for the time we can live in harmony and think of the future of our children. We have been told that our land belongs to the Crown, the Queen, and the government in Ottawa is responsible. Our ancestors went

through a hard time to be recognized to have this land, when it became the federal government's responsibility.

When I first heard this, I used to think that perhaps it might be impossible to take it back. But today as we voice our concern and through our negotiation, the Dene, Metis and Inuvialuit and Inuit, it is becoming more of a reality that we can have our land again and call it our own. (translation ends)

I do not have any real issue that I would like to bring up in this House. I have no problem as to whatever the Dene and Metis are trying to do. Honestly I do not. I do not have any problem with what the Inuvialuit are trying to do. Honestly I do not. I hope that everything goes well for each and every organization, namely Dene and Metis, Inuvialuit and Nunavut, which I belong to.

Mr. Chairman, however I want to talk briefly about the obstacle that is keeping us from settling our land claim. I ask myself that question many, many times. What is the obstacle that is blocking the road to the promised land? What is keeping the Inuit and Dene and Metis from settling their land claim? What is keeping the Inuit and Dene and Metis from achieving their goals and objectives? Is it the government of this country or is it the Queen of England herself? Neither, Mr. Chairman. What is keeping us from settling our land claim is that we are fighting among ourselves. The Inuit, Dene and Metis and other groups. Nobody is going to settle the land claim for us. Certainly Ottawa is not going to settle the land claim for us. The Queen of England is not going to settle the land claim for us. The people sitting here in this House are the ones that are going to have to settle the land claim and not by fighting among one another, but by working together. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Nerysoo): Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I too would like to thank the presenters and I would just like to mention to Mrs. Enzoe that I felt a little badly that she was cut off before she was finished. And I am sure I speak on behalf of the committee here that no offence was intended when the time ran out.

Mr. Chairman, I would like to thank the presenters for their general strong support for our dream of self-government, Nunavut. We cannot wait to get going on that. There have been many setbacks along the way, since the days James Arvaluk talks about when he worked along with the people who founded ITC, since the days in the early 1980s when the bill died on the order paper after second reading, which would have implemented division in the 1980s. Another major setback was the breakdown of the boundary talks on land claims in 1987, and I would just like to remind everyone that there had been many meetings of elders from the area, of just the same kind Chief Antoine is talking about starting today, and those talks succeeded in reaching an initial agreement between the Dene Nation and the TFN in 1988.

It was at the political level in Ottawa that the agreement was not ratified, unfortunately, because had that not happened we would have had a plebiscite back in 1987. Now the time has come again for a decision on this, and I would like to say I have worked on Nunavut since I have been an MIA in this Legislature 12 years ago. In the last election I said I wanted to run again to help take the next step. I know any time there is change, people have fears, and they express their fears. This is human nature.

Division Raises Fears Of Cost And Levels Of Service

I would like to just touch on some of those fears. The first one, expressed by Mr. Dent and others, will there be enough money to run these new governments? I would like to say,

Mr. Chairman, that the plebiscite question I believe makes it very clear in the preamble, that division will occur in such a way as to maintain adequate levels of public service. If you vote "Yes," you will have done so on the understanding that levels of service will be adequately maintained, and that will give the GNWT the mandate to carry that trust forward into the negotiations with the Government of Canada on finances, and let me assure Mr. Dent and other people who have expressed concern from the West, that those of us in Nunavut are just as concerned about costs and about the adequacy of financing for the new governments. We do not want Nunavut at any price. We well understand the concerns about costs, particularly in the midst of the national recession that we have right now, and that is one reason why the Nunavut leaders who met in January of this year in Inuvialuit, decided to delay the proposed implementation date to 1999. Time not only to train people, but time to negotiate adequate financial arrangements in what will hopefully be a much better fiscal and economic climate than there is right now.

I know there are some who believe the federal government will try to drive a hard financial bargain, and will tell us we have to use existing resources. I personally believe we have a chance to negotiate self-government in the NWT on a spectacular scale. We will be amongst the first in Canada. The federal government will want to establish a model that works, and I am personally optimistic that we will be treated fairly if we bargain hard. But we will go into this with our eyes open. We will be represented on the implementation and transition commission, and I want to say again, the plebiscite question makes it clear that maintaining an adequate level of financial services is really a condition of the next step forward. For those who worried about financial impacts, I want to point out that there is a tremendous cost, also, to saying "No." This will be a lost opportunity.

Positive Financial Impact Of Division

I want to point out the positive economic and financial impacts of agreeing on this boundary and taking the next step forward. According to TFN, a "Yes" vote will be critical to the ratification of the TFN claim, which will bring some \$1.15 billion into the NWT economy over the next 14 or 15 years. It will also create a stable economic climate. The "Yes" vote will also give us the go-ahead for the next step toward division. If we negotiate a good bargain, negotiating up to \$500 million one-time costs for a new capital, incremental O and M costs of up to \$200 million a year, which is another two billion dollars over 10 years, what other part of the country can even dream of such sizeable new moneys being spent in the North toward land claims and toward self-government; so this will benefit all of the NWT. In fact, it may even be a way of improving our present financial situation in the North.

In commenting on the presentations, Mr. Chairman, I also want to say to the people of Kitikmeot that division does not have to be thought of as a threat. There is no reason why services to those people could not continue to be provided by the Stanton Yellowknife Hospital, by the Kitikmeot boarding home, by the Arctic College campuses in Fort Smith and in Yellowknife and elsewhere. This line is not a wall. Just as residents of the Baffin and Keewatin purchase services outside the Territories in health and education, so residents in the Kitikmeot can do so as well. As far as their special linguistic and cultural needs are concerned, I believe the Nunavut government will operate in Inuktitut. It will be a very strong reflection of the Inuit culture and the Inuit majority, and it will support the culture of the residents of the Kitikmeot.

I want to say, as a non-native resident of Nunavut, I am not afraid of being part of a minority. We have been treated with tolerance and respect by the Inuit majority in our communities. They elect people like Mr. Todd and myself for what we

believe in, and I am confident our rights will be respected. I want to also mention briefly that I understand the special situation of the Inuvialuit. Like the residents of the Kitikmeot, their special situation must be respected. I want to say I endorse their aspirations for a Western Arctic regional government. I think their aspirations for self-government must be respected, as we must respect the aspirations for self-government of the Gwich'in in their very significant self-government framework agreement. I will support those aspirations as we move towards Nunavut over the next seven years, just as we will be grateful for their support for our aspirations in Nunavut. It is understandable that some people would like everything to stay the same.

Mr. Dent spoke eloquently about retaining a united Northwest Territories, but, Mr. Chairman, Canada will never be the same. The NWT will never be the same, because I believe the inherent right to self-government will be recognized in the Canadian Constitution. I believe that the NWT was not created by the will of its residents. It was what was left over after Alberta, Saskatchewan and Manitoba were carved out of the NWT. We are now working for the first time to create government models as an expression of the will of the people. In Baffin, Keewatin and Kitikmeot, it is proposed we will have a public government alongside the TFN land claim. We cannot wait for that day when we establish our new government closer to home. I believe we will proceed in an orderly, planned, careful fashion. That is why we have decided we should take the necessary time over the next seven years to work toward this long sought after dream. I cannot wait to go home and be part of the new government and the new territory, having laid the ground work for others to follow. Please support us and we will all be better for the precedent, the model of self-government set by Nunavut. Thank you.

CHAIRMAN (Mr. Nerysoo): Thank you. Mr. Pudluk.

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I would also like to make some comments on this issue. First of all, I would like to thank all the participants who made presentations. Now it is a lot clearer to us. The plebiscite will be on May 4th. They made it very clear what their concerns are and I would like to thank them for that.

I would like to thank the people who were involved in the 1952 plebiscite. I was always involved in this issue and I have supported it. At that time I tried very hard for the plebiscite to go through. I also tried to explain at the time what the plebiscite meant. Now we will be voting on the boundary. I still try to explain what the next plebiscite will be - the boundary.

We have worked together and there have been some negotiations about the boundary. There have been a lot of problems because some of them are living above the treeline and some of them are living below the treeline. Sometimes it has been hard. People who are living below the treeline, we are not trying to give them less. They have indicated they do not agree with the boundary; that they do not have enough land for themselves. If we say no to them right now on May 4th, I do not think we are going to settle the problem. I do not think there will be any better deals than what will happen on May 4th.

When we first started discussing this issue 12 years ago, in Nunavut a group and the Legislative Assembly were fighting among themselves. They were not going forward. But today the MLAs and the group are still coming closer to each other. We have almost succeeded in working together. Those groups that were fighting in the past they are working more closely now.

I would also like to make sure that just because there is going to be a boundary, we are not trying to separate from the Territories. To me it is mainly that we want to have self-government. Some of them have thought without really understanding the boundary. They think we are trying to separate from them. It is not that way.

We all know the people who are living in the Arctic, even non-Inuit who are living in the Territories, I know they are supporting it. The land is my land. I can say that I love my land. I am very excited that this will soon be a reality. But today it is just like we are guests in our own land. But we have to go through this and if the vote is "Yes," we are finally going to have our own land and our own ground.

Before that our ancestors used to think that they owned the land. Later on we finally realized that we have to go through all those things just to call it our land; to make it better for our children, to have their culture, their tradition and their lives. Now today it is becoming a reality. Now they will be able to feel better. The dream that we have and the dreams that our ancestors had, will finally become a reality.

We all know in the Arctic that the aboriginal people are trying to work together. It will always be that way. If one of them has any problems or concerns, we can start working together and supporting each other. For example, there was an incident in Oka. Even though aboriginal people were living in the NWT, we were supporting those people in Oka. That is the way it is supposed to work with the aboriginal people.

It is very important that the plebiscite will go through. I am fully supporting the plebiscite so we can all finally agree on the boundary. Thank you, Mr. Chairman.

—Applause

CHAIRMAN (Mr. Nerysoo): Thank you, Mr. Antoine.

MR. ANTOINE: Thank you, Mr. Chairman. I would like to thank the presenters for their views. The reason we are talking about it today is that on May 4th there will be a vote. Commissioner Dan Norris issued a plebiscite direction on February 17th and the question is: Do you support the boundary for division shown on the map above? "Yes" or "No." So on May 4th, that is what the vote is going to be on and that is why we are here.

We are also here because the TFN had requested a meeting with all the MLAs, and the decision was that other aboriginal groups should have an opportunity to also express their views. So they were invited, but I see that not all aboriginal groups are here. I know that the Metis people are not represented here. As well, there are Dogrib leaders who are in the audience, such as, Chief Jonas Sangris and Darrel Beaulieu. There is Chief Berna Unka, from Resolution, I notice that there are other leaders of the people in the audience who are going to be affected by this boundary. I also notice that there were a lot of Chipewyan people, who come from the Snowdrift area, in the audience today when these presentations were made. There is a lot of interest by the people who are going to be directly affected.

The Dogrib people who are going to be directly affected by the boundary, we did not hear them today. They did not have an opportunity to say anything today. It is unfortunate that we could not have them included in this discussion to see what kinds of views they had,

I represent communities in the southwestern portion of the Northwest Territories. I know it is far away from the boundary in question, but I am affected by boundaries of two other - a province and another territory. In Fort Liard, they are affected

by the BC border, which is 20 miles away, as well as the Yukon border. I know that they have a lot of problems because the people from that community go into northern BC - that is their traditional territory - and a line was drawn through their traditional territory many years ago by Ottawa, without their involvement in it. Today, they are suffering the consequences of not really enjoying the type of traditional lifestyle they are used to because of another jurisdiction. I see that problem when we talk about borders and boundaries.

I support all the aboriginal groups who want to pursue their own self-government. I support the Inuit in what they are trying to do in creating their own self-government, but if it comes to a point, if it is going to influence another group negatively then I have to take a second look at it. We are talking about people from other areas whose lands are going to be in question because of the boundary. Like we heard from the delegation from Snowdrift; they are talking about the areas where their traditional areas are going to be taken away from underneath them with this boundary. We have to take that into consideration.

There is also the Dene people from northern Manitoba, as well as Saskatchewan, who have come to the Dene Nation meetings many times and have expressed this concern about this boundary. We have to take those into consideration. There are other aboriginal groups out there. They have their own aspirations and you have to think about that as well.

The whole question about the wording of this plebiscite - do you support the boundary for division shown on the map above? This wording was developed without any consultation with us in my constituency, and we have some problems with that. I know there was a vote taken quite a few years ago and a "yes" vote was in the majority, I understand, but to divide the North on the boundary - we have some serious concerns about it in my constituency. The location of the boundary, because of the people whose areas are in question - the Chipewyan people and the Dogrib people, the people in Manitoba and Saskatchewan -- there are problems with consultation on the wording. There was a discussion with the political leaders in my region, the Deh Cho Regional Council, and the question of not fully understanding the implications of a division, if it does happen - the utilization of resources and not fully understanding government infrastructure and what is going to happen, the economic base of the Northwest Territories and the political future of both Territories - is not fully understood. The problem there is lack of consultation, and fear of the unknown, I guess you could say, is behind our position in the people that I represent.

I would just like to make the point that I represent everybody in my constituency, including non-aboriginal people, and I would like to make a point of that. I have heard that there were people who were willing and able to give up their aboriginal and treaty rights - that seems to be a criteria for being accepted into and being recognized as a region. I disagree with that. I think there are other regions in the North that have their own views, and they should be listened to and recognized.

I just wanted to also say that I questioned who has that right to give away the land of another people. Who says that there has to be a boundary? I am saying that because of the people of Snowdrift. I know their aspirations and I have listened to them many times in different presentations, and I support where they are coming from. You have to listen to them and you have to take them into consideration.

For the rest of us, if the division does happen, then we are going to live with these people. We are going to have to make compensation to them. They are going to be at a disadvantage forever. You have to take that into

consideration. At what cost is division? Is division going to cost them their traditional areas, the people from northern Saskatchewan and Manitoba? This is what you have to take into consideration. They have been presenting their cases for many years, to us, and I have heard that the discussion broke down for seven years. Why did the discussion break down for seven years? I do not know that I come from an area where there are different types of boundaries. I am far away from the present border dispute, but I have heard it at different meetings that I have attended with them.

It is unfortunate that it has to come down to this point in the history of the Northwest Territories, where we have to make a decision. Maybe somebody has to pay the price. The price that somebody has to pay is the that people whose traditional land is in question,...

CHAIRMAN (Mr. Nerysoo): Mr. Antoine, your time is up.)

—Applause

Are there any other Members who wish to speak? Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Thank you, Mr. Chairman. First of all, I would like to thank the presenters for their comments to this House this afternoon. They were very informative for the public, and I believe they have probably given the public some information to be able to address the plebiscite that we are going to deal with on May 4.

Mr. Chairman, I recognize the Inuit's aspirations for Nunavut, and I have always been on record in support of their achieving such aspirations. However, at the same time I do recognize the Dene Nation's concerns over the way the boundary was formulated, and I must state that it is generally, traditionally, not the way of native people in coming to some type of agreement. Generally, Mr. Chairman, the way for native people to address these types of things is to mutually agree to issues of concern through discussions, whether they be through forums like this or through exchange of agreements, and through respecting each other to also disagree, if need be. Sometimes I think maybe the way the boundary was developed, with the Minister of Indian Affairs asking the previous Commissioner, was somewhat resented by the Dene Nation, because for years the native people have been told how they were going to be governed by Ottawa, and we feel now that we are in an era where we can basically indicate to them what we want in the North, and we should not have to be told any more what is good for us in the North.

Cost Of Division A Concern

Mr. Chairman, there are a couple of concerns, though, that I know, that are out in the public's viewpoint. One of the most important questions that the public keeps asking even myself, as a Member, about is the cost in respect to division, even though they do agree or do not agree with the boundary, and who is going to absorb that cost. I believe that in the time that the native organizations are going to be going out and discussing the boundary, these are the types of issues they have to bring to the public's attention, to take away this uncertainty.

But at the same time, Mr. Chairman, I do also want to state that a couple of weeks back I was somewhat disappointed in reading some of the media articles in respect to the boundary, particularly in Nunatsiaq News, where I read a quote from one of our MIAs, and if I may quote the words, even though I know I should not be quoting media reports, but the article stated that if the Dene want to deny Inuit aspirations, and if the western business community wants to be seen as killing

the Inuit land claim, they had better be prepared for consequences. I want to indicate that it is difficult enough for us western Members to try to convince our constituents, or western members of the public, to support the boundary in the plebiscite question, but it makes it more difficult when leaders make comments such as this. I believe it is not the way to address the plebiscite, and I do not believe it is the reflection of the Inuit people of the Eastern Arctic in ways to address this plebiscite, but I do WANT TO indicate that it does make it very, very difficult for Members in the West to deal with this issue when we are being threatened in some way, as it appears.

Mr. Chairman, my comments will be brief. I do want to indicate that, even though I recognize my constituency is a fairly predominantly native constituency - a large population of Chipewyan people, and a large population of Dene and non-native people - even though they did not agree on division, I have campaigned on the fact that I do support the Inuit in acquiring Nunavut and that I do support the boundary. But I feel that there also has to be some way of trying to address the concerns with respect to the lands that have been traditionally used by the Chipewyan people, particularly of Snowdrift, that have been used on the other side of the proposed boundary that we are going to be concurring or voting upon. I am sure there is some mechanism that can be looked at by the Inuit leadership to address this concern, whether it be through a memorandum of understanding, or whether it be just through traditional acknowledgement that the land has always been available for resource harvesting and there is not going to be any wall or barrier that is going to restrain us from continuing to harvest these resources.

I believe with that type of indication to the Dene people that have utilized the areas within the boundary that is designated for the Eastern Arctic, it will give them some comfort to be able to also concur with the boundary and the plebiscite vote we are to address on May 4. Thank you, Mr. Chairman.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. I just want to thank all those who have taken their time to participate in this discussion, particularly the leaders who have articulated the concerns they have and the issues that are necessary for us to address in terms of addressing some of the questions and the fears of the people, not only in the West but generally in the Northwest Territories, when it comes to making a final decision on the plebiscite, in particular in terms of making a decision on the boundary. I wanted to say to the people here, and generally across the Territories - because I note that a great number of people are probably paying attention to this debate on television - that I do not think that today you have heard significant opposition, or any opposition, to the idea of division of the Northwest Territories or to support for the aspirations of the Inuit. I do not think that has been expressed here today.

Fears And Questions Need Addressing Before Plebiscite

The facts are that there are fears and questions that need to be answered leading up to the plebiscite, and they deal with matters of finances, who pays, what happens to the programs and services that are presently available to the people of the Northwest Territorial. What happens to the economy in the West? What happens to the economy in the East, in Nunavut? What is the relationship between the two new territories? How do we resolve the questions and concerns that have been raised by aboriginal people - the Chipewyan in Snowdrift, the Dogribs in this particular area, and the other aboriginal people in the provinces? In the presentations that

have been made, each and every one of the people that made presentations, the representative and the leaders, indicated their support for the rights of aboriginal people to self-government, to govern themselves; but it needs some answers, and I do not have the solution at this particular time, but it requires the leaders to resolve what might be some of the difference of opinion or, as my friend next to me, Mm. Marie-Jewell, indicated, some agreement whether or not it is formalized or agreed through negotiation, a solution has to be found to resolve or address the fear of aboriginal people generally.

I want to say to the leaders here that when we express our support for the right of aboriginal people to protect their rights and ensure their right of self-government, I think actions speak much greater than words, and that includes people in this Assembly. Because we can say all the good things possible about what it is we aspire to or what we support, but clearly nothing is more important than the actions of the people that want to resolve this particular matter.

I say that not in terms of trying to be paternalistic to people, but more importantly I want to see, here and after today, an effort on the part of the leaders to try to bring to conclusion some of the concerns that people have. But I also want to see, when I hear people indicate that we support the aspirations of aboriginal people to self-government, that they make every effort to put in place certain arrangements or agreements that ensure the aspirations of the aboriginal people. Because there is nothing worse than speaking highly of the right of aboriginal self-government and turning around and trying to utilize this particular forum and not making changes that reflect the wishes and desires of the people that we govern.

Mr. Kakfwi raised a point that people here continue to oppress. The fact is that not too many people here are oppressive people. To my knowledge we have not governed by force over the last couple of years, but I guess he is using the word "oppressive" in terms of not supporting the aspirations of the Inuit. But I do not think that you have heard anyone today that has fought or argued against the wishes of the Inuit.

But I do say that the issue of division is not simply the issue of Inuit aspirations, Inuit dreams; it is the issue of trying to ensure that we work together to protect aboriginal people and their dreams of aboriginal self-government. What that means is strictly a matter for the aboriginal groups to resolve themselves. We cannot, in this debate, forget that. Because it is not simply a matter of creating Nunavut. And I think Mr. Amagoalik and Mr. Estoolook made that quite clear that that is the fact. I want to say to you that those questions that are out there still have to be answered, and I think it is important that we address them and it is important we resolve some of the differences of opinion that exist right now, particularly prior to the actual vote.

That is all I have to say, and I thank the leaders for attending, and I thank Members for giving us the opportunity to discuss this particular item.

—Applause

Question Period

CHAIRMAN (Mr. Pudluk): If there are no further statements, we will now get into question period. We will have a two hour limit -- not each.

---Laughter

I would like to say that when you ask the question, please

indicate who you are asking. I think that will make it easier for me. Are there any questions? You are allowed only three questions. Mr. Allooloo.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. I would like to ask the TFN people, in the event that the people of the NWT say "No" to establishing the boundary, would the Inuit from the East ratify their land claim?

CHAIRMAN (Mr. Pudluk): Thank you. Representative of TFN.

MR. JOHN AMAGOALIK: Well, first of all, if there is a no vote in the plebiscite, we would have to find out what the opinion of the Government of Canada is. Because if our Nunavut communities vote heavily for the boundary but are defeated by the majority in the West, that will say something, and we intend to go to the Minister of Indian Affairs and ask his opinion about it. After that, the ratification date for the land claims agreement will be held at the end of June and beginning of July, and it is very doubtful that without Nunavut, without the assurances of Nunavut, it is very doubtful that the TFN claim will be ratified. We have done some surveying in our communities, and we have indication that without Nunavut about two-thirds of our people are not prepared to support the land claim.

CHAIRMAN (Mr. Pudluk): Thank you. Second question, Mr. Allooloo.

Renewed Talks On Boundary Between Dene National And Tungavik Federation Of Nunavut

HON. TITUS ALLOOLOO: Thank you. I would like to ask the Dene Nation, they mentioned earlier that in terms of establishing a boundary, people from the Dene Nation and also TFN should start talking again, recognizing that they have tried to reach an agreement on the boundary which was not able to be reached back in 1986 and 1987. Since then they have attempted a lot of times to come to agreement on the boundary. Keeping in mind that I suggested that they should talk again, who would attend that meeting to establish the boundary? What would they do that is different from what they have done in the past?

CHAIRMAN (Mr. Pudluk): Thank you. Dene Nation.

MR. ANTOINE MICHEL: (Translation) We from the Snowdrift area including Saskatchewan and Manitoba people wanted to sit down and talk to the Inuit people about this issue. I have told Billy Erasmus quite a number of times that we would like to sit down and talk about it. We would like to resolve this issue fast. People never got back to us on this. That is why people from Snowdrift and the Dogrib Nation and people around the Thelon Game Sanctuary feel that different issues still have to be resolved. We wanted to sit down and talk to people about it. We wanted to bring elders with us, because that is how they used to do things in the old days. Elders speak very powerfully, and that is how we work, with their advice. We have to carry our elders with us. And if the Inuit did the same thing, bring young people and the elders, if we had the same number of people, we could get together somewhere and solve it. Otherwise it is pretty hard to solve it. Mahsi.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Antoine.

MR. ANTOINE: Thank you, Mr. Chairman. In the presentations the Minister responsible for Aboriginal Affairs for the territorial government mentioned that seven years went by without any talks. I would like to ask Chief Antoine Michel if he could tell us why there were no talks for seven years.

CHAIRMAN (Mr. Pudluk): Dene Nation.

MR. ANTOINE MICHEL: (Translation) I have been working on this a long time. I first became involved in 1988. We met about three times and could not come to an agreement. We did not like the way the boundary was coming up, I am sure the Inuit delegations were not too happy with that, either. When I say Chipewyan land, that is what we want. We cannot give it to the Inuit. We have to keep it for our children, too. I am pretty sure that is how they feel, too. I kept asking why we could not sit down and meet together, and now the elders are saying that the young people have their own way of looking at it. We are still looking at it. We are doing land selection work. We are doing mapping of all the traplines where the elders used to travel around. We are gathering all this information.

Over in Saskatchewan and Manitoba, those people did the same thing, too; they documented the use of the land. If someone from Saskatchewan had been here with us today, it would have been very useful. Why were they not invited? They have to be here with us and talk about this kind of thing. We cannot talk behind their backs. Some of it is their land.

When we talk about surrendering lands, I have it on the map here. It is looked at as if it were our land. We have not reached any agreement with the government. The land they are talking about leading into the Manitoba boundary - we say it is not right; we cannot give our land away. Our relatives from Saskatchewan and Manitoba make a living off that land. In Saskatchewan all they make a living from is from trapping and fishing, with not too much assistance from social services. That is the way we are, on this side of the boundary.

They always talk about quotas, and in the old days nobody knew what quotas were. We did not know. Now there are all kinds of laws and rules and because of all that, people start talking about things. It is not right. Those who are making policies and so forth. When we are talking about our land, we are the ones who are supposed to make policies. That is why we have to talk about it very carefully, including elders and all the young educated people -- we should all get together and talk about it. If that happened, it would not be long after that before an agreement is reached. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Antoine.

MR. ANTOINE: Thank you, Mr. Chairman. The chief is talking about people from Saskatchewan and Manitoba. Can you tell us why? Are you all the same people? Are you all related? Can you tell the people here?

CHAIRMAN (Mr. Pudluk): Dene Nation.

MR. ANTOINE MICHEL: (Transition) Chipewyan people from Saskatchewan and Manitoba, in here that is like four communities that are Chipewyan people up here. But we have relatives in Manitoba and Saskatchewan, a lot of relatives over there. But when the borders were established in Saskatchewan and Manitoba, nobody talked to us about it. It is like they cut them off from us. Why can we not communicate with them now? Why can there not be a Chipewyan unity with people from Saskatchewan and Manitoba? That way our word would be strong. Maybe in the future we can do away with the boundary, that is what they would like to see.

What I am saying is that we are all one people together with the people from Saskatchewan and Manitoba. People used to travel and visit in each others' country. They used to set traps. Elders from that country still come to Snowdrift. They used to share the land and have traps and use dog teams in

all the country. But then with the establishment of boundaries, it is like we are separated. There are two different kinds of governments, and it is not too good. That is why we are saying now we have to get back together, because we are all one people.

CHAIRMAN (Mr. Pudluk): Mr. Amagoalik.

Rights Of Other Aboriginal Groups Not Extinguished By Tungavik Federation Of Nunavut Agreement

MR. JOHN AMAGOALIK: I just want to try to clarify what appears to be some misunderstandings. Mr. Antoine has said that the talks have broken down, we have not talked for seven years. It is the other way around. We tried for seven years to get an agreement. We did have one in 1988 and we had another one in 1987. Those agreements did not survive. We did have elders on both sides to have meetings.

I want to make it very clear that the TFN Agreement does not extinguish the rights of any other aboriginal groups in the TFN area. We want everyone to understand that other aboriginal people who come into our area to enjoy their rights, to harvest the resources of the land, will continue to do so. We had a memorandum of understanding with the Manitoba Indians, and we will be talking to them again next week in Churchill. We will be talking about hunting rights, not boundary changes. We are settling our overlap with the Inuit of Nunavik.

So I do not want people to misunderstand and think we have not tried. We have tried very, very hard for seven years, through dozens of meetings. But there comes a time when we have to move forward. We want the Chipewyan, the Dogrib, to understand that we will completely respect their rights, that we are not taking them away, and that they will not be prevented from enjoying historical rights.

CHAIRMAN (Mr. Pudluk): Thank you. Dene Nation.

MR. ANTOINE MICHEL: Thank you, Mr. Chairman. I am glad to hear that. It has been a long time that I have been working with my elders, too, and they keep asking me, 'When are we going to meet with TFN and face us?' I think I hear clearly now that maybe we can sit together and negotiate again. I have no problems negotiating with the TFN. I guess when we sat down at that time, you know it is hard sometimes to give up some of our rights, and I am still working on my rights, too, under my treaty. The reason I am saying this is, I do not want to give up the rights on this land, because it is treaty land. If I give up my treaty, that means I am breaking my treaty rights, so that is why I am saying that we have to negotiate with the elders and the young people. Let us sit down and talk about it again. I asked Billy lots of times, how come the TFN does not meet us, and they always tell us there is no money there, so maybe we should look for some money and maybe negotiate on this boundary again.

I would like to sit down, even with the Saskatchewan people. Do not leave them out. They are involved in the land too. They have to have the right to say what they use on that land too. When you see this kind of line that is just a straight line that cuts them off, even myself I do not like it. I still do not like it today. You are taking lots of land away from the other Chipewyan people that is their hunting area, their trapping area. It is still there. Their traditional hunting area is still there. I listened to the Saskatchewan people a couple of weeks ago, and that is what they told me. They said, "at the next meeting you guys should try to get us involved." I heard there is another meeting in Churchill. I am going to try to make it to that meeting too. Mahsi.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Arvaluk.

MR. ARVALUK: Thank you, Mr. Chairman. I would like to ask a question to Antoine Michel of the Dene Nation, first of all, before I ask the question, we seem to be confusing an issue here. We are here to talk about the plebiscite boundary, and we keep getting into this political accord process that could be dealt with through a seven-year period until 1999. I recognize the Dene Nation's situation here, that the present system is not any better because you have not reached your aspiration to the treaty with the present government of the Territories and the federal government that is not resolved. Nothing will change, also, with the TFN, except that you may want to participate.

My question should be this: If you are not successful by 1995, would you consider developing a political accord with the Nunavut government in the area of traditional land use and occupancy, hunting rights, conservation regimes, bilateral wildlife management? Would you consider this if this boundary vote is successful on May 4?

CHAIRMAN (Mr. Pudluk): Thank you. I would like to remind the people here that we discussing the upcoming plebiscite on a boundary to divide the Northwest Territories. If you can stick to that area, it will be a lot better. Dene Nation.

MR. ANTOINE MICHEL: (Translation) Mahsi. This plebiscite you are talking about, a lot of elders are not too happy about it. Away back when it started, when discussions started, people were saying, 'Why do they want to separate us?' Some people wanted it and some people did not want it. I am pretty sure that is the way it is over in Inuit country. But once the plebiscite is finished and done with, that is the way it is going to have to be, and that is what started this whole discussion.

What you are talking about now, I have no problems with. If we are going to vote on land settlement, and if we do not for this boundary question, it is not going to look too good for me. Once we have finished voting on it, and if the shape of the land has not changed, it is not going to be good. I am speaking on behalf of the Dene Nation, if I do not do it right - I am saying it is going to have to be worked out very slowly. It is quite a way before the voting starts. We can get together at least one more time before that to discuss it.

MR. ARVALUK: My question was not quite answered. I said when he is going to be working in those areas, but if the plebiscite is successful on the 'Yes' vote side, would he consider negotiating with TFN, the federal government, the territorial government, in achieving this political accord so that his desires to achieve his rights in the Nunavut territory area, dealing with the overlap question? The people of Nunavut too are saying that there will be some lands, a fairly large amount according to Mr. Arngna'naaq, that will not be in the Nunavut territory. Our problem is mutual. Would he consider participating in a tripartite type of discussion on the political accord to solve these outstanding issues?

CHAIRMAN (Mr. Pudluk): Thank you. Dene Nation.

MR. ANTOINE MICHEL: I have this elder here with me. She would like to speak to that. This is Liza here, if it is all right with the Chairman.

More Consultation Needed Before Division

MRS. LIZA ENZOE: (Translation) You are talking about the plebiscite here today. There are a lot of people in my home community that are not happy with this, because we do not feel it is right to be voting on something like that. I saw on TV the map, and I believe the Inuit have more territory than we have. I really feel that we did not have the consultation that we should have had. Now, you people are telling us that

we would be allowed to trap or hunt any place in the areas that are overlapping. The government talked to us and there is a lot of money involved, and if the time comes that you people have your own territory, it will probably end up with us not being allowed in that overlap area. The land we work on, we understand what we are doing. When there are things that you do not understand, it is pretty hard to agree to it when you do not understand what is happening. It is not only for now that I am talking about.

About four years ago there were changes made to the proposed boundary. Felix was our chief at that time. We asked if we could have that proposed boundary changed, but you people would not agree to it at that time. Now the way the proposed boundary is, I do not think you people would want to make changes to it. I really believe that we still talk about it until we come to an agreement, on either side; I think it would be the best way to work at it.

Along the Thelon River, I have a sister who lived there for over 50 years. She did not see any non-natives, nor did she see any Inuit. She moved to Yellowknife about two years ago. I used to visit her so I know I have travelled in that area. She has a house in that area.

People may not agree all the time, but if they sit together face to face and discuss whatever they want regarding the issue at hand, I think it is easier to work at things like that. But once we vote on it that is it. A lot of the elders are telling us that once it is voted on there is no way of turning back. They told us we could work at it without voting on it. We have our treaty rights and we do not want to go back. Our elders have given us all this, and now it seems like whatever we were taught and were living with is all being changed because of the government. If we keep doing things like that there is no way that we will ever work well together.

I think, right from the beginning, if we were open and honest with each other and discussed all these different things it would not have had to come to this. Sometimes I do not feel it is right, especially when it comes to land. To me, it is just like a burning feeling and I do not feel right about it. I have seen the whole area that you are talking about. I have flown over it by plane and everything, and we sure do not want to lose part of the land. I think we should all have a say in this and not have the government dictate to us what they think we should be doing. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Arvaluk.

MR. ARVALUK: Thank you. I think it better be good. With all due respect, yes there is a concern about the boundary, a concern that there may be restrictions imposed, especially on the traditional land. I know all that. You probably also studied the Inuit land-use and occupancy project of 1975, which indicates both parties, Inuit and Dene, with overlapping interest. If you look at the map there is a very large amount of land that the Inuit had that will no longer be in the Nunavut territory. However, there is no fear because both parties can, if they want to, still be able to negotiate an accord where both will have complete rights to their traditional land-use and occupancy, including the bilateral conservation regimes, bilateral wildlife management, not just the use of the land, but two parties looking after it to make sure it is always the way it should be. Make sure there is no over-hunting, over-harvesting - environmental protection, this will still be allowed. My question was, Mr. Chairman: Would you want to participate, in the event the plebiscite was successful, in a political accord to achieve these things for both sides; for the Dene and for the Inuit?

CHAIRMAN (Mr. Pudluk): Thank You. Dene Nation.

MR. ANTOINE MICHEL: Yes, I would like to sit in it the second time we met and we started talking about all of these overlaps, it was okay for us. When it came to trapping we had a problem. In the overlap, when you have to trap there, you guys said "No" to us. Hunting was okay then. Now we are coming back to the same question again. I would like to talk to some of my elders again. I would like to sit down with the Dogribs, Chipewyan and the Saskatchewan and Manitoba people. They are all one people and we all have the same interests. The way we live is not much different, it is all the same. The line you have drawn is not right. You have to give them a piece of that land, then for sure you will have an agreement. If you guys do not do that then you guys will never come to an agreement.

Right now, Saskatchewan is going to take the government to court over it. That is the same thing that I heard from a lot of elders in my home and back from the elders in Saskatchewan. We have to discuss everything like this. We can think about it and maybe we can have a future meeting here. I would like to see that. I am willing to work. Mahsi.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. I just have one question that I would like to direct to Mr. Amagoalik. It is with regard to the plebiscite on the boundary, Mr. Amagoalik indicated that if the plebiscite on division is not supported, then two thirds of the Inuit would probably not support the land claim itself. I am wondering if the political boundary and the claim itself - I could not find the area where you get 170,000 square miles or something to that effect of fee-simple lands. But what does the boundary have to do with killing this agreement? I thought this was just a boundary for political reasons, as opposed to land claim reasons.

CHAIRMAN (Mr. Pudluk): Mr. Amagoalik.

MR. JOHN AMAGOALIK: I think it has to do with extinguishment provisions. The Inuit of Nunavut, like all aboriginal people, find it extremely difficult to accept, to swallow, the extinguishment provisions of the land claims agreement. But because Nunavut is being offered, they are sort of willing to hold their noses and vote "Yes," but if we do not have Nunavut then the extinguishment issue will flare up. And I think that is the reason the Inuit would not support a land claims agreement without Nunavut.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. I want to ask Mr. Amagoalik and Mr. Eetoolook whether or not you have been involved in any studies regarding the economic viability of division and Nunavut itself, other than the information you have given to us so far.

CHAIRMAN (Mr. Pudluk): Thank you. Tungavik.

Study Re Economic Viability Of Division

MR. JOHN AMAGOALIK: I personally have not been involved long enough to be able to give you an answer from experience. But I do know that there is a very extensive study going on at the moment. I am sure you know about it, the Coopers and Lybrand people are doing a very extensive study. I have seen some preliminary documents, and I have not had time to go over them yet. But we certainly are very concerned about the economic viability of Nunavut, but we are confident with the kind of money that will be needed to start up the territory and also with the land claims agreement, \$1.15 billion over 15 years, that it will give us opportunities to be much more economically viable and less dependent on government. Perhaps James would like to add a bit.

CHAIRMAN (Mr. Pudluk): Go ahead, James.

MR. JAMES EETOOLOOK: (Translation) The study that has been done for a Nunavut government - inside the land claims there will be mining available. After division there will be more economic opportunity. There will be more mining. At one point we indicated how much it would cost if we were to divide the NWT. John indicated earlier how many jobs we would lose. There have been studies done and the Government of Canada has done studies on this.

CHAIRMAN (Mr. Pudluk): Mr. Nerysoo.

MR. NERYSOO: Could Mr. Dent clarify for us the concerns he raised with regard to the financial aspects? What are some of the more significant concerns that have been raised to date with regard to that item?

CHAIRMAN (Mr. Pudluk): Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. I guess the ongoing concern, or the major concern that I have had expressed to me, is that the federal government may decide not to provide any extra funds to the Territories for the split. In other words there is a real concern that the present federal study that is under way right now has, as an objective, to prove that the split could take place without any additional funds. The half billion dollars for the one-time infrastructure and no extra cost for providing the ongoing O and M. And I think if you take a look at the terms of reference for that study, there is some reason for concern. Because I think the study that was conducted for the territorial government indicated that there would have to be some extra costs in order to maintain the present level of services.

That is really the major concern that has been expressed to me. It has not been one that deals with one specific item or program, but it has been a concern that the federal government has not come out and said, "Yes, we are willing to fund this." As a matter of fact, they have been quite explicit in saying that they do not think they have any extra money right now. So that is really where the concern comes from.

CHAIRMAN (Mr. Pudluk): Mr. Koe.

MR. KOE: Thank you, Mr. Chairman. I would like to make some comments on my colleague, James Arvaluk's, points of negotiating overlap issues. The suggestion is nice; he is recommending that they negotiate after the agreement is made. I guess my concern is why would the Dene Nation want to negotiate after the vote and after an agreement is made. These negotiations should be done now, much before an agreement is signed and sealed. The level of comfort then for Dene Nation people would be much greater.

A question for TFN representatives is: Are you presently doing implementation negotiations and are overlap negotiations part of those negotiations?

CHAIRMAN (Mr. Pudluk): Tungavik.

MR. JAMES EETOOLOOK: (Translation) Thank you, Mr. Chairman. The recent overlap has not been completed. We have to come up with an agreement with the Dene Nation and Saskatchewan and Manitoba and Makivik. We are still working on this. You are probably referring to the land claim. We have not completed negotiating the overlap agreement. However, we can pretty well say that we will agree on it and anybody will be able to harvest inside the Inuit land claim, indicating the overlap land claim - the non-renewable agreement has to be in place.

If we do not have the overlap agreement, we will be fighting

forever. However, we have to have the overlap agreement in place. We will both have to agree on the overlap agreement. It is not totally completed se yet.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Koe.

MR. KOE Mahsi, Mr. Chairman. Just a comment on that. It is great, and I think if the Dene Nation and the other people you are negotiating with, Saskatchewan - Manitoba, whoever - if they were made aware that these options are there and the door is open to negotiate, you may get more support than you are getting now. That is all I wanted to say.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Todd.

Cost Associated With Nunavut

MR. TODD: Thank you, Mr. Chairman. I wonder if I can go back to the issue that Mr. Dant raised, because it seems to be a fear by, I think, certainly a number of people in Yellowknife within the business community, about the economic ramifications of Nunavut. I think it is important to point out that under the agreement that has been put in place, the Nunavut implementation commission - which will be made up of three members of TFN, three members of the Nunavut caucus, and an independent chairman - part of its responsibility will be to be able to put together the financial ramifications and the costs associated with however the government falls out. I do not think anybody is naive enough, on either side of the argument, to suggest that Nunavut is going to come about without the need for additional dollars. I know the TFN people recognize that clearly, and certainly the Nunavut caucus realizes that clearly.

I think the cost associated with Nunavut is going to be part of the negotiations, if you want, or part of the implementation commission; and it will determine, as part of its responsibilities, as I understand it, how Nunavut would go about, whether it is a decentralized government, the costs associated with it, and, I think, in the long run it would be a part of the negotiating team with the federal government, as to the need for these additional funds. Whether it is \$500 million, whether it is \$200 million - to me, at this stage of the argument, it is not relevant. It is clearly recognized by all parties that there are some additional coats attached to the establishment of Nunavut. I am sure, contrary to what some of you people may be feeling over here, the feds also realize that.

I think it is important to say that, because the argument I hear all the time is, "What is it going to cost? what is it going to cost? what is it going to cost?" That will be determined through negotiations. I am confident, as a non-native business person in the Eastern Arctic, that we will bring about a reasonable level of financing to meet the needs of both sides of the Territories. I am, fundamentally, under the belief that the closer you put the government to people, the better the net impact is going to be.

I would just like to remind Mr. Dent that of our billion dollar budget, close to \$675 million is controlled by the civil service in Yellowknife, which is a long way from Grise Fiord.

CHAIRMAN (Mr. Pudluk): Mr. Dent,

Cost Not Just Yellowknife Concern

MR. DENT Thank you, Mr. Chairman. I think I also heard Mr. Gruben and Mr. Krutko mention the same concern, so I do not think this is one that is just a Yellowknife concern, Mr. Todd, and not just a Yellowknife business community concern. I just wanted to point out that I was not the only person to mention this.

in a radio interview, I have heard the Minister quoted se saying, "There are no new funds available for this creation of the Territories," so I guess this is where the faar comes from. I recognize that it is a process of negotiation and it does entirely depend on those negotiations as to how the monay shakes out. In fact, that may just be a negotiating start. Who knows? What the bottom line is, at this point in time, I have to have some concerns about where the money is coming from.

CHAIRMAN (Mr. Pudluk): Thank you. Second question, Mr. Todd.

MR. TODD: Mr. Dent, do you really believe that the TFN are going to sign an agreement, or the Nunavut caucus is going to agree to err agreement, that is going to jeopardize the economic well-being of Nunavut? That is the point I am trying to make. If the money is not there - do you believe that? Let me ask you that question. Are we that naive?

CHAIRMAN (Mr. Pudluk): Mr. Dent.

MR. DENT: Mr. Chairman, I do not, Mr. Todd, believe that TFN is going to sign that sort of an agreement. My concern is, though, that there is a danger that the eastern group may be satisfied but the western group may not. That is the concern, that it could be a unilateral decision that really left some of the western people out of the financial picture.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Lewis.

Involvement in Drawing Up Plebiscite Question

MR. LEWIS Thank you, Mr. Chairman. I would like to ask the TFN delegates if they were involved in any way in drawing up the plebiscite question. The government had taken the responsibility to get the question framed properly and decided to add some preambles to it. I would like to ask if, in fact, TFN were consulted on this business of the preamble to the question.

CHAIRMAN (Mr. Pudluk): Thank you. Tungavik.

MR. JOHN AMAGOALIK: Thank you. The short answer is, yes, they asked our advice and we gave it to them.

CHAIRMAN (Mr. Pudluk): Thank you. Second question, Mr. Lewis.

MR. LEWIS: Thank you, Mr. Chairman. Since this is a plebiscite question that is going to be asked to all of the people of the voting age in the Territories, I would like to ask Mr. Michel if, in fact, the people of the Dene Nation were involved in any way in drawing up the plebiscite question, which included a preamble about protection of level of service, constitutional rights - he referred, earlier on, to treaty rights and so on. Was he consulted on the service rights, the constitutional rights or any other issues that the government felt should be in the plebiscite question?

CHAIRMAN (Mr. Pudluk): Thank you. Dene Nation.

MR. ANTOINE MICHEL: (Translation) Thank you, Mr. Chairman. When you talk about constitution rights, we have talked about it with regard to social services and the various kinds of services. We still have a big job to do. Since the land claims discussions have ceased, we are dealing about voting and looking at various different things, and trying to find the best way to solve problems. One of my friends has just asked me a question here. He is suggesting that we vote and then we work on the boundary. I do not think that is right. If it is like you are working behind each other's backs. That is why the Dogrib Nation, the people from Saskatchewan,

the Inuit - if we all talk about it then we can fix it. Once we talk about it we can vote. When it comes to compensation in terms of money, we are still talking about it.

For us, over in the Thelon River, there is some potential for mining, and there is staking going on. Over where we live, different mining companies are bringing papers in to us, and we have not even resolved the land claims. How are we going to get benefits from the claims? We are still dealing with all of these things. Why are people beside us working like that? We do not even get jobs. Non-native people come among us and set up mines; they decide to take the land away and they do things. We are still trying to resolve those things. We are trying to find ways, by use of land use planning and various other ways. What happens around Thelon Sanctuary in the future and how we are going to get benefit from it is what we are discussing now. We are looking at different kinds of benefits, of how we can make money and how we can look at constitutional rights, the ones you are talking about. Some elders, when it comes to constitutional rights, do not understand what it is. For rights, people do not know people's rights, so we have to teach people. We put on workshops for elders and we let them know that this is what is meant by 'rights,' and when they have the understanding, then we find money to do work. We make use of this land, the animals. We benefit. We are not too worried about money. If we can resolve this land business fast and resolve our different issues, if we resolve this boundary question, then we can vote on it. We can have the plebiscite vote on May 16. If we do it that way, it is good. Thank you.

CHAIRMAN (Mr. Pudluk): Third question. Mr. Lewis.

MR. LEWIS: I would like to thank Mr. Michel for that explanation of how he understands these big issues we are trying to deal with. My last question has to do with the drafting of the plebiscite question. What the question comes down to is, if you look at this map and if you look at this bit of history about how we have arrived at this place now on dealing with the division issue, would you support this line as long as you could keep on having a good level of service, as long as your rights are looked after, and as long as people who are employed are not going to be upset too much? If in my understanding that the government has agreed to include those three provisions in the question through communication between the government and TFN. So my last question is, was the Dene Nation contacted to see if there were any things they wanted to have in the plebiscite question, because there was already an agreement to have these three things included in the question in order to satisfy the people from TFN. Were you asked if there was something you wanted in the question to satisfy the needs of the Dene Nation?

CHAIRMAN (Mr. Pudluk): Thank you. Dene Nation.

Boundary Not Agreed To By Dene Elders

MR. ANTOINE MICHEL: (Translation) That is what I am saying. Arbitration is what people are talking about when people came to see us. The elders wanted to know, what is this arbitration? So the younger generation who understood and are educated explained to the elders what arbitration was. We are given something to work by. Whether you like it or not, it is still the same. This is what is proposed. This is where the boundary is. This is how we explained it to the elders.

The elders' reply was, 'It is not good. It is not the way it is supposed to be.' We took some elders to Ottawa with us. We talked to the bureaucrats in Ottawa. 'The way the boundary is written is what you have to go by.' That is what they told us. So we told them, 'No. It is no good.' And then they came to visit us, and we told them again that it was not

good and we cannot go along with it, but still he went ahead and made the boundary when though we told him 'No.' It is not right. That is how they work. It is our land, and now they are making a big issue out of this.

I know what you are saying. We have talked about it in the past. I have explained this to the Dene Nation. I have explained it to the Dogrib nation. The way they gave us the proposed boundary, we cannot defend ourselves in the future. That is why, when they brought this arbitration to us, we did not like it and a lot of elders did not like it. But that is the way the government works. They brought this proposed boundary to us. If it is not right, but that is how they did it.

You MLAs that are sitting here now, you have to worry about this sometimes. The people that are on this side of the border, we love our land. I am pretty sure the Inuit love their land on the other side of the border. This is our livelihood when people are talking about issues. We are not too concerned ourselves with money. Land is what we are concerned about. Land is our biggest issue. And now people are telling us where boundaries should be. As Liza said a while ago, when people start talking about division, unity is going to be cut down and their voice is not going to be strong.

Land Issues Before Money Issues

If we talk about money, then we can talk about money in terms of land claims, and then we can really sit down and talk about it thoroughly. But right now, what I am saying is, let us try to get together. We can still get together one more time and talk about it. If we talk about it, we can solve it, if we face each other, not with telephones, but sit down with elders and young people. We will bring all the maps. Everyone who travelled on the land will know. Everything will be in the open.

[In the next couple of weeks I am going away to the barren lands. That is where I live. That is where my ancestors used to travel. That is where I am going. It is a big land. It is a beautiful country. I go to the Thelon River, over close to Baker Lake. I travel over 600 miles, I and the people from Snowdrift. A lot of people never see that land. We are talking about land. We are not worried about money. Let us settle the land issue first, and then we will talk about money. Let us try to get together. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Pudlat.

MR. PUDLAT: (Translation) Thank you, Mr. Chairman. Right now, we are having a meeting and I am getting a lot of information. I would like to go back to the boundary discussion at that time. At that time when you used to meet each other, there used to be no agreement, but now I think we are starting to understand each other. Perhaps if you had not met in the past, this could be the issue right now. Perhaps that is why both parties were trying to decide where the boundary is going to be, but the way I see it, there was no agreement. There was no co-operation about where the boundary is going to be. Perhaps right now we could come up with an agreement. We are not saying our land is not going to be your land. Perhaps we could come up with an agreement, something like that, and we could involve the elders and the young people. Sometimes there would be an agreement, and those agreements broke down later on. Perhaps we are too worried about our future. Perhaps we worry about the future so much, that is why we cannot come to any agreement. Thank you.

CHAIRMAN (Mr. Pudluk): I do not think that is a question.

MR. JAMES EETOOLOOK: (translation) I think I would like

to get this boundary issue record straight. When the Dene Nation was talking about the arbitration - at that time back in 1953, the Dene Nation and Metis wanted to come to an agreement with us and work with us. They wanted to sign a memorandum of understanding regarding joint management. Again, back in 1984, TFN and the Dene Nation signed an agreement that they would come up with an agreement on where the boundary is going to be. We held several meetings and the issue was the boundary, of course. We did not come to any agreement at the time. At that time we used to meet with their negotiators. It was their group that wanted to come up with arbitration. After that we said, 'Well, okay, if we have to use arbitration we will agree with you.' That is how the issue was. After that we had another meeting to deal with the boundary line. At that time we had to meet in Edmonton to deal with the boundary line. We told each other at that time that there was an agreement that we were not going to draw the line until further agreement. So they came up with a map and drew the line and they broke the agreement that we had in Edmonton.

I wanted to make it clear that it was not the Inuit who wanted to come up with the arbitration; it was the Dene Nation and Metis that came up with the arbitration. The issue was the boundary line. During the meeting we came to an agreement but after the meeting they had to come up with something else other than the agreement that they already had. Thank you.

CHAIRMAN (Mr. Pudluk): Mr. Ningark.

HON. JOHN NINGARK: Thank you, Mr. Chairman. I would like to place myself in somewhat of a neutral area in asking this question. As a result of the arbitration I am wondering if the other side could answer my question. As a result of the proposed boundary which was arbitrated - I do not know when, some time ago - how much of the land, the traditional hunting grounds, have both sides lost as a result of the arbitration? Could I get an answer from both sides if they have an answer for me? Thank you.

CHAIRMAN (Mr. Pudluk): Dene Nation.

MR. ANTOINE MICHEL: (Translation) For our side of the land we are talking about a large area of land; the Dogrib territory, the Chipewyan territory over in Saskatchewan and Manitoba, the total size is pretty big. That is what I am saying. If you want to see, I have a map here and it discusses "surrender land." It is all on the map. If you look at it you are going to see what kind of land we are talking about. That is why we are concerned. That is why I would like to get together one more time and we can solve it. It is not too late.

After they made the last line, they also took away a lot of our land around Contwoyto Lake. We have cabins over in that area and that all ended up in the eastern side, over in the Great Bear Lake area. The Slavey people from Great Bear Lake are also talking about it. Even COPE, Committee for Original People's Entitlement, has a claim settlement over in that area and that cuts into the Dene land, and from there it goes straight down to Manitoba.

If we are going to do it right we have to give some of this land back. Even around there there are a lot of lakes that the elders are talking about. A lot of fishing. In the old days people used to live off the fish. When there was no caribou that is when they would go to these lakes and find all the fish. That was over in Saskatchewan and Manitoba and over by Hudson Bay.

That is why we are saying we are ending up losing a lot of land over by the Thelon River, Grassy Island, all around there.

From there to Aylmer Lake, when we first drew the boundary we said they were taking too much of the land. The elders used to use all that area. So when we worked at it we moved the boundary again and they were agreeable with that and now it is changed again and we end up losing a large piece of land. That is why we are talking about it and it is not too late to be fixed. If we can settle this land question, I will be happy and I am pretty sure we can reach an agreement. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Tungavik.

MR. JAMES EETOOLOOK: (Translation) Thank you, Mr. Chairman. Yes, at that time they said how much land they were losing. After the arbitration, it is a very big piece that we already lost around Contwoyto Lake which belongs to the Kitikmeot and also the people from Baker Lake, they lost the land in that area because there was arbitration. Both sides lost a big area of land and then again we lost that piece of land. But we agreed to the boundary because we knew we could be able to come up with an agreement of overlapping.

We are talking about the hunting grounds. Even though we lost the land we still could be able to hunt in that area, even though Contwoyto Lake still belongs to the Dene Nation, I know the Inuit could still go hunting in that area. As for hunting, it will be open to both sides, regardless of who. It belongs to both sides. Also if we have to deal with the mining companies. I know Dene and Inuit people could come up with an agreement. We could settle this on our own. I know it is a lot of land, but we have agreed with the boundary line. Thank you.

CHAIRMAN (Mr. Pudluk): Mr. Gargan.

Support Of Tungavik Federation Of Nunavut For Metis People

MR. GARGAN: I would like to ask the Tungavik Federation of Nunavut members about one of the statements that were made this last week. It was with regard to getting support from the Metis people. The support was on the condition that Nunavut would support the Metis to try to gain Metis rights equivalent to what the Dene and Inuit enjoy right now. I know that I and Mr. Morin made two motions in this House to try to achieve that, and we have been successful to some extent. How do you propose to accommodate that for the Metis people, recognizing their Metis rights and having them equal to those of Inuit and Dene people?

CHAIRMAN (Mr. Pudluk): Tungavik.

MR. JOHN AMAGOALIK: Thank you, Mr. Chairman. The Inuit of Canada have always supported all aboriginal peoples to be treated equally. On the national level, when I was president of the Inuit Tapirisat of Canada, and it continues today, at the national level we support each other; we support the Metis that they should be fully recognized as aboriginal people and they should have the same rights and responsibilities as all First Nations. We will continue to do so, and as a matter of fact the TFN passed a resolution the other day, directed at the Government of Canada, encouraging them to recognize the Metis people as the first peoples of Canada as well, with the same rights as the Dene and Inuit.

CHAIRMAN (Mr. Pudluk): Mr. Gargan.

MR. GARGAN: In your claims agreement you do have an extinguishment clause. Would that have any effect if in effect the national agenda supported inherent right to self-government? Would that affect your claims at all with regard to your extinguishment clause?

CHAIRMAN (Mr. Pudluk): Thank you. Tungavik.

MR. JOHN AMAGOALIK: As I understand it, the recognition of an inherent right to self-government is just that, a recognition of self-government rights. As I understand it, that is quite different from the provisions of land claims agreements. Land claims agreements deal with land rights, property rights and the recognition of inherent right to self-government is just that, a recognition of self-government.

CHAIRMAN (Mr. Pudluk): Thank you. Any more questions? If not, I would like to thank the people here, especially James Eetoolook, Tungavik Federation of Nunavut; John Amagoalik, Tungavik Federation of Nunavut; Mrs. Liza Enzoo, Dene Nation; Antoine Michel, Dene Nation; David Krutko, Gwich'in Tribal Council; Roger Gruben, Inuvialuit Regional Corporation; and Charles Dent, non-aboriginal representative, and all the Members.

—Applause

This meeting is now adjourned.

—ADJOURNMENT

Article #1

Nunavut and the West

The people of Nunavut and the people of the Mackenzie Valley -- Inuvialuit, Dene, Metis and non-aboriginal -- are neighbors. We share many of the challenges of *climate* and distance. We all think its funny when southern Canadians reveal their stereotyped images of the North. We are all frustrated when the North is overlooked in talks between Ottawa and the provinces.

Geography has made us neighbors. But common experiences have done much to make us friends. Many of us have spent a lot of time together -- in school, in games, in meetings, on our travels. Sometimes we have seen issues from the same perspective, sometimes from very different ones. sometimes we have argued; many times we have helped and supported each other.

The people of Nunavut have a great **opportunity**. In conjunction with the settlement of Inuit land and resource rights in our part of the North, we have a chance to create a new territory and government which will reflect the unique character of our region and our people. As people living north of the tree line have done in Greenland, northern Quebec and northern Alaska, we can shape the institutions of government in Nunavut so as to focus on the priorities and preoccupations that are most important to us. We can give the language of a majority of our people -- Inuktitut ' a role in the workplace that it could never have in an undivided NWT.

We are not saying that our ways of doing things are better than the ways of people in the Mackenzie, that are concerns are more important, that our way of life more satisfying. Given a fair share of authority and responsibility, we will make our fair share of mistakes. The record of the existing GNWT has in many ways been a positive one, and we shall all be able to build on the work and the contributions of those who have gone before us. But the accomplishments of the past do not detract from a simple Yet powerful reality: the people of Nunavut are committed to creating their own territory and government so as to bring political power closer to its people, and to do so in a way that is as respectful and as fair to the rights and interests of others as possible.

Neighbors don't always expect much of each other. Friends always do. For our part, we have tried to plan for Nunavut in a way that reflects our friendship. Let us look at *some* examples.

- the plebiscite question emphasizes the importance of maintaining levels of public services throughout the existing NWT and respecting the jobs and location preferences of GNWT

employees; we have attached the same importance in all our other work

- we have agreed that the **Nunavut** Government will not come into operation until 1999; this period of preparation will give the residents of the Mackenzie plenty of time to address their own future before **Nunavut** comes into effect; it will also give lots of time to adjust government work forces without penalizing any individuals or families

we support the idea that the new **Nunavut** government will be built up in a gradual and staged way after 1999; according to this approach the net number of government positions (not persons) likely to be transferred to **Nunavut** after 1999 is unlikely to be more than several hundred; compensating any negative economic consequences on the West resulting from this transfer will be the reality that the new **Nunavut** government will bring about an overall increase in public sector expenditures in the **North** and **Yellowknife** and other **Western-based** business and professional people will be well positioned to benefit from this

Nunavut will be a public government that falls within the established territorial and provincial models that Canadians are familiar with; the division of the NWT will in no way impede Western residents from entering, doing business or taking up residence in ~~Nunavut~~; ~~by adding a new member to the~~ Canadian family, **Nunavut** will expand and strengthen that family, not shrink or weaken it

Our plans for **Nunavut** represent a realistic recognition that **Nunavut** has implications for all Canadians, and our neighbors in the Mackenzie Valley. At the same time, they also represent a genuine effort to create **Nunavut** in a way that reflects and consolidates the bonds of friendship that exist between the people of **Nunavut** and the residents of the Mackenzie in a variety of ways and at a variety of levels. It is to those bonds of friendship that we appeal to the people of Mackenzie to support us in our goals, as we strive to support you.

We believe that the purpose of government is to serve the people. On May 4, 1992 we all have the opportunity to support that principle. On May 4, 1992, please vote YES.

Article #2

The Plebiscite^{*} Question: What Are We Being Asked?

On May 4, 1992, residents of the Northwest Territories will be asked to vote on the question shown (on the opposite page? in the box on the left?). Accompanying the question will be the map shown (beside the question on the opposite page? in the box on the right?).

Both the question and the map contain explanatory information. Let us look at each in turn.

The Question Itself

The question is divided into four paragraphs.

The first paragraph reminds the voters that the 1982 plebiscite decided on the principle of creating a new Nunavut Territory and Government through the division of the existing Northwest Territories. Both the NWT Legislative Assembly and the Government of Canada have accepted and support division.

The second paragraph says two things. Since 1987, it has been agreed that the boundary for division of the existing NWT into two new territories should be the same boundary as the one that separates the TFN land claim agreement area from the Dene-Metis and Inuvialuit land claims agreement areas. This paragraph also says that in April 1991 the Government of Canada accepted the boundary shown on the map. This boundary was proposed by former NWT Commissioner John Parker as a compromise after years of unsuccessful negotiations between TFN and the Dene-Metis. In addition to the Government of Canada, TFN and the Government of the Northwest Territories have accepted this boundary in the TFN final land claims agreement.

The third paragraph gives assurances that the creation of the new Nunavut Territory and Government will be brought about in a careful and responsible way. The process will take into account the needs of all Northerners for maintaining good public services. It will reflect the desire for residents of the Mackenzie Valley to have a chance to sort out their political future before Nunavut comes into effect. It will also be fair to existing GNWT employees and their families. Partly in order to provide these assurances, it has been agreed that the new Nunavut Government will not begin operating until five, six, or seven years after the legislation creating Nunavut is passed by Parliament at the end of 1992.

The fourth paragraph is the most important. It asks the voters the following question:

"ON THESE UNDERSTANDINGS, DO YOU SUPPORT THE BOUNDARY FOR DIVISION SHOWN ON THE MAP ATTACHED?"

TFN and the Nunavut regional Inuit associations urges each voter to vote "YES".

The Map

There are a number of things worth pointing out with respect to the map.

The map shows what will become the western boundary of the **Nunavut Territory**. All the areas east of the boundary will fall within the jurisdiction of the new **Nunavut Legislative Assembly and Government**. Areas west of the boundary will form part of a Western territory. The boundary line will be an internal boundary within Canada and will *not* affect the powers and responsibilities of the federal government. Residents on both sides of the boundary will retain all their rights and freedoms as Canadian citizens, including the right to move freely across the boundary.

The plebiscite is not legally binding, all of the boundaries of the **Nunavut Territory**, including its western boundary, will have to be eventually confirmed formally in the legislation passed by Parliament creating the new territory and its government.

The boundary shown on the map is the boundary recommended by former NWT Commissioner John Parker. It reflects patterns of traditional and current land use by **Dene-Metis and Inuit**. In areas like the southern **Keewatin**, where there has been little overlapping land use by **Dene-Metis and Inuit**, the boundary was easier to identify. In areas like the **Contwoyto Lake** region, where there has been overlapping land use by **Dene-Metis and Inuit**, the boundary represents Mr. Parker's best efforts to make a compromise.

After receiving assurances that Inuit would have certain rights to land ownership and hunting in areas used by Inuit west of the boundary through the TFN final land claims agreement, TFN agreed to the boundary as an acceptable and honorable compromise. The Government of Canada and Government of the Northwest Territories have also agreed to accept the boundary for purposes of concluding the TFN final land claims agreement.

A number of **Dene-Metis** leaders have expressed their disappointment that the proposed boundary is not located further east. While **Inuit** would also have preferred a line more favorable to themselves, TFN recognizes that both sides have to be prepared to give and take. TFN also believes that appropriate provisions in land claims agreements will allow both **Inuit and Dene-Metis** to continue their hunting activities in areas of traditional and current use and occupation regardless of the location of the boundary.

With respect to the northern portion of the boundary, **Inuvialuit** and TFN representatives agreed on the location of the boundary in 1984 to facilitate the conclusion of the **Inuvialuit** final land claims agreement.

**SUMMARY OF THE AGREEMENT BETWEEN THE INUIT OF THE
NUNAVUT SETTLEMENT AREA AND HER MAJESTY IN RIGHT OF
CANADA**

Published by:

**Nunavut Land Claim Ratification Committee,
Suite 204,
5102 50th. Avenue ,
Yellowknife, Northwest Territories,
XIA 3F8**

March 1992.

What is the Purpose to the Nunavut Land Claim Agreement?

This Agreement is between the Inuit of the Nunavut Settlement Area, who are represented by the Tungavik Federation of Nunavut (TFN) and Her Majesty the Queen in Right of Canada.

In 1976, we presented our land claim to the Government of Canada for negotiations. Negotiations between the federal government and TFN took place throughout the 1980s. An Agreement-In-Principle was signed in Igloolik in late April 1990, and a Final Agreement was concluded in mid-December 1991. The Board of Directors of TFN accepted this Agreement in January 1992 and passed a resolution recommending that Inuit ratify it. A vote among all eligible Inuit is scheduled later this year for Inuit to decide if they will ratify the Agreement. In order for the Agreement to be ratified, the majority of eligible voters in each of the three regions (Baffin, Keewatin and Kitikmeot) must vote in favour of the the Agreement. If Inuit vote for the Agreement, the federal Cabinet will then consider it. If the federal Cabinet approves the Agreement, it will then be formally signed. The Parliament of Canada then will be asked to pass legislation ratifying the Agreement on behalf of Canada. As soon as the Agreement is ratified by both parties, Inuit will be able to take advantage of and enjoy the rights and benefits it contains. if Inuit vote against the Agreement, it will be defeated.

The purpose of the Agreement is to make clear what rights Inuit will have to the lands and waters in the Nunavut Settlement Area, what rights the Government will have to the lands and waters in the Nunavut Settlement Area, and to make sure that Inuit will be involved in decisions about using and conserving the land and the offshore, and natural resources throughout the Nunavut Settlement Area. The Agreement make sure that Inuit will have more control over the way that they live, and will help to protect the Inuit way of life. It also makes sure that Inuit will be able to benefit from new jobs and businesses in Nunavut. The Agreement also commits the federal government to introduce legislation to divide the Northwest Territories in order to create a Nunavut Territory with its own territorial government. In exchange for the rights in the Agreement, Inuit will surrender aboriginal rights and claims to lands and waters ending uncertainty over land claims. The Agreement does not affect the ability of Inuit to benefit from social programs such as health, housing and

education or affect any Inuit rights which are not dealt with in the Agreement.

The Nunavut Agreement contains 41 Articles. Each is described briefly below.

GENERAL

Article 1 : Definitions

This Article defines the terms used in the Agreement.

Article 2 : General Provisions

This Article contains provisions that apply to the whole Agreement. These provisions provide that:

- the Agreement will be a land claims agreement **within** the meaning of Section 35 of the Constitution Act 1982 (this means that Inuit rights in the Agreement will be protected under the Constitution):
- government will consult closely with Inuit in the preparation or amendment of legislation to implement the agreement;
- in exchange for the rights and benefits in the Agreement, the Inuit of the Nunavut settlement Area, as represented by TFN, will cede and surrender to Her Majesty in Right of Canada **all** of their claims, **rights**, title and Interests **in** and to lands, freshwater and the **offshore in Canada**;
- any other existing or future constitutional rights that the Inuit may have are not affected by the Agreement, and the ability of Inuit to benefit from government programs **is** not affected;
- the Agreement will not affect any rights of other aboriginal peoples under **Section 35** of the Constitution Act 1982;
- the Agreement will be translated into Inuktitut, but the English and French versions are to be authoritative;
- the **devolution or** transfer of jurisdiction or powers from Canada to the

territorial government will not be restricted, provided Inuit rights outlined in the Agreement are not abrogated or changed;

- federal and territorial laws apply to Inuit and Inuit Owned Land, but where there is a conflict between these laws and the Agreement, the Agreement shall prevail;
- the Agreement can only be amended with the consent of Inuit and “ government;

Article 3 :Nunavut Settlement Area

This Article defines the Nunavut Settlement Area, and includes a map of this area.

POLITICAL DEVELOPMENT

Article 4: Nunavut Political Development

This Article deals with the creation of Nunavut. The Article provides:

- the federal government will recommend to Parliament legislation to establish a new Nunavut territory with its own Legislative Assembly;
- the federal and territorial governments and TFN shall negotiate a political accord to establish the date on which this legislation shall be brought forward in Parliament, and a transition process. The accord shall also deal with the types of powers, principles regarding the financing, and the time limits of the establishment and operation of the Nunavut government. It is the intention of TFN and the two governments to complete the accord by April 1, 1992. This Article is subject to revision by TFN and the two governments following a review of the results of the boundary plebiscite to be held before ratification of the Agreement.

WILDLIFE AND CONSERVATION

Article 5: Wildlife

This Article provides for and defines the right of Inuit to harvest wildlife, subject to conservation, and for Inuit involvement in the management of

wildlife. The purpose of this Article is to ensure that there will always be wildlife in Nunavut for Inuit to use.

Inuit will have preferential harvesting allocations, including the right to harvest wildlife to meet their basic needs as determined by a 5-year harvest study. Inuit will not need licences to harvest for their basic needs. Non-Inuit who have lived in the Nunavut Settlement Area for a long time will also have certain hunting rights. Inuit will be able to give rights to hunt to someone they know, or to a non-Inuk husband or wife. Inuit will have economic opportunities related to guiding, sports lodges and commercial marketing of wildlife products.

A nine-member Nunavut Wildlife Management Board, with equal representation of Inuit and Government, plus a chairperson, will be set-up to make all decisions about wildlife in the Nunavut Settlement Area. This board will make decisions on many matters now controlled by the Territorial Department of Renewable Resources and the federal Department of Fisheries and Oceans. The Nunavut Wildlife Management Board and the responsible ministers can only limit Inuit harvesting for the following reasons:

- for conservation,
- for public health or public safety,
- to implement the wildlife harvesting allocative system in the Agreement, including provisions respecting other aboriginal peoples.

The Nunavut Wildlife Management Board will do a 5-year study to find out how much wildlife you are hunting. This study will help the board make sure that you have enough wildlife to live on, and at the same time make sure no types of animals are killed off. The board will also do research and teach people about wildlife.

The board will do a special Inuit knowledge study to record the sightings, location and concentrations of bowhead whales in the Nunavut Settlement Area. Within one year of the beginning of this study, the board shall establish a total allowable harvest of at least one bowhead whale.

Article 6 : Wildlife Compensation

This' Article ensures that Inuit will receive compensation where developers cause provable damage to property or equipment used in wildlife harvesting, or cause present or future loss of income or loss of wildlife harvested for personal use. These provisions apply to onshore and offshore development, and to shipping directly associated with development. Liability for damage or loss from transit shipping will be as provided in laws of general application.

Under the Wildlife Compensation provisions, developers have to make-up for their damages by:

- **paying cash in lump sums or by installments;**
- **replacing or fixing lost or damaged equipment that Inuit use for hunting;**
- **replacing income, food, clothing or other goods that Inuit get from hunting, if Inuit miss a hunting season; and**
- **paying for a temporary or permanent move, if development has forced Inuit to move.**

If the developers do not compensate for damage within 30 days of a claim, Inuit can sent their claim to a Surface Rights Tribunal. The tribunal will hear the claim and decide within 30 days if the developer caused the damage and the compensation to be provided. While Inuit are waiting, the Surface Rights Tribunal can:

- **order the immediate replacement of or compensation for lost or damaged equipment;**
- **charge the developer interest, which will be paid to Inuit, on cash payments owed; or**
- **require the developer to pay Inuit more, if the delay causes more losses.**

If the developer refuses to make-up the damages, the Tribunal can register its decision with the courts. Inuit can then use the courts to enforce the decision.

Article 7 : Outpost Camps

This Article says that Inuit can continue to occupy and use outpost camps, and can build new outpost camps on Crown land anywhere that they have a right of access to harevest in the **Nunavut Settlement Area**.

If Inuit want to make sure that they can keep a camp for at least a **year**, all that is needed is for an **Inuk** or an **Inuit** organization to tell Government in writing that Inuit are making an outpost camp. Government must then let Inuit stay there for a year, unless government proposes another use of the land that would be inconsistent with the outpost camp. Inuit can apply for a renewable five-year lease for the outpost camp.

The operation and management of the outpost camp will be left up to Inuit.

Article 8 : Parks

This Article promises to establish three national parks; **Auyuittuq**, **Ellesmere Island**, and **North Baffin**. Inuit promise to consider exchanging Inuit Owned Land in the area proposed for a national park at Wager Bay for other land should Government decide to establish this area as a national park. Government agrees to work with Inuit to establish additional national parks in the **Nunavut Settlement Area**. Article 5, ensures that Inuit are able to hunt in national and territorial parks.

Before parks can be established, Inuit and Government must negotiate an **Inuit Impact and Benefit Agreement (IIBA)** to ensure that Inuit receive economic and social benefits from the establishment and management of parks. When requested by government or Inuit, the IIBAs can set-up a joint parks planning and management committee to advise the Minister responsible for the park. Management plans shall be based on the recommendations of the committee, and must accord with the terms and conditions of an IIBA.

When issuing contracts related to park facilities, Government shall give preferential treatment to qualified Inuit contractors. In addition, Government must ensure that all contractors give preferential treatment to Inuit. Inuit will receive first option to operate all business opportunities and ventures in parks.

Information about national and territorial parks in the Nunavut Settlement Area will be available in Inuktitut, and Inuit history relating to parks will be recognized in the operation of parks.

Article 9 : Conservation Areas

The provisions in Article 8 : Parks, dealing with management, economic benefits and opportunities, information in Inuktitut and Inuit history will apply also to conservation areas. Conservation areas include national' wildlife areas, migratory bird and wildlife sanctuaries, and other areas of biological, ecological or historical significance. Schedules to this Article outline parcels of Inuit Owned Land in existing conservation areas, and parcels of Inuit Owned Land in Conservation areas that may be established in the future.

LAND AND RESOURCE MANAGEMENT

Article 10 : Land and Resource Management Institutions

This Article provides for the establishment of new institutions within specified times to manage land, water and wildlife, and to evaluate the impacts of development in the Nunavut Settlement Area. These institutions include:

- Surface Rights Tribunal (within six months of ratification of the Agreement),
- Nunavut Impact Review Board (within two years of ratification of the Agreement),
- Nunavut Planning Commission (within two years of ratification of the Agreement),
- Nunavut Water Board (within two years of ratification of the Agreement).

These institutions will be instruments of public government. In other words, they will be funded by government, and will be for the benefit of all residents of Nunavut.

Article 11: Land use Planning

This Article ensures that the Nunavut Settlement Area will be subject to land use planning. It outlines principles to guide planning, and specifies the tasks of the Nunavut Planning Commission which is charged with conducting land use planning in the settlement area.

The membership of the Nunavut Planning Commission may vary, but Inuit are guaranteed 50% of the members of the commission. The Nunavut Planning Commission is responsible for setting planning goals and priorities with government, and for formulating and reviewing land use plans; and contributing to the development of an Arctic Marine Policy. The Nunavut Planning Commission can hold public hearings to help it develop draft land use plans. These draft land use plans are submitted to the federal Minister of Indian Affairs and Northern Development, and the territorial Minister of Renewable Resources. Once land use plans are approved by the federal Cabinet and the territorial Executive Council, the Nunavut Planning Commission will monitor all development projects to ensure their conformity with land use plans. The Nunavut Planning Commission will also identify and prioritize requirements to clean-up waste sites in Nunavut.

Article 21 Development Impact

This Article provides for the assessment and review of development projects in the Nunavut Settlement Area. A Nunavut Impact Review Board (NIRB) will screen project proposals to determine whether there is a need for a review of their ecosystemic and socio-economic impacts. If NIRB determines that a review is required, the Minister may refer the proposal to either NIRB or the Federal Environmental Assessment Review Office (FEARO) for consideration. There is to be no duplication of reviews. Inuit are to nominate 50% of the members of NIRB. At least 25% of the members of panels set-up by FEARO will be Inuit nominees with a similar percentage from the territorial government.

Where NIRB conducts a review, it would determine if the proposal may proceed, and if so, what terms and conditions will be imposed to deal with environmental and socio-economic impacts. NIRB will issue a report to the Minister. The Minister has the overriding authority to approve or reject projects in the national or regional interest, or to modify terms and conditions that are more onerous than necessary to mitigate impacts to an

acceptable level. **NIRB will issue a project certificate containing terms and conditions accepted or varied by the Minister, and may be asked to monitor the impacts of projects.**

Article 13 : Water Management

This Article puts in place a new institution to manage water in the Nunavut Settlement Area. Currently, the NWT Water Board licences the use of water in the NWT. A Nunavut Water Board, composed of an equal number of Inuit and government appointees, will be established to take over these functions in the Nunavut Settlement Area, and will have responsibilities at least equivalent to those of the present NWT Water Board. The Nunavut Water Board is to contribute to the development of land use plans as they relate to water use, and is to cooperate closely with the Nunavut Impact Review Board.

Article 14 : Municipal Lands

This Article provides for local governments to own, control, and administer municipal land on behalf of the people who live in the communities, and ensures that municipal boundaries include land needed by the communities. The territorial government will hold a referendum in each community within two years of ratification of the Agreement, to determine whether voters are in favour of the municipality selling municipal land. This Article also says that if, in future, a municipality does not need the land, Inuit will have a "right of first refusal" to buy the land, or exchange some other Inuit land for the old municipal land.

Article 15 : Marine Areas

This Article ensures the continuation of the Inuit right to use the offshore in the Nunavut Settlement Area. It extends the application of various Articles of the Agreement to the offshore, including wildlife harvesting and management, land use planning, impact development, resource royalty sharing, parks, consecration areas, and some other provisions.

This Article also defines two zones in Hudson Bay, James Bay, and Hudson Strait; and Baffin Bay and Davis Strait, outside the land claim settlement area, but in which the Nunavut Wildlife Management Board will be involved in managing migratory species. In addition, the Government recognizes the

economic dependence and adjacency of communities in Nunavut on and to marine species in zones 1 and 2, and so agrees to give special consideration to these factors when allocating commercial fishing licences within these two zones.

Article 16 : Outer Land Fast Ice Zone - East Baffin Coast

The boundary of the Nunavut Settlement Area on the East Baffin Coast will follow the twelve mile limit of the territorial sea. Where the outer limit of the land fast ice extends beyond the territorial sea, Article 16 ensures that the land use planning, development impact, wildlife harvesting and resource royalty sharing provisions will apply to this area too.

INUIT OWNED LANDS

Article 17 : Purposes of Inuit Owned Lands

This Article outlines the purposes for which Inuit can select and, therefore, own land in the Nunavut Settlement Area. This Article was included in the Nunavut Agreement-In-Principle, and was used to guide land ownership negotiations in 1990 and 1991. The overriding purpose of Inuit Owned Lands is to secure balanced economic development for Inuit. To this end, Article 17 recognizes that Inuit Owned Land should include:

- good trapping and hunting areas;
- outpost camps;
- areas good for tourism;
- land where minerals have been or might be found;
- areas good for business or industry; and
- places of cultural importance.

Article 18 : Principles to Guide the Identification of Inuit Owned Lands

This Article contains the guidelines that were used by Inuit and Government in 1990 and 1991 in negotiating which land Inuit would own.

Generally, Inuit could negotiate to own any land in the Nunavut Settlement Area as long as they could demonstrate use and occupancy of the land in question.

TFN organized Community Land Ownership Negotiating Teams (CLINTS) to speak for Inuit in land ownership negotiations. Each CLINT included community leaders including at least one elder and members of the Hunters and Trappers Association and the municipal council. TFN negotiators were also "members of the team that negotiated land ownership.

Article 19 :: Title to Inuit Owned Lands

This Article describes the two ways that Inuit can own land in the Nunavut Settlement Area. In some places, Inuit will own the land and everything on and under it, including rights to oil, gas and minerals. In other places Inuit will own the land and everything on and under it including things like construction and carving stone, but will not have the right to oil, gas or minerals. Inuit own lands covered by water (lake beds, etc.) if the body of water is surrounded by Inuit Owned Lands.

Carving stone is recognized in the Agreement as a resource used almost solely by Inuit, so Inuit own all carving stone on their land. During land ownership negotiations Inuit picked land rich in carving stone. In addition, the Agreement says that every Inuk will be able to take up to 50 cubic yards of carving stone from Crown land every year. If the Crown land is being used by somebody else, Inuit must remove the carving stone without significantly interfering with the use of the land. As well, Government must tell Inuit about any new discoveries of carving stone on Crown land, and Inuit will have the right to either trade some of their land for that Crown land, or get a lease to remove the stone. Only Inuit will be able to obtain these leases.

Before a national park is established, Inuit can ask government to study how much carving stone is inside the park boundaries. If the park would include significant amounts of carving stone, Inuit can have the park boundaries moved. In existing national or territorial parks and conservation areas, Inuit can get a special agreement to remove the stone in certain ways.

This Article defines the total amount of land to be owned by Inuit in Nunavut according to the following regional breakdown:

1. North Baffin	33,230 square miles	(86,060 square kilometers)
2. South Baffin	25,500 square miles	(66,040 square kilometers)
3. Keewatin	36,890 square miles	(95,450 square kilometers)
4. Kitikmeot East	14,275 square miles	(36, 970 square kilometers)
5. Kitikmeot West	25,635 square miles	(60, 390 square kilometers)
6. Sanikiluaq	1,000 square miles	(2, 590 square kilometers)
Total	136,530 square miles	(353,590 square kilometres)

Of this total, 14,000 square miles of land (36, 257 square kilometers) will include rights to the subsurface specifically including oil, gas and minerals.

Article 19 also defines an area in the High Arctic Islands, within the Nunavut Settlement Area, in which Inuit did not select land. This was agreed to because this is not land that Inuit have traditionally used.

Article 20 : Inuit Water Rights

This Article provides that, subject to the Agreement, Inuit have the exclusive right to the use of water on, in or flowing through Inuit Owned Lands, and the right to have water flow through Inuit Owned Lands substantially unaffected in quality, quantity and flow.

Use of water on Inuit Owned Lands will be subject to normal regulatory approvals by the Nunavut Water Board. Access to and use of water by subsurface developers is provided for in this Article. Inuit will be entitled to compensation if development adversely affects the quality, quantity, or flow of waters through Inuit Owned Lands. If Inuit and the would-be developer can not agree on appropriate compensation, the Nunavut Water Board will decide. This Article does not affect public rights to navigation, rights of innocent public passage on water, or use of water in emergencies.

Article 21 : Entry and Access

This Article sets out the rules under which non-Inuit can gain entry to and access across Inuit Owned Lands. As a general principle, such access and

entry will occur only with the consent of Inuit. However, the Agreement lets members of the public go onto Inuit Owned Land for casual travel, recreation or in emergencies, or when associated with travel by water. Government agents, employees, and contractors will have the right to enter, cross and remain on Inuit Owned Land to implement government programs and to enforce laws. If Inuit Owned Land is damaged as result of this, Government will have to compensate Inuit. Government is able to acquire sand and gravel on Inuit Owned Land for public purposes.

The rights of third parties, such as the oil and gas, and mining industries, to Inuit Owned Land are respected in the Agreement. If developers have mineral rights to Inuit Owned Land or have to cross Inuit Owned Land they may do so by obtaining the consent of Inuit or, failing this, they can obtain an entry order from the Surface Rights Tribunal. This tribunal will also determine compensation to be paid to Inuit. As well, commercial operators may cross Inuit Owned Land with the consent of Inuit or by order of the Surface Rights Tribunal, if the access is essential and other means of access are impractical.

Government will be able to expropriate Inuit Owned Land, but must do so with the approval of the Governor-In-Council or Commissioner-In-Council, as the case may be, and with appropriate compensation to Inuit in the form of money or land. A limit of 120% has been set on how much Inuit Owned Land can be expropriated.

Article 22: Real Property Taxation

As a general principle, Inuit Owned Lands are exempt from Real Property Taxation by the federal, territorial, or municipal governments. However, within municipalities, Inuit Owned Lands that have improvements, such as houses, or lie within approved subdivisions are subject to Real Property Taxation. Inuit Owned Lands outside municipalities that have improvements are also subject to this type of taxation, but Outpost Camps or structures used for non-commercial, traditional purposes are not subject to Real Property Taxation.

ECONOMIC PROVISIONS

Article 23 : Inuit Employment Within Government

The object of this Article is to increase the number of Inuit employed by Government to a level that reflects the ratio of Inuit to the total population of Nunavut. Government, with the participation of Inuit, will look at the Inuit workforce in Nunavut to see what skills are available now and what training is needed, Government departments will develop plans to increase Inuit employment in government. These departments will also develop pre-employment training plans to provide some Inuit with skills to qualify for government employment. Government jobs will be posted throughout Nunavut, and efforts will be made to increase Inuit recruitment and promotion by removing barriers to employment such as inflated education requirements. Implementation of this Article will be reviewed five years after ratification of the Agreement.

Article 24 : Government contracts

The purpose of this Article is to help Inuit firms to compete for government contracts in the Nunavut Settlement Area. To that end, government will take measures to assist Inuit firms to make competitive bids, including designing contracts to make it easier for Inuit firms to compete. A review of the effect of this Article will be undertaken within 20 years of its implementation.

Article 25 : Resource Royalty Sharing

This Article requires government to pay Inuit 50% of the first \$2 million and 5% thereafter of royalties that it receives from the production of resources such as oil, gas, and minerals, on Crown land in the Nunavut Settlement Area. This money will be paid to the Nunavut Trust.

Article 26 : Inuit Impact and Benefit Agreements(IIBAs)

This Article provides for the negotiation of an agreement between Inuit and developers before any major development projects in Nunavut can go forward. A major development project is one that involves the development or exploitation by industry or a Crown Corporation of non-renewable resources on land to which Inuit own the surface, or water power generation or water exploitation anywhere in the Nunavut Settlement Area. IIBAs must be negotiated for projects that involve more than \$35 million (1986 dollars) in capital costs, or which involve more

than 200 person years of employment in any 5-year period. An IIBA can include such things as training, housing, preferential employment, employment rotation and language of the workplace.

Negotiation of an IIBA must begin at least 180 days before development on Inuit Owned Land begins. When both Inuit and the developer agree on the contents of the IIBA, it is final. If they do not agree, they can use arbitration to establish the IIBA. The IIBA forms a contract between the Inuit and the developer.

Article 77 : Natural Resource Development

This Article requires government to notify Inuit before any land in the Nunavut Settlement Area is opened for petroleum exploration, and to discuss with Inuit the terms and conditions that should be attached to any such exploration. Prior to exploration, development or production of petroleum, and development and production of resources other than petroleum on Crown lands, developers are required to consult with Inuit on a wide range of matters identified in a schedule to the Article.

Article 28 : Northern Energy and Minerals Accord

This Article makes sure that Inuit representatives will be included on the territorial government team to develop and to implement agreements with the federal government about the future management and development of oil, gas, and minerals in the North.

Article 29 : Capital Transfers

This Article outlines the money payments ("capital transfers") that are to be made to Inuit as part of the land claim agreement. Inuit are to receive \$1,148,123,217 over 14 years. The Article specifies how much money Inuit will receive in each year. In addition, the Article requires TFN to repay to the federal government over 14 years, approximately \$35 million that has been used to negotiate the land claim agreement.

Article 30 : General Taxation

This Article says that the capital transfer payments made by government to the Nunavut Trust or loans made by government to the Trust against the

money that government still owes Inuit, will not be subject to taxes or any other type of fees. The Nunavut Trust will be subject to general tax laws of application, as will the recipient of any income or capital from the Trust.

Article 31 : The Nunavut Trust

The Nunavut Trust will be set-up by Inuit to receive the capital paid to Inuit by government. The Trust is responsible for protecting, managing and investing the capital. The Trust is to be controlled by its trustees, selected by the regional Inuit associations.

SOCIAL AND CULTURAL PROVISIONS

Article 32 : Nunavut Social Development Council

This Article provides Inuit with the right to participate in the development of social and cultural policies and programs in Nunavut, and commits government to try to reflect Inuit goals and objectives when establishing such policies and programs. A Nunavut Social Development Council will be set-up by Inuit to do research on Inuit social and cultural issues and to advise government on the need for social and cultural policies and programs. The council will be an independent Inuit body. It will submit annual reports on the state of Inuit culture and society to the federal and territorial governments.

Article 33 : Archaeology

This Article is to ensure that Inuit are involved in interpreting their cultural, historical and ethnographic history, and to ensure the proper treatment of Inuit archaeological specimens. An Inuit Heritage Trust is to be established by Inuit within one year of ratification of the agreement. This trust is to support and facilitate the conservation and display of archaeological sites and specimens in the Nunavut Settlement Area, and is also to review existing 'official' place names in the Nunavut Settlement Area that may be replaced by traditional Inuit names. The trust will participate with government in designing policy and legislation dealing with archaeology and, in particular, a permit system to protect, excavate and restore archaeological sites.

Qualified Inuit contractors are to be given preferential treatment by government if it tenders contracts concerning **archaeological work**. Archaeological programs in the Nunavut Settlement Area implemented by government shall conform to the employment and training provisions of Article 23. Most archaeological specimens found within the Nunavut Settlement Area shall be jointly owned by Inuit and government. Agencies identified in this Article agree to keep in the Nunavut Settlement Area as many specimens as possible, and Inuit and government agree that new facilities need to be established in the Nunavut Settlement Area to conserve and to manage a representative portion of the archaeological record.

Article 34 : Ethnographic Objects and Archival Materials

Government has many Inuit ethnographic objects in museums in the South. This Article states that as many objects as possible must be loaned to the Inuit Heritage Trust for display in the Nunavut Settlement Area, as long as the trust is able to safely maintain the objects. Government ethnological programs shall involve employment and training provisions for Inuit.

Article 35 : Enrolment

This Article outlines a process for Inuit to define who is an Inuk for purposes of the agreement. Inuit will maintain a list of people entitled to be enrolled under the agreement. To be enrolled, a person must be recognized as an Inuk under Inuit custom or Inuit law, and be associated with a community or the Nunavut Settlement Area. In addition, individuals must be Canadian citizens, and may only benefit from one Canadian land claim settlement at any given time. A Community Enrolment Committee (CEC), composed of local people, shall be established in each community to determine who meets the enrolment criteria. An appeals committee is able to hear appeals by people who disagree with the decisions of the CEC.

Article 36 : Ratification

This Article sets out the method by which the Inuit and government will ratify, that is, approve the agreement. Inuit will ratify the agreement if a majority of eligible voters in each of the three regions of the Nunavut Settlement Area approve it, and when TFN signs it. The government will ratify the agreement by signing it, following authorization to *do so* by the

federal Cabinet, and passing legislation. A Ratification Committee composed of three Inuit and two government representatives is to organize and conduct the land claim ratification vote, and to ensure that voters have a reasonable opportunity to examine the agreement before the vote occurs.

Article 37 : Implementation

A plan to implement the agreement shall be **developed** before the agreement is ratified. This plan shall provide for an ongoing process for Inuit and government to plan for and monitor the implementation of the agreement. The implementation plan shall **form** a contract between Inuit and government, and shall only be amended **with** the written consent of Inuit and government. Within 60 days of the ratification of the agreement, an Implementation Panel composed of four people, two representing Inuit and **two** representing government, **shall** be established. This panel is to oversee and provide direction on the implementation of the agreement.

An Implementation Fund of \$4 million **will** be established and administered by the Nunavut Trust to assist Inuit organizations to carry out their responsibilities under the agreement. A Nunavut Implementation Training Committee (NITC), composed of seven members, five appointed by Inuit and two appointed by government, will be established within three months of ratification of the agreement. The NITC **shall** direct a study into the positions needed to implement the agreement and the skills needed in these positions. Government will provide \$13 million to an Implementation Training Trust that will fund the work of the NITC in providing training.

Article 38 : Arbitration

An Arbitration Board will be set-up where Inuit and Government can refer disagreements on the meaning and interpretation of the agreement. Various parts of the agreement provide that Inuit organizations and, in some cases, individual Inuit can ask the Board to deal with disagreements involving such topics as wildlife harvesting, commercial and government access to Inuit Owned Lands, expropriation of Inuit Owned Lands, and exchange of lands for lands with carving stone. Decisions made by the Arbitration Board are final.

Article 39 : Inuit Organizations

Inuit have to set-up their own organizations to implement parts of the agreement. This Article provides for the establishment of a the Nunavut Tungavik and other organizations to exercise authority to Implement the agreement on behalf of Inuit.

Article 40 : Other Aboriginal Organizations

Inuit in the Nunavut Settlement Area and adjacent aboriginal peoples have overlapping interests and land use. This Article is unfinished, but it is the intention that it will provide for the protection and continuation of these interests.

Article 41 : Contwoyto Lake

This Article defines two parcels of land in the Contwoyto Lake area, totalling 220 square miles, to be owned by Inuit. These two parcels of land are outside the Nunavut Settlement Area but are lands that have been traditionally used by Inuit.

**BACKGROUND MATERIALS REGARDING THE
PLEBISITE ON THE DIVISION BOUNDARY**

Sector: Land Claims Information

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Reference Material



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BACKGROUND MATERIALS REGARDING THE
PLEBISCITE ON THE DIVISION BOUNDARY
TO BE HELD ON MAY 4, 1992

Background Papers to the Plebiscite - May 4th, 1992

Contents:

1. The Plebiscite Question
2. Evolution of the boundaries of the Northwest Territories
3. Seats of Government for the Northwest Territories
4. Political Evolution of the Northwest Territories
5. Territorial Representation at the Federal Level
6. Significant Events on the Road to Division
7. The Iqaluit Agreement of January 15, 1987, and Related Materials
8. The Parker Report and Related Papers
9. Division Discussion - Legislative Assembly, March 10, 1992
10. Nunavut Newsletter Articles relating to the Plebiscite
 - a) Nunavut and the West
 - b) The Plebiscite Question: What are We Being Asked?
11. Summary of the Tungavik Federation of Nunavut Land Claim Agreement

This material is meant to serve as an aid in interpreting the history of the plebiscite vote to be held on May 4th, 1992; a plebiscite to accept or reject the boundary line between the Tungavik Federation of Nunavut Land Claim, and the Dene-Metis and Inuvialuit Claim areas.

EVOLUTION OF THE BOUNDARIES OF THE **NORTHWEST** TERRITORIES

Division of the Northwest Territories is not a new idea. In fact, division of the Northwest Territories has been ongoing since 1870, two years after the British Parliament enacted the **Rupert's Land Act** which authorized the transfer of Rupert's Land and the "North-western Territory" to Canada. This Act said that the territory shall be known as the "North-West Territories". The area transferred included all the lands covered by the Hudson Bay and James Bay drainage systems as well that of Foxe Basin and Hudson Strait. In 1880 the remainder of the Arctic Islands were transferred and attached to the Northwest Territories. The prairie provinces, the northern portions of Ontario and Quebec, and the Yukon and Northwest Territories as we know them today were created out of this huge area.

- * 1870: The Province of Manitoba is established.
- * 1876: The District of Keewatin is established.
- * 1877: The District of Keewatin is reduced through the outward extension of Manitoba's boundary.
- * 1881: The District of Keewatin is again reduced through the further extension of the Manitoba boundary.
- * 1882: The districts of Assiniboia, Saskatchewan, Alberta and Athabaska are created for administrative and postal purposes.
- * **1884:** The first northward extension of the boundary of Ontario.
- * **1'895: The unorganized districts of Yukon, Mackenzie, Franklin and Ungava are established.**
- * 1897: The first northward extension of the boundary of Quebec.
- * 1898: The Yukon Territory is established.
- * 1905: The provinces of Saskatchewan and Alberta are established.
- * 1912: The boundaries of Manitoba, Ontario and Quebec are again extended northward.
- * 1918: The final reorganization of the boundaries of Mackenzie Franklin and Keewatin occurs and the present configuration of the external boundaries of the Northwest Territories are established.
- * 1926: Arctic Islands Game Preserve (**AIGP**) is established encompassing the High Arctic Islands, northwestern Baffin Island and islands west to and including northeastern Banks Island and a small portion of the mainland.

- * 1929: The balance of Banks Island and part of the Beaufort Sea are added to the **AIGP**.
- * 1942: The balance of **Baffin** Island, Southampton Island, Coats **Island** and more of the mainland are added to the **AIGP**.
- * 1966: The AIGP is abolished by the Territorial Council **and its** area **is** encompassed within the same legislative framework as the rest of the Northwest Territories.

SEATS OF GOVERNMENT OF THE NORTHWEST TERRITORIES

- ★ 1870-1874: Fort **Garry**, Manitoba (**Winnipeg, Manitoba**) **is** the seat of government for the Northwest Territories.
- 1875-1877: Fort Livingstone, Swan River, Northwest Territories (**Kamsack**, Saskatchewan) **is** the seat of **government** for the Northwest Territories.
- 1877-1882: Battleford, Northwest Territories (Saskatchewan) **is** the seat of **government** for the Northwest Territories. •
- 1882-1905: Regina, Northwest Territories (Saskatchewan) **is the seat** of **government for the Northwest Territories.**
- **1905-1967:** Ottawa, Ontario is the **seat** of government for the Northwest Territories.
- 1967- **Yellowknife (NWT)** is the seat of government.

POLITICAL EVOLUTION OF THE NORTHWEST TERRITORIES

- * 1870-74: the Northwest Territories is governed from outside the Territory by the Lieutenant Governor of Manitoba. He is designated the Lieutenant Governor of the Northwest Territories and governs with the assistance of a North-West Council.
- * 1875: the seat of government is established within the Territory a separate Lieutenant Governor is appointed. He is aided by a Council with both legislative and executive powers.
- * 1888: an elected Assembly replaces the Council.
- * 1897-1905: a complete system of responsible government is in **place**, however aboriginal people were not considered to be part of the system.
- * 1905: an amendment to the Northwest Territories Act provides for the appointment of a Commissioner and a Council of not more than four to assist him. It also provides for the transfer of the seat of government to Ottawa.
- * 1921: the Council is enlarged to six. **The Council though is made up of senior public servants located in Ottawa.**
- * 1919-63: the Deputy Minister responsible for northern administration is the Commissioner of the Northwest Territories.
- * 1951: after an amendment to the Northwest Territories Act that year the first election of members to the Northwest Territories occurs. The Council is enlarged to eight, three members have to be elected from constituencies in the District of Mackenzie and at least one yearly session of the Council is to be held in the **NWT**.
- * 1963: the first full time Commissioner is appointed.
- * 1966: the Territorial Council abolishes the Arctic Islands Game Preserve and brings the Eastern and High Arctic within the the same legislative framework as the Northwest Territories.
- * 1967: Yellowknife becomes the capital of the Northwest Territories.
- * 1979: for the first time the the Northwest Territories is divided into two electoral districts for a federal election; Nunatsiag and the Western Arctic.

* In 1979 the first **fully elected** council ^{and} the first with a clear **aborigininal majority becomes** the **Legislative** Assembly of **the** Northwest Territories.

- **1986:** after this year the position of **Commissioner becomes** that of a figurehead.

TERRITORIAL REPRESENTATION AT THE FEDERAL LEVEL

- 1947: the Mackenzie district west of the 109th meridian is added to the federal constituency of the Yukon and becomes the constituency of the Yukon-Mackenzie River.
- * 1949: elective representation at the federal level is granted to the Northwest Territories.
- * 1952: the Mackenzie River **is** established as a **seperate** constituency.
- * 1960: aboriginal **people in** the Northwest Territories are given the vote.
- * 1962: the Mackenzie River constituency **is** enlarged and **is** redesignated as the constituency for the Northwest Territories.
- * 1976: a Special Electoral **Boundaries Commission** recommends the division of the Northwest Territories into two electoral districts.
- * 1979: for the first time Northwest Territories is divided into two electoral districts for a federal election; Nunatsiaq and the Western Arctic.

SIGNIFICANT EVENTS ON THE ROAD TO DIVISION

- * 1926: the Arctic Islands Game Preserve (**AIGP**) is established in the eastern and High Arctic to bolster Canada's claims to sovereignty. It provides a distinctive system of administration for the **Inuit**.
- * 1929: the boundaries of the AIGP are expanded.
- * 1942: the boundaries of the AIGP are expanded to encompass **all** of the Eastern Arctic with the exception of the southern Keewatin and some islands in Hudson Bay.
- * 1950's: many non-aboriginal peoples in the Mackenzie Valley believing that the political evolution in the west is being held back by less sophisticated people in the east begin advocating division of the Northwest Territories.
- * 1960: aboriginal people in the Northwest Territories are accorded the right to vote in federal elections.
- * 1962: September 27; the Conservative government in its Throne Speech indicates that measures will be introduced to provide greater self-government leading to the creation of new provinces in Canada's North.
- * 1963: May 21; the Liberal government, based on endorsements by the 1957-60 and 1960-63 Northwest Territories Council, introduces legislation proposing, amongst other things, the division of the Northwest Territories into the Mackenzie and Nunassiat Territories. The Mackenzie Territory is to be that part of the mainland and associated islands west of the 105th meridian together with Banks and Victoria Islands. The remainder of the Northwest Territories is to be the territory of Nunassiat. If the legislation **had** not died on the Parliamentary Order Paper, the Mackenzie Territory as of April 1, 1964 would have had five elected and four appointed Council members. **Nunassiat** was to have a Commissioner and two elected and five appointed members. Only one appointed member was to be an **Inuk**. While the Mackenzie was to have its capital located within the territory, (possibly Fort Smith), Nunassiat was still to be governed from Ottawa.
- * 1964: a new Northwest Territories Council is constituted and it opposes division. Dean **A.W.R.** Carrothers is appointed by the federal government to head an "Advisory Commission on the Development of Government of the Northwest Territories".
- * 1966: the Carrothers Commission advises against division for the next ten years but recognizes that it is inevitable due to the sheer size of the Northwest Territories.
- * 1966: the Territorial Council abolishes the AIGP and brings the

area within the same legislative framework as the rest of the Northwest Territories.

- * 1976: February 27; the **Inuit** Tapirisat of Canada (**ITC**) proposes division of the Northwest Territories, (as part of the **Inuit** land claim), and the creation of a new territory in the eastern arctic to be called **Nunavut**. The **Nunavut** Proposal includes the **Inuvialuit** region (represented by the Committee for Original Peoples Entitlement (COPE)) in the Beaufort Sea and part of the Yukon Territory.
- * 1976: the **Inuvialuit**, due to development pressure in the Beaufort sea split off to settle their land claim independently of **ITC**.
- * 1976: a Special Electoral Boundaries Commission recommends dividing the Northwest Territories into two electoral districts; Nunatsiaq and the Western Arctic.
- * 1977: July; the Metis Association of the NWT proposes dividing the Northwest Territories by extending the Manitoba/Saskatchewan north.
- * 1977: August; Bud **Drury**, the Special Representative of the Prime Minister is commissioned to undertake a study on Constitutional Development in the Northwest Territories.
- * **1977**: December 14; the **NWT Inuit** Land Claims Commission puts forward a proposal to the federal government calling for the formation of a new territory and government along the lines of **Inuit** political institutions.
- * 1978: October 31; the COPE Agreement-In-Principle states in principle an **Inuvialuit** interest in a Western Arctic Regional Municipality.
- * 1979: for the first time the Northwest Territories is divided into two electoral districts for a federal election; **Nunatsiaq** and the Western Arctic.
- * 1979: March; the Dene Nation Executive releases a discussion paper which suggests that one, two or more territories be a matter of negotiation.
- * 1979: September; Inuit Tapirisat of Canada (**ITC**) at its Annual General Assembly in **Igloolik**, releases a discussion paper entitled "Political Development in **Nunavut**" which calls for division of the Northwest Territories within ten years and provincehood for a Nunavut Territory within an additional five years.

- * 1979: November 16; the Legislative Assembly creates the Special Committee on Unity.
- * 1980: January; the Report of the Special Representative is released and comes out in support of a united Northwest Territories, but also suggest that the Council for the **Government** of the Northwest Territories involve itself in formal discussions regarding division.
- * 1980: October; at its **Annual** General Meeting in **Coppermine ITC** unanimously passes a resolution calling for the creation of Nunavut.
- * 1980. October 22; the **Special** Committee on **Unity** in its **report to the Legislative Assembly** indicates that it **failed to find** a consensus favouring the continued existence of the Northwest Territories as a single jurisdiction. The Assembly advocates a commitment in principle to **divide** the Northwest Territories subject to **the will** of the **people** to be determined by plebiscite and to request the federal government to divide the Northwest Territories if the plebiscite is answered affirmatively.
- * 1980: November 5; "The Special Committee on the Impact of Division" is established by the Legislative Assembly.
- * 1980: the Legislative **Assembly** votes **16-1** in favour of division of the Northwest Territories.
- * 1981: May; the Legislative **Assembly** votes **12-0** in favour of a plebiscite concerning the creation of **Nunavut**.
- * 1981: November; the Legislative Assembly adopts a plebiscite ordinance and sets the date, **April 14, 1982** and the question "Do you think the Northwest Territories should be divided?" Yes or No.
- * 1981: November 9; **the Dene Nation** and the **Metis** Association of the NWT releases "Public Government for the People of the North" which proposes a new jurisdiction with province-like powers in the west to **be** called **Denendeh**.
- * 1982: February; severs! members of the Legislative Assembly, ITC, the **Dene** Nation, the **Metis Association** of the NWT and COPE unite to form the Constitutional Alliance (**CA**).
- * **1982**: February; the Legislative Assembly supports the formation of the **CA**.
- * 1982: April 14; a plebiscite **is** held on the question of division of the Northwest Territories. Fifty-six percent of those who voted **affirm** their desire to divide.
- * 1982: May 19: the Legislative Assembly passes a motion

recommending that the federal government appoint a federal boundaries commission.

- * 1982: July 6-7; because a boundaries commission is not appointed the CA meets in **Coppermine** to pursue the matter of division and constitutional development. It breaks **itself** into two sub committees, the Western Constitutional **Forum (WCF)** and the Nunavut Constitutional Forum (NCF). COPE is permitted seats in one or both forums.
- * 1982: November 26; the Minister of Indian and Northern Affairs, **John Munro** announces the federal governments approval-in- principle to divide the Northwest Territories, subject to four conditions being met: the settlement of land claims; a continuing consensus on division; the development of government structures and systems of administration; and agreement on a boundary.
- * 1983: the NCF publishes "**Nunavut**" and "Building **Nunavut**: A Working Document with a Proposal for an Arctic Constitution" and tours 34 communities to explain the documents.
- * 1984: May 19; the **Tungavik Federation of Nunavut (TFN)** and the Committee for Original Peoples' Entitlement sign a boundary and overlap agreement. The original COPE boundary is "adjusted" but will revert back to its "original" position unless the the **Inuit** land claim is settled within ten years.
- * 1984: June 4; COPE and the federal government sign the Inuvialuit final agreement.
- * 1984: October 10; the WCF releases "**Resource Management Boundary Problems**" which examines five different boundary alternatives.
- * 1984: November; the WCF releases "**Western Constitutional Forum: Workbook**" which contains a number of pamphlets on constitutional development in a western territory.
- * 1984: Prime Minister Trudeau at a First Ministers Conference advocates Nunavut as a 'work-able form of self-government.
- * 1984: December; the **TFN** and the **Dene/Metis** Negotiation Secretariat sign a memorandum of understanding concerning a process and principles to guide overlap and boundary negotiations.
- * 1985; January 12-13; the **NCF** and the **WCF** as the CA come to a **tentative agreement** as to a boundary for division and the location of the Inuvialuit in a western territory.
- * 1985: February 6; the Minister of Indian and Northern Affairs, **David Crombie**, announces to the Legislative Assembly that the federal government is willing to support division of the

Northwest Territories upon finalization of a boundary for division.

- * 1985: November: the Dene Nation releases an official discussion paper 'Denendeh Public Government'.
- * 1986: May 9; TFN and the Dene/Metis sign a boundary and overlap agreement that establishes a boundary through the Kitikmeot and Keewatin regions.
- * 1987: January 15; the Iqaluit Agreement which is premised on the still unratified 1986 TFN and Dene/Metis boundary and overlap agreement and that lays out principles and a timetable and a date (October 1, 1991) for division and constitutional development is signed by the leaders of the CA.
- * 1987: March 12; the Legislation Assembly approves the document entitled 'Boundary and Constitutional Agreement for the Implementation of division on the Northwest Territories between the Western Constitutional Forum and the Nunavut Constitutional Forum and recommends to the Commissioner that a plebiscite on the proposed boundary be held.
- * 1987: March 31; The Iqaluit Agreement collapses because of the inability of TFN and the Dene/Metis to firm up their understandings regarding their 1986 boundary and 'overlap agreement. As a result an impending plebiscite on the boundary is cancelled.
- * 1988: September; the Dene/Metis sign their land claim Agreement-In-Principle with Prime Minister Mulroney.
- * 1990: April 9; Dene/Metis sign their final land claim agreement with the federal government.
- * 1990: April 30; TFN and the federal government sign the Inuit land claim agreement-in-principle. It contains provisions for a commitment in principle on division of the Northwest Territories and a plebiscite of the boundary.
- * 1990: July; the Dene/Metis Annual General Assembly in Hay River does not support their final agreement. The Gwich'in leave to settle their-claim on a regional basis.
- * 1991: July 13; the Gwich'in sign a comprehensive claims agreement with the federal government.

- * 1992: January 24; **TFN** and the federal government sign the **Inuit** final agreement. It contains an agreement for the development of a political accord and a federal commitment to create a Nunavut Territory subject to a review of the results of a plebiscite on the boundary for division.
- * 1992: January 31: the Government Leader at the **Nunavut** Leaders Summit in **Iqaluit** announces publicly the wording of the plebiscite question.
- * 1992: February 17: the Government Leader of the Legislative Assembly in a letter to the Chief Plebiscite Officer establishes **May 4, 1992** as the date for a plebiscite on the boundary for division.

BOUNDARY AND CONSTITUTIONAL AGREEMENT FOR **THE**
IMPLEMENTATION OF **DIVISION OF THE NORTHWEST TERRITORIES**

BETWEEN THE WESTERN CONSTITUTIONAL FORUM AND
THE NUNAVUT CONSTITUTIONAL FORUM

January 15, 1987
Iqaluit, Nunavut

The residents of the **Northwest Territories** decided by plebiscite on April 14, 1982 that the Northwest Territories will be divided.

On this day January 15, 1987 in the Northwest Territories, the **Western Constitutional Forum (WCF)** and the **Nunavut Constitutional Forum (NCF)** which together make up the **Constitutional Alliance of the Northwest Territories** have reached agreement on Issues **required to implement division**, namely the **location** of a boundary and a number of other Issues which relate to the **establishment of two distinct political jurisdictions**: an eastern region to **be called Nunavut** and a western **region** which is as yet unnamed.

This agreement and the constitutions for and boundary between **the** eastern and western regions are subject to formal ratification in accordance with Part I, section 5 of this **agreement**.

PART I: MATTERS OF GENERAL CONCERN

1. The Boundary

The boundary **dividing** the eastern and western jurisdictions will have three basic **components**:

- a) the ratified boundary delineating the **Dene/Metis** and TFN Claims Regions **from** the 60th parallel to its point of intersection with the **Inuvialuit Settlement Region**;
- b) thence along the eastern boundary delineating **the Inuvialuit Settlement Region** and **the** TFN Claims Region to the point **latitude 80°00' N** and longitude **110°00' W**, and
- c) thence along longitude **110° 00' W** to the North Pole.

Attached as Appendix "A" to this Agreement is a **map** and written description **of** the boundary referred to above.

The **Dene/Metis** and **Inuit** overlap agreement dated **May 9, 1986** and the overlap agreement between the **Inuit** and **Inuvialuit** provide for the protection of those rights and interests of the **Inuit** and other groups which extend across Claims and Settlement Region boundaries.

The **new** constitutions of the eastern **and** western jurisdictions will require the respective governments to protect actively in the exercise of their powers, the non-resident aboriginal rights guaranteed and interests recognized in the ratified overlap agreements. In order to protect and enhance these agreements, provision will be made in the constitutions of both jurisdictions to require co-operation between governments in decisions relating to non-resident aboriginal **rights** and interests.

For the effective management of trans-boundary interests generally, provision shall also be made for co-operation in management and use respecting resources, harvesting and other matters as may be agreed upon.

2. Constitutional Mandates and Agenda of the Forums

The WCF continues to be **responsible** for the development of a constitution for the western **jurisdiction and the NCF continues** to be responsible for the **development of a constitution for Nunavut**. For greater **particularity**, each **Forum is** responsible for:

- a) **reaching an agreement** among **Forum** members on a **new** constitution:
- b) overseeing public consultation and the formal ratification of **the** proposed constitution, and
- c) in co-operation with the Government of the Northwest Territories, negotiating with the **Government** of Canada the nature and **scope** of the **constitution**, **appropriate financing** and revenue-sharing **arrangements**, and such other **arrangements** as are necessary for the creation of each territory.

The NCF and WCF **commit** themselves to **completing** the work **outlined in** sub-sections a), b) and c) above **in accordance with Appendix "B" attached**. In the interim the NCF and WCF shall also work **together on** research and strategies for the two constitutions. It is recognized that while the two constitutions **will provide for public** governments which respect the **rights of all** residents, the two constitutions must also **recognize, affirm** and guarantee the **unique rights** of the **Inuit, Dene, Metis and Inuvialuit**, including their **land claims rights** and their rights of **self-government**.

3. Regional Government

Both Forums **agree** that **communities will** have the right to form regional **governments** within each jurisdiction and this shall be recognized in the two constitutions.

4. Government Services

A major **objective** of division is to **improve the quality of government** and the delivery of **services** to citizens. Both **Forums** recognize that adequate funds must **be** provided by the Government of Canada **to ensure** that in the Process of division, the level and **quality** of services **presently available** to **N.W.T. residents** and the rate at **which** capital needs are met are at **least maintained**. Both Forums **commit** themselves to **pursuing** a guarantee of adequate funding for division **from** the Government of Canada.

5. Ratification

The members of the WCF are the **Dene Nation**, the **Metis Association** of the **N.W.T.**, and appointed members of the **Legislative Assembly** of the **N.W.T. residing** in the western **N.W.T.** The members **of** the NCF are the **Inuit Tapirisat** of Canada, **Tungavik Federation of Nunavut**, representatives of each of the **Regional Councils**, **representatives** of each of the **Regional Inuit Associations**, and **appointed** members of the **Legislative Assembly** of the **N.W.T. residing** in the eastern **N.W.T.**

This agreement and certain decisions it contemplates are subject to formal ratification as follows:

- a) **Ratification of the Dene/Metis and Inuit claims boundary between the two claimant groups, Pursuant to the Dene/Metis and Inuit overlap agreement, and**
- b) **Approval of this Agreement by the Legislative Assembly and the other leaderships from each Forum whose representatives are signatories, and**
- c) **Ratification of the proposed boundary for division by a majority of voting residents in an NUT-wide plebiscite. Following approval of the Agreement, the Forums shall ask the Office of the Legislative Assembly to conduct the plebiscite in a fashion similar to the way in which that Office conducted the 1982 plebiscite on division. In addition the results of the plebiscite will be reported by total votes across the N.W.T., by community, and from within each proposed new territory. Suggested wording for the question is attached as Appendix 'C' to this Agreement. Both Forums must finally approve the question appearing on the ballot, and**
- d) **Ratification of the constitutions for the two jurisdictions when completed. Ratification in each jurisdiction shall be by the people of the jurisdiction, and shall respect basic democratic principles. The WCF will conduct a plebiscite of western residents to ratify a western constitution, unless when the constitution for a western jurisdiction is completed all WCF members agree on an alternate process. Non-approval of either constitution may be interpreted only as non-approval of a specific constitutional proposal and can not abrogate or diminish in anyway the right of self-government of the Inuit, Dene, Metis and Inuvialuit.**

Division of the Northwest Territories may follow immediately upon the completion of this ratification process, and the two Forums are committed to achieving division by October 1, 1991. However, this ratification Process notwithstanding, certain aspects of division may be implemented prior to division with the mutual agreement of the two Forums.

II: MATTERS OF CONCERN TO THE WESTERN CONSTITUTIONAL FORUM

The following matters are of exclusive concern to the WCF. While the NCF supports the aspirations of the residents of the western region to establish a jurisdiction suited to their needs, the NCF does not necessarily adopt the principles which follow and is not bound by them.

1. Principles of Constitutional Development for the Western Jurisdiction

Aboriginal people will likely constitute a minority of the population in the western territory after division. Consequently the Dene, Metis and Inuvialuit are concerned that their political rights, their culture and their future as individuals and as aboriginal peoples be secured to their satisfaction in the new constitution for the western jurisdiction. Non-aboriginal residents of the north recognize and accept the need to address the concerns of the Dene, Metis and Inuvialuit within the context of a public government system based upon democratic principles. To this end all parties to the WCF agree that the following principles shall be addressed and procedure used in the constitutional proposal being developed by the WCF.

- a) The overriding objective of a new constitution is to **build** a system of **public government which** will protect the individual **rights of all** of its **citizens and** the collective **rights of its** aboriginal **peoples** and whose overarching **principle** is one of **bringing** peoples **together**.
- b) To accomplish this objective a **new** constitution **must** balance two principles:
- 1) The protection of Individuals **in** that each and every bona fide **resident** of the **western jurisdiction** should have the **right to participate in** and **benefit** from public Institutions, programs and services **according** to basic **democratic** principles guaranteed in the constitution, and
 - 1 f) The protection of the Dene, **Metis** and **Inuvialuit** in that each aboriginal **community** in the **western jurisdiction** shall **be** explicitly **recognized** in the constitution, and mechanisms shall **be** entrenched to **enable** **each** **community** to flourish as a **distinct** cultural entity regardless of **its** proportion of the total population.
- c) Some of the issues which shall be included in a new constitution in a fashion acceptable to all parties **in** order to balance these two principles are:
- i) **Government decision-making** should rest as **closely as** possible with those governed; people and **communities** should have control **over** those matters **which** affect them exclusively **and** they should have input in and influence over those **decisions which** affect them as **well** as others:
 - ii) **Aboriginal** rights relating to language, culture and any other **political** rights which are not included in claims agreements shall be entrenched in the constitution and means shall be found to help ensure that all aboriginal rights are protected;
 - iii) There shall be a guarantee of aboriginal **participation in government** and significant **impact on decision-making** in the future including perhaps **exclusive** aboriginal jurisdictions **in limited** areas of direct concern to aboriginal people; the focus would be on cultural matters and on the **special** relationship that **exists** between aboriginal peoples and the land and the political protections required to ensure its **maintenance**;
 - iv) Every level of **government** in the western jurisdiction must have sufficient powers, **authority**, and resources **available** to it to enable it to carry **out** its responsibilities; the **level of funding available should be** assured and predictable and the restrictions on the uses of these resources **flexible**;
 - v) In the negotiation of the **proposed** constitution with the **Government of** Canada, **in** the context of **recognizing** aboriginal **self-government**, and without prejudice to the negotiation of land **claims**, the further transfer of powers and jurisdictions **from** Ottawa shall be **vigorously** pursued, and
 - vi) The constitution or those **parts which** address each of these principles and objectives must not be **amendable without** the approval of **aboriginal** and non-aboriginal peoples.

- d) It is intended that if negotiations toward a western constitution succeed, they will result in a constitution whose relevant sections are designed to constitute, together with provisions in land claims agreements, the definition of aboriginal self-government in the western jurisdiction. Any such definition must fully reflect any right of self-government held by the Dene, Metis and Inuvialuit.
- e) All substantive decisions of the WCF on elements of the constitutional proposal must have the approval of all members.

2. Provisional Principles for Regional Government In a Western Jurisdiction

As a result of efforts to negotiate a set of specific principles for regional government acceptable to the Inuvialuit, the WCF has adopted a set of principles applicable to regional government throughout the western jurisdiction. WCF members agree that if no aboriginal self-government provisions were to be included in the western constitution, the Beaufort-Delta region and the other regions of the western jurisdiction are guaranteed as a minimum these principles. However, if through the process of constitutional negotiations WCF members agree on a number of features which can be entrenched in a constitution as provisions for aboriginal self-government, WCF members cannot guarantee that trade-offs on these regional government principles will not be required. WCF members are confident that with co-operation, time and hard work they can build a constitution which will generously protect the interests of all aboriginal peoples as well as the rights of each individual citizen. The WCF continues to offer full membership to the Committee for Original Peoples' Entitlement (COPE) and hopes that the Inuvialuit will take part in this work.

The specific provisional principles regarding regional government which WCF members accept are:

a) Right to Form Regional Government

Under the constitution of the western jurisdiction, community governments will have the right to form a regional government.

Subject to the following principles, the territorial level of government will be obliged to recognize and accept regional governments so formed.

b) Formation and Membership

A number of issues relating to the formation of regional governments and membership within them have yet to be decided. These include the method of deciding among and within communities whether the communities desire to form a regional government, the method of establishing regional government, the number of consenting communities required, and the terms upon which a community may exercise its right to withdraw its membership. The structure and accountability of the regional government will be determined by member communities in accordance with democratic principles.

c) Funding

Funding for any regional government will be fair and adequate. In particular a regional government will be assured that insofar as it assumes duties previously held by other governments, it takes over the funding previously available to those other governments.

d) Mandate

The WCF supports regional governments obtaining from the other levels of government: shared responsibility, management and control over certain programs and services, including aspects of education, economic development, local government relations, police services, game management, land use planning and management and of the powers to tax by way of property taxation, business taxes and license fees and amusement taxes.

The WCF does not at present support extending legislative authority to a regional government in these areas, but the WCF agrees that the community and territorial governments should be empowered to delegate such authority.

e) Boundaries

Regional government boundaries may describe such a geographic region as is appropriate considering the community composition of the regional government at any point in time. Boundaries would be established for administrative purposes only and would change as individual communities join or withdraw from a regional government from time to time.

f) Official Languages

Official working languages of a regional government will include the regional aboriginal language or languages, and English.

g) Rights to Participate

Every resident of the region shall have an equal right to participate in the regional government and to benefit from its programs and services, but programs and services and the manner of participating in government need not be identical for members of different cultural groups.

h) Public Lands and Resources

Public lands within regional government boundaries and outside community boundaries should be held by the territorial level of government.

Territorial authority over the management of sub-surface resources, on-shore and off-shore, should be exercised in a manner which reflects the needs and interests of all residents in the jurisdiction.

The regional land interests may be considered formally in land use planning and management.

III: MATTERS OF CONCERN TO THE NUNAVUT CONSTITUTIONAL FORUM

The following matters are of exclusive concern to the NCF. While the WCF supports the aspirations of the residents of Nunavut to establish a jurisdiction suited to their needs, the WCF does not necessarily adopt the principles which follow and is not bound by them.

1. Principles of a Nunavut Constitution

Over nearly five years the NCF has consulted with communities, individuals, representative groups and associations throughout Nunavut on the basis of accepted and familiar public conventions of Canadian constitutional practice in order to develop a Nunavut constitution:

- a) which strengthens Canadian sovereignty and democratic government in the north;
- b) which opens the opportunities of full Canadian public participation to the residents of Canada's arctic villages, towns and outposts, and
- c) which reflects the interests and meets the needs of Nunavut's unique Inuit and settler society.

This work has been consolidated in a document, Building Nunavut: Today and Tomorrow, approved in a Nunavut constitutional conference in Coppermine in early autumn, 1985.

Two further issues requiring particular attention are Inuit claims settlements and implementation. The Nunavut concept itself grew logically and naturally out of the movement to settle Inuit claims. NCF has always insisted that a special feature of Nunavut's larger constitutional foundation be the settlement of Inuit claims. By securing the aboriginal and historical economic rights of the permanent Inuit population, that population is free to join with all other residents in the open and free activity of governing Nunavut through conventional political processes. The complementarity of the institutions of claims settlements and of general politics (or "public government" as it has become known) for the efficient functioning and accountability of collective life within Nunavut must be assured.

The other issue is the importance of active involvement of the claims and other Inuit associations which participate in NCF in the design of implementing government in Nunavut.

2. Principles of Implementation

NCF has long recognized that, moral and constitutional Principles apart, Nunavut would succeed or fail through practical implementation of an administrative system responsive to the state of politics, culture, society and economy prevailing, and to the elected legislature of Nunavut.

Specific areas of concern have emerged from the research, consultations and consensus-building conducted by NCF. These include the following:

- a) Nunavut as the first native majority jurisdiction within the Canadian federation has a particular obligation to structure its institutions so as to reflect Inuit culture and Canada's pioneering work in giving aboriginal interests political and legal shape through the twin processes of claims settlements and national constitutional amendments. Nunavut should be a showcase of progress in these areas.
- b) The development of a workable form of regional authority within Nunavut, reflecting the strength of community life as the centre of Nunavut society and the need for a strong Nunavut government capable of dealing with the large challenges facing the Nunavut region, is a priority. Regional institutions in Nunavut have helped provide the experience and infrastructure needed for a successful Nunavut government.

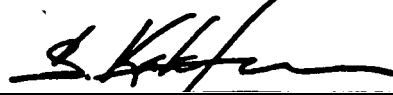
- c) A policy of making **Inuktitut** an official language of **Nunavut** and a language of teaching is **essential**, and requires both statutory **commitment** and phased **introduction**.
- d) Decentralisation of administrative **centres** seas to **spread** both the benefits and impacts of **public** sector development has been **agreed**. This **will** also help attract local, **qualified Inuit** into jobs which otherwise would be too remote **from** their **family commitments** and **their** cultural district.
- e) The assurance of full **human rights** within **Nunavut**, **especially** to guarantee to **non-Inuit** their opportunities for personal **fulfillment** and **social** and **political** life, have been studied and a course of action proposed. Such assurances **are** an essential political **commitment of** NCF.
- f) The **establishment** of a functional **federal-Nunavut** working relationship and sharing of powers, responsibilities and revenues **in** respect of ocean areas is required.
- g) The contribution and role of the **Inuit** north to **Canada's** arctic sovereignty interests and the conduct of a northern foreign **policy** have been **highlighted** in Parliament's special international relations **committee report** of **June, 1986**, and in the federal foreign policy statement of **December, 1986**, and should be acknowledged in the **Nunavut** constitution.
- h) A suitable **preamble** to a **Nunavut** constitution highlighting the principles of conservation and wise management of the arctic **environment and** resources, the permanence of **Nunavut** as a cultural **homeland of Inuit**, and the fact that **Inuit** have actively sought and successfully negotiated **full** participation in the Canadian federation, should be prepared.

3* Principles of Federal-Nunavut Relations

Inuit through their organizations and public bodies have developed a unique and uniquely productive **relationship** with federal authorities, **despite** periodic disagreements. It is proposed **by** NCF that this situation **be** continued in the **development** of the **Nunavut government**. As has been repeatedly stated **in** NCF documents, a core of secure rights relating to cultural identity **and economic** resources is required as the "**critical mass**" of a **Nunavut political** settlement. Beyond that, flexible **arrangements** for the **acquiring** of experience and sharing **in management** decisions by **Nunavut** authorities can be creatively explored **and** implemented through **administrative arrangements**.

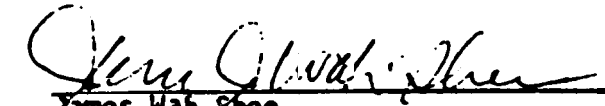
Executed this 15th day of January, 1987 at Iqaluit, Nunavut.

FOR THE WESTERN CONSTITUTIONAL FORUM:

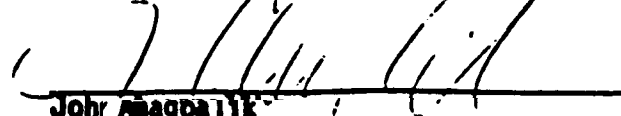

Stephen Kakfwi
President, Dehe Nation


Bob MacQuarrie
MLA, Yellowknife Centre



Larry Tourangeau
President, Metis Association of the NWT


James Wah-Shee
M.A., Rae-Lac La Martre

FOR THE NUNAVUT CONSTITUTIONAL FORUM:

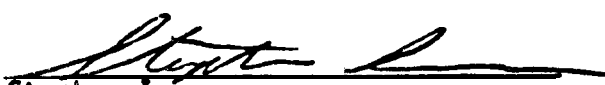

John Amagoalik
Chairman, Nunavut Constitutional Forum

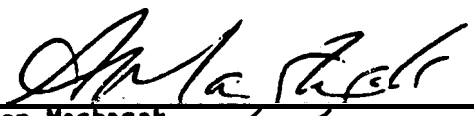

Rhoda Innuksuk
President, Inuit Tapirisat of Canada.


Donat Hilortuk
Chairman, Tungavik Federation of Nunavut


Ludy Pudluk
MLA, High Arctic

WITNESSES:


Stephen Iveson
Executive Director, WCF

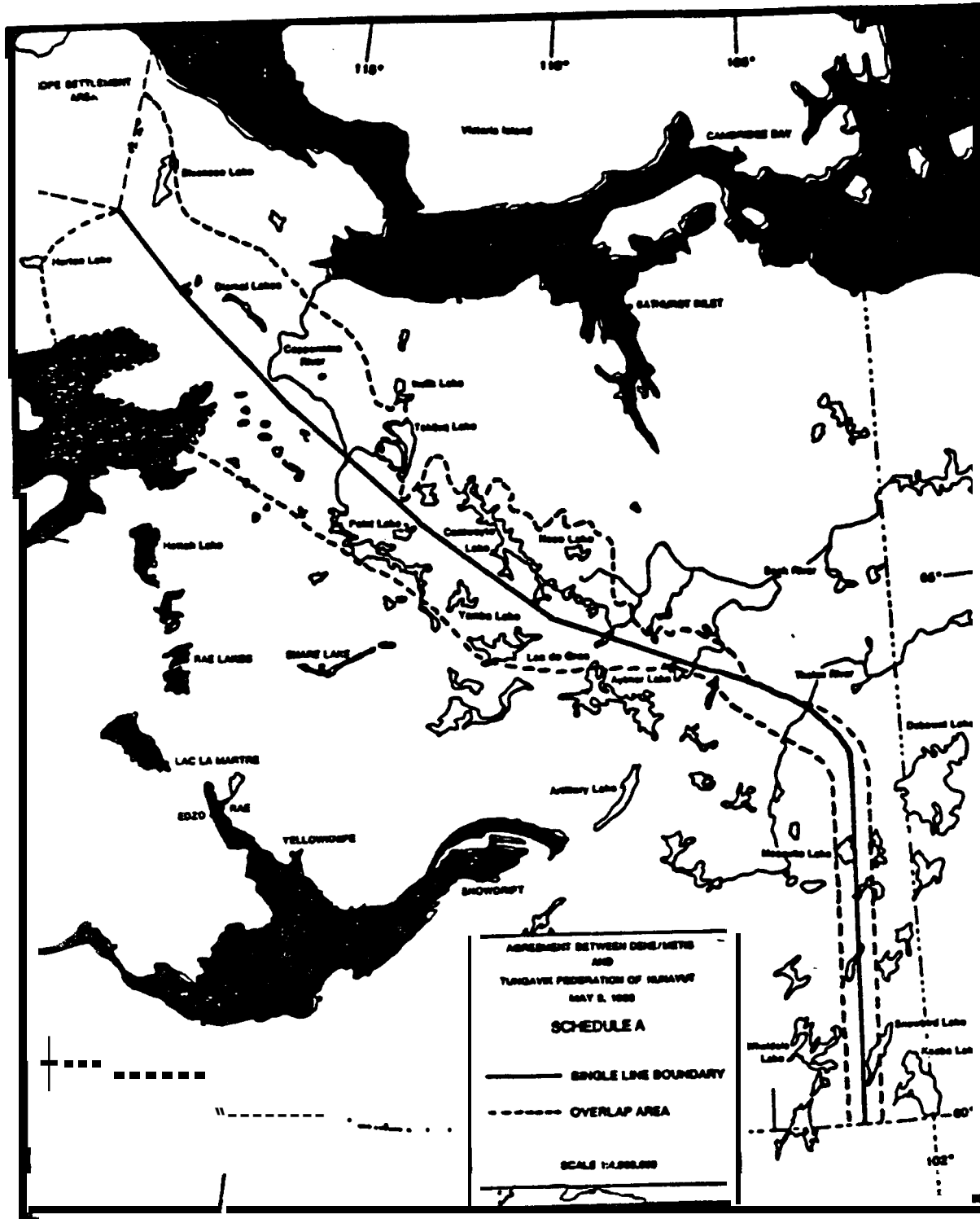

Allen Maghaqak
Executive Director, NCF

on behalf of the staff and resource people who contributed to this agreement.

APPENDIX "A"

The tentative boundary is described as follows:

"Commencing at the approximate point latitude of $60^{\circ}00'$ N and longitude $103^{\circ}10'$ U, and thence along the line identified as the Single Line Boundary in Schedule "A" of the Overlap Agreement between the Dene/Metis and the Tungavik Federation of Nunavut dated May 9, 1986 to the point of intersection with the boundary of the Inuvialuit Settlement Region at the approximate point latitude $68^{\circ}00'$ N and longitude $120^{\circ}50'$ W, and thence along the boundary of the Inuvialuit Settlement Region to the point latitude $80^{\circ}00'$ N longitude $110^{\circ}00'$ U, and thence northerly to the North Pole along longitude $110^{\circ}00'$ W."





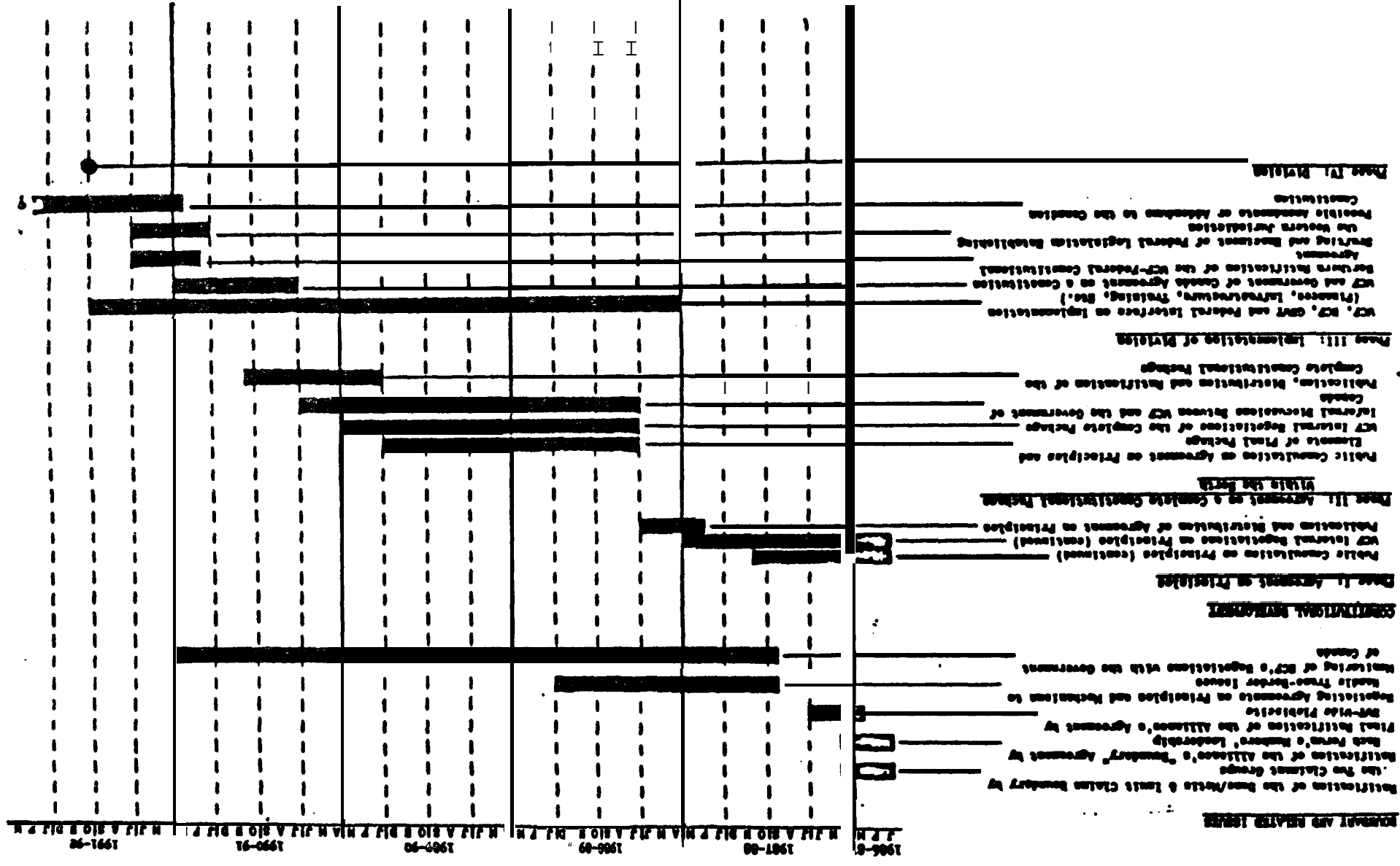
NC? DRAFT

SCHEDULE OF EVENTS

January 1987	Constitutional ● nd Boundary Agreement by the Alliance
February 1987	Endorsement of ● ereemenc by the N.W.T. Legislative Assembly
Spring 1987	Ratification of the ● greement by the two constituents - Nunavut ● nd the Western Territory
?811 1987	Nunavut Constitution Draft
March 1988	Review of Nunavut Constitution by Nunavut Leadership
Sept/October 1988	Ratification of Nunavut Constitution by residence of Nunavut. (Option: Constitutional Conference)
Reminder 1988 - 1990	Negotiations between Nunavut ● nd the Federal Government/or Implementation of Nunavut Government

WESTERN CONSTITUTIONAL FORUM

TIMECHART OF ACTIVITIES



APPENDIX "C"

SUGGESTED PLEBISCITE QUESTION

Upon the recommendation of the Ninth Legislative Assembly, a question was put to residents of the N.W.T. on April 14, 1982 asking whether the N.W.T. should be divided. The division of the N.W.T. was approved by a majority and work to establish a boundary agreement was undertaken.

A proposed boundary agreement has now been approved by the Constitutional Assembly of the Northwest Territories and the Tenth Legislative Assembly. The boundary agreed upon is described as follows and outlined on the attached map. If this boundary is approved by a majority of voting residents, a plebiscite will later be held on a proposed constitution in each of the new territories.

On these terms, do you agree with the proposed boundary for division of the N.W.T.?

YES ()

No ()

OFFICIAL SUMMARY OF THE
BOUNDARY AND CONSTITUTIONAL AGREEMENT
BETWEEN THE
WESTERN CONSTITUTIONAL FORUM
AND THE
NUNAVUT CONSTITUTIONAL FORUM

January 15, 1987
at
Iqaluit, Nunavut

The agreement is between the two Forums.

It acknowledges that the decision to divide was made in the '82 plebiscite and the agreement spells out the terms, conditions and schedule for division.

The boundary is the eastern boundary of the Inuvialuit Settlement Region and the line between the Dene/Metis and Inuit claims regions. The latter line still has to be ratified under their claims overlap agreement.

Provisions are included for Nunavut and Western territorial government cooperation in protecting the rights of the aboriginal claimants on either side of the boundary, and in managing trans-boundary interests generally.

The two Forums will continue to be responsible for developing new constitutions in each jurisdiction and negotiating, in cooperation with the GNWT, the constitutional proposals with the federal government.

The target date for division is October 1, 1991. Before division may take place - the claims boundary must be ratified by the aboriginal organizations concerned,

- the leaderships of the member organizations of the two Forums, and the Legislative Assembly, must approve the agreement
 - the boundary must be ratified by NWT-wide plebiscite
 - the residents of each jurisdiction must ratify their new constitution.
- This will be by plebiscite unless agreed otherwise.

Aspects of division may be implemented before the ratification process is complete, with the agreement of both Forums.

The agreement recognizes that division must not impair the quality of government services and expected rates of capital funding in the territories, and commits both Forums to ensuring that the federal government makes the necessary funds available.

While they have declined to become members of the WCF and thus are not party to the agreement at this time, the Inuvialuit have been assured of minimum guarantees for regional government in any constitutional agreement if no other forms of aboriginal self-government are included. Other regions have been assured of the same guarantee. The WCF also continues to offer full membership to the Inuvialuit. Any new constitution in the western jurisdiction will require the approval of each member of the WCF before being submitted to the public for ratification.

Both Forums have endorsed the right of **communities** to form **regional governments**, a right which will be **recognized** in both constitutions. Both Forums are **committed** to permitting **communities** to design workable forms of regional **governments** which assist them to meet the needs of their residents within an overall system of **government** which reflects the **community-based** nature of northern society and **provides** for **strong** territorial or provincial **governments**. The WCF has also set out in the agreement more particular **principles concerning** the **establishment, powers and resourcing** of regional **governments**. These **principles** will be applicable to the **Beaufort-Delta** and other **regions** in the western jurisdiction.

Each Forum has also stated in the agreement the principles which will **underly** the development of each constitution.

In the west, these principles include:

- **balancing** the individual **rights** of **all citizens** with **collective** rights including the **land claims rights** and **self-government** rights of the resident **aboriginal groups**;
- bringing government decision-making as **closely as possible** to those governed;
- providing each level of **government** within the jurisdiction with sufficient authority and resources to carry out its responsibilities;
- **pursuing** the further **devolution** of **powers** from Ottawa in a manner that does not **Prejudice** land claims or **aboriginal self-government**;
- constitutional entrenchment of **aboriginal rights** not included in **land claims** such as **language, cultural, and certain political** rights;
- guaranteeing **aboriginal participation** in **government** and significant impact on decision-making including possibly **exclusive** **aboriginal control** in limited areas of direct concern to **aboriginal peoples**;
- guaranteeing to the **aboriginal and non-aboriginal peoples** that the constitution or certain parts of that constitution cannot be amended **without** the approval of both Peoples.

In the east, these principles include:

- recognition of the role of **Nunavut** in strengthening Canadian sovereignty and democratic government in the north;
- **providing full Canadian public participation** in government to all residents;
- meeting the needs and interests of **Nunavut's unique Inuit and settler society**;
- recognition and **protection** of **land claims rights** in the **Nunavut constitution** and the efficient coordination of **claims and government institutions**, and
- designing **decentralized administration** in **Nunavut** capable of **meeting** the **unique needs** of **Nunavut** efficiently.

For further information contact:

Western Constitutional Forum
 P. O. Box 1589
 Yellowknife, N.W.T.
 X1A 2P2
 (403)920-2667

Nunavut Constitutional Forum
 Suite 300, 63 Sparks Street
 Ottawa, Ontario
 K1P 5A6
 (613)594-0158

Memorandum of Understanding

Between the **Nunavut Constitutional Forum**

and the **Western Constitutional Forum**

Concerning **Recommendations to the Legislative Assembly**

Where significant steps have been taken in recommending a boundary for division to the **Legislative Assembly** and the **people** of the **Northwest Territories**

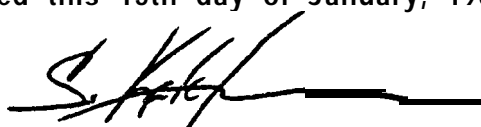
and whereas the **proposed** boundary Agreement **aims** at achieving **division** by October 1, 1991, which entails a **critical** period of preparation, planning and pre-implementation:

and whereas these important matters **should** be undertaken **with balanced** representation **from** both prospective new **territories**.


It is therefore agreed that the **Constitutional Alliance** of the **Northwest Territories** recommends to the **Legislative Assembly of the Northwest Territories** that serious consideration be given to the **principle** that representation from **each** of the proposed new territories be guaranteed equally on the **Executive Council**, among **Officers** of the **Legislative Assembly** and on certain territorial boards **with** a territorial mandate.

And further, that serious consideration be given to **alternating** the Government Leader between each of the proposed new **territories**, and to holding alternate **sessions** of the **Legislative Assembly** in **each** of the proposed new territories.

Dated this 15th day of January, 1987.



Chairman
Western Constitutional Forum



Chairman
Nunavut Constitutional Forum

CONSTITUTIONAL ALLIANCE OF THE NORTHWEST TERRITORIES

PRESS RELEASE

BOUNDARY AGREEMENT REACHED

January 15, 1987 - Iqaluit, Nunavut

Today marks an historic day for the residents of the Northwest Territories as the two Forums of the Constitutional Alliance signed an agreement on the boundary to create Nunavut Territory in the Central and Eastern Arctic; and a new territory in the west, as yet unnamed, which includes the Beaufort-Delta and Mackenzie Valley Regions.

After four years of discussions and negotiations between the Nunavut Constitutional Forum (NCF) and the Western Constitutional Forum (WCF) on the boundary and constitution building, the hard work and patience has finally paid off.

The main components of the agreement are:

1. A boundary which places the Dene/Metis and Inuvialuit Land Claims areas in the west and the Inuit Land Claims area in Nunavut.
2. A ratification process which includes a NW-wide plebiscite as soon as possible.
3. Principles for constitution building by the two Forums for the two new proposed territories.

John Amagoalik, Chairman of the NCF stated that this historic moment will insure the political security required to compliment the Land Claims Settlement being negotiated by Tungavik Federation of Nunavut.

"With this agreement, the Inuit can now begin the process of building a government that is wholly their own, created from the grassroots up, and most of all an appropriate model for self-government for the Inuit of Canada.

Stephen Kakfwi, the Chairman of the WCF said, "We are very happy to have reached an Agreement which allows the Inuit to fulfill their dream for Nunavut.

"At the same time this agreement means we in the west finally have an unhindered opportunity to pursue our own dream of a new form of government which respects our aboriginal right to self-government within a public jurisdiction serving all residents.

"Our task ahead is to make those aspirations a reality. I earnestly hope that it will be a co-operative effort with the Inuvialuit. I look forward to their membership on the WCF and active participation."

Billy Oay, President of the Committee for Original Peoples' Entitlement attended the meeting as an observer.

The next stage for the Constitutional Alliance will be to table the agreement in a report to the Legislative Assembly of the N.W.T. at their next-sitting beginning February 11, 1987 in Yellowknife. To begin the process of officially dividing the N.W.T. the Alliance has a separate agreement recommending to the Assembly interim measures concerning representation on the Executive Council, the Assembly and certain territorial boards.

Communiqué

SIDDON ANNOUNCES DECISION ON PARKER REPORT

OTTAWA (April 19, 1991) -- The Honorable Tom Siddon, Minister of Indian Affairs and Northern Development, today announced his acceptance of John Parker's advice regarding the western boundary of the land claim settlement area for the Tungavik Federation of Nunavut (TFN) of the Northwest Territories.

Appointed as the Minister's adviser on this issue in January 1991, Mr. Parker studied the question and submitted his report, The Boundary Between Comprehensive Claim Settlement Areas of the Inuit and Dene/Metis of the Northwest Territories, early this week. The report recommends a compromise between the solutions proposed by both groups. Mr. Siddon turned to Mr. Parker when after five years of negotiation the aboriginal people in the Northwest Territories were unable to reach an agreement on a boundary.

Recognizing that the issues in dispute are complex, and that no solution will be fully satisfactory to all parties, Mr. Siddon gave Mr. Parker's advice careful consideration. Based on this, the Minister has concluded that Mr. Parker's proposal represents a fair and equitable solution to this longstanding problem.

"I have accepted Mr. Parker's advice and informed the TFN that I am willing to accept the line he proposed to define the western boundary of their land claim settlement area," Mr. Siddon said. "I hope that the TFN will accept this proposal after giving it their own detailed consideration."

The Dene/Metis and the Government of the Northwest Territories have also been advised of the Minister's decision and offer to the TFN.

...2

Consistent with the Parker Report, the federal government is prepared to work with the affected groups, including the Indians of northern Manitoba and Saskatchewan, to ensure that the boundary is not an impediment to continuation of their "traditional use and wildlife harvesting activities.

"I believe the TFN, the Dene peoples of the Northwest Territories, northern Manitoba and Saskatchewan and the federal and territorial governments will be able to work out adequate protection for this traditional use of land north of the sixtieth parallel," said Siddon.

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Background Information on Boundary Dispute

On May 6, 1986, negotiators for the Dene/Metis and the Tungavik Federation of Nunavut (TFN) comprehensive claims signed an agreement that defined a single-line boundary between the two claim areas and a zone of overlapping use on either side. In March 1987, this agreement was rejected by the Dene Chiefs.

Since that time, the Dene/Metis and TFN have been unable to reach full agreement on a boundary. Disagreement over the disputed areas narrowed, in early 1990, to areas around Contwoyto Lake and the Thelon Game Sanctuary. The parties were not, however, able to resolve these differences.

In August 1990, both the TFN and Dene/Metis welcomed the appointment of an independent fact-finder to identify on a map the areas of agreement and disagreement. This report was submitted to the Department of Indian Affairs and Northern Development in November 1990.

On January 29, 1991, the Minister of Indian Affairs and Northern Development appointed John Parker, the former Northwest Territories Commissioner as an advisor. Mr. Parker's task was to recommend a single-line boundary between the claim areas. The report was due April 13, 1991.

THE BOUNDARY BETWEEN COMPREHENSIVE CLAIM SETTLEMENT AREAS OF THE INUIT AND DENE-METIS OF THE NORTHWEST TERRITORIES

Introduction

Negotiations of the **claims** of the **Inuit** and **Dene-Metis** people of the Northwest Territories with the Federal Government have been underway for many years. An important element of these negotiations has been the identification of a line to serve as a boundary between the claim settlement areas. Each of the groups has carried out studies resulting in reports and maps outlining the extent and nature of their land use and occupancy.

Discussions between the parties has resulted in agreement on the northwestern and southeastern sectors of the boundary, and recognition and identification of areas of overlapping use. Thus far, an agreement on a boundary through two central sectors, the **Contwoyto Lake** and **Thelon areas**, has not been reached.

As claims negotiations proceed through agreement in principle stages towards final resolutions, it has become increasingly imperative that a boundary be established. In particular, at the time of this writing, the **Tungavik Federation of Nunavut (TFN)**, negotiators for the **Inuit claim**, have commenced land selection and are working towards a final agreement within a few months.

While work on an overall **Dene-Metis** claim is not now proceeding, certain regional claims are being advanced and their successful conclusion also will depend upon the establishment of a claims boundary.

In mid-1990, the Minister of Indian Affairs and Northern Development appointed Dr. **Magnus Gunther** as a fact-finder. Dr. Gunther recorded the history and background of the boundary discussions through a thorough review of documents which pertain, and through discussions with the concerned parties. His report to the Minister, completed in **October, 1990**, made no judgments on the issues nor recommendations, but serves, as it was intended, as a valuable review of events and as a **status report** on the boundary debate.

The Minister sought my advice on the boundary and requested me to meet with the groups as necessary and to use Dr. Gunther's report as base data in the preparation of my recommendation of a single line boundary.

An initially agreed upon reporting date of mid-March was extended to mid-April to provide the **Dene-Metis** an opportunity to conclude and assemble data from certain studies already underway, and time for me to digest this material.

It soon became apparent that the broader issue of the possible future division of the Northwest Territories into two territories impinges itself on the claims boundary issue. Should division occur, there will be strong pressures to use the claims boundary, as the "political" boundary. Clearly, the TFN would seek to include all of the Inuit people of its claim settlement area within any new territory established. While new territorial boundaries are not within my terms of reference, this issue is one of the factors to be borne in mind.

An additional issue, which lies outside my terms of reference, concerns the claims of the Chipewyan people of northern Saskatchewan and Manitoba. These bands have traditionally and currently continued to utilize areas within the Northwest Territories immediately north of the 60th parallel, adjacent to the northern borders of the provinces, for hunting, fishing and trapping. In fact, they regard these areas as part of their "homelands", although they do not form part of their treaty areas. Again, I will make further observations on these concerns within this report.

Terms of Reference

The Terms of Reference which were provided for me by the Minister are attached as Appendix "A".

Methodology

Following is a general description of the materials studied and procedures which were followed in the preparation of this report:

- (a) Review of the Gunther Report (the fact-finder), and the maps which accompanied it.
- (b) Meetings with the following groups or their representatives:
 - (1) TFN
 - (2) Dene Nation
 - (3) Chiefs, elders and representatives of the Dene Bands whose lands are adjacent to the boundary.

- (4) **Metis Association** of the **N.W.T.**
 - (5) **Government Leader and Cabinet Ministers** of the Territorial Government.
 - (6) **Chiefs** and representatives of the **Chipewyan** bands of northern Saskatchewan and **Manitoba**.
- (c) innumerable telephone and direct discussions with a broad range of knowledgeable and concerned individuals, including, of course, **members** of the groups named under **(b) above**:
- (d) Review **of** new and additional reports and maps submitted by **TFN and Dene/Metis**. In his report, **Dr. Gunther** noted that the Dene were going to **submit** maps containing additional details of land use, particularly in the **Thelon and Contwoyto areas**. These **maps have been** available to **me, together with** explanation of the symbols used. Aswell, I have received copies of maps showing **Inuit landselection in the vicinity of the 1986** line.

OBSERVATIONS

1. Through all of my discussions with individuals and groups, through my reading of meeting reports and preliminary agreements, and in correspondence I have studied, I have found a high level of goodwill between the aboriginal groups. Clearly, there have been frustrations on both sides with process and pace, but the *negotiators always* demonstrated an understanding that the long term desires of the people they represented was for continued peaceful and shared use of the land they all love and respect.
2. Stories were repeated to me and have been noted by others of times when Inuit and Dene people helped each other, camped and travelled together, traded goods, and shared personal losses and tragedies. Caribou meat and hides were conserved, and in the barren grounds, meagre supplies of wood and twigs were used sparingly in order that they would last throughout a season.
3. When considering land use and occupancy, one must realize that in this century both the Dene and Inuit were present in very small numbers in the eastern parts of the Mackenzie district and western parts of the Keewatin, especially considering the immensity of the area involved. There had been a substantial population of Chipewyan people who were widely distributed in the Thelon, and South Slave area before being decimated by diseases introduced at the time of early European contact. Both groups claim they rarely saw members of the other group. This was due, in part, to their differing seasonal traveling patterns, as well as the small total numbers.
4. In the past, caribou herds were of paramount importance to the inland people, both Dene-Metis and Inuit. The caribou were their life support and the well-being and changing migration patterns of the herds were of vital interest and concern. Both peoples lived somewhat nomadic lives because they followed their "food supply". The nomadic patterns have been modified as so called "southern civilization" imposed itself on their life style through the introduction of the fur trade, trade goods and weapons, and faster modes of travel. While the people's dependence on caribou has been reduced, the herds continue to be of great importance, both for food and in support of cultural values and a lifestyle closely in tune with the land. Their importance, both real and perceived, cannot be over estimated. Caribou are regarded as a hedge against hard times, a resource to fall back on if employment fails. Caribou herds migrate across the boundary spring and fall, and calving grounds lie northeast of the boundary area. In setting a boundary, these important elements must be understood.

Some accommodations are possible **through suitable overlap provisions for** hunting access on both **sides** of the boundary and **it is essential** that the participants arrive at mutually satisfactory arrangements.

5. **Birth rates among the Inuit and Dane currently are** high, and populations are increasing. This results in pressures to ensure that land is available for traditional pursuits and makes the **Contwoyto and Thelon areas** particularly important to both **sides**.
6. **When the Thelon Game Sanctuary was established in 1927,** use of it for resource harvesting was denied to both **Inuit and Dene-Metis**. While some hunting occurred within the Sanctuary, normal patterns were not continued. Land use must **therefore be** judged **in large measure** on pre-1927 activities. The Dane were relatively **more** numerous in the **area, coming into the Thelon from the west,** attracted particularly by good hunting and the availability of **wood, so unusual** for the Barrens.

Both **groups** appear to want the **Thelon** maintained as a **game preserve or park,** protected as **breeding ground for** several species of animals. But **each** group seeks a portion of the **Thelon** for its settlement area, in case the other group opts for more open use of the Sanctuary.

7. **The issue of overlap concerns and differences in approach in the area easterly from the east shore of Great Bear Lake** which were noted by Professor Gunther do not bear directly on the selection of a single boundary line. They relate in part to current **levels of wildlife harvesting,** and as such it is important that they be addressed through overlap negotiations and by the respective game councils. In general, the Dane favour traditional or **subsistence** hunting in **overlap areas** and not **"commercial"** hunting and trapping. The Inuit would be reluctant to give up **commercial** trapping and hunting in overlap areas.
8. The Metis have fewer interests **in** the Boundary area as they have **made** limited use of the **barren** lands in the past. They are anxious to see movement on **claims settlements,** including the boundary question, and seek to have as **large** a western settlement area established as is reasonably possible.
- 9* Land ownership and boundaries are not concepts which fall naturally into Dene and Inuit thinking and life style. They are much more in tune with the sharing of the land and its resources. There is recognition, of course, that in pursuing separate claims, boundaries must be identified: The Dene have had boundaries imposed on them, such as the 60th parallel and COPE

boundary . **Their perception is one of having their traditional lands constricted. This explains in part the length of time involved in negotiations and the level of reluctance to reach final conclusions and decisions.**

Conclusions and Recommendations

1. **The boundary between the claimant groups must, as fairly as possible, divide the areas of overlapping use. The decision must be based on information which is as complete as reasonably possible. With the addition of land use maps and reports developed in the last two or three years, I believe that the information now available meets that criteria.**
2. Agreement was reached *some time ago* by the **Inuit and Dene-Metis** on the two ends of the boundary line, but the middle part posed a major problem because of its importance to each group and the extent of overlapping use throughout a very **considerable** time span.
3. The boundary must **strike** a balance between the **Inuit** use of the area, which in general has been more recent, and the earlier Dene use, both of the time frames under consideration being within living memory.
4. Any boundary which will achieve a reasonable level of acceptance must provide a "window" on **Contwoyto Lake** for the **Dene**. The lake *has immense* cultural and traditional importance, particularly to the **Dogrib** people. For similar reasons, most of the lake itself and the area west of the north end, around Concession Lake, should stay within the **Inuit Settlement Area**.
5. Because of its status as a Game Sanctuary, the **Thelon** has had little recent use **by either group**. The **Dene-Metis** have used the west-southwest sector, and the **Inuit** the easterly portion. It makes sense to divide it in this fashion.
6. The single-line boundary which I recommend, together with some detailed explanations, is as follows:
 - (a) As already **agreed** the boundary should commence, at its northwesterly end, at *the corner of the Inuvialuit Claim Settlement area*, specifically **68°00'N and 120°40'51"W**.

- (b) It should then proceed southeasterly in a straight line to $65^{\circ}30'N$ and $112^{\circ}30'W$, which point lies just east of Itchen Lake. At its southern end, this line is approximately 5 miles west of the 1986 line. This small deviation recognizes the Inuit land use around Rockinghorse and Concession Lakes, and provides water access to Itchen Lake.
- (c) From the above point, I recommend that the line proceed due west to $68^{\circ}30'N$ and $110^{\circ}40'W$. This point is about three miles east of the shore of Contwoyto Lake.
- (d) The line should then proceed southeasterly to $64^{\circ}50'N$ and $109^{\circ}20'W$. This point is approximately five miles north of Gloworm Lake. These last two segments place Fry Inlet, which is an arm of Contwoyto Lake, within the Dene-Metis Settlement Area, thereby providing them with direct water access and the "window" on Contwoyto Lake which I described earlier.
- (e) The boundary then proceeds in a straight line east southeasterly to $64^{\circ}14'N$ and $102^{\circ}00'W$. This point is close to the south shore of the Thelon River where it crosses the 102nd line of longitude.
- (f) The final segment of the line proceeds due south along longitude $102^{\circ}W$ to its intersection with the 60th parallel, at 60% and 102%. This is the point where the Saskatchewan-Manitoba boundary meets the 60th parallel, and is the southeasterly end of the line which was proposed as a concession by TFN and accepted by the Dene-Metis.

7. The claims of the Chipewyan bands of northern Saskatchewan and Manitoba to land within the Northwest Territories pose a difficult problem. There can be no doubt that they currently use, and have always used areas adjacent to and north of the 60th parallel for hunting, trapping, and fishing, with nearly year round occupancy in some time periods. The Government of the Northwest Territories makes provision for them in their Wildlife regulations.

I have no recommendations in this matter beyond urging all parties involved to ensure that their traditional uses continue to be recognized in overlap arrangements and agreements.

APPENDIX "A"

TERMS OF REFERENCE

TFN AND DENE/METIS BOUNDARY ADVISOR TO THE MINISTER

TASK

To recommend a single-line boundary between the **TFN and Dene/Metis** settlement areas.

CRITERIA

Agreements reached to date between the **Dene/Metis** and **TFN**.

Land use by **Dene/Metis** and **Inuit** residents of the **N.W.T.** within living memory.

Reasonable considerations such as communications and transportation systems, natural features and administration costs .

PROCEDURE

The Advisor shall consult with the **Dene/Metis** and **TFN**, the **GNWT**, the Northern Affairs *Program and such other parties and organizations* that the Advisor feels must be consulted.

For the **Dene/Metis**, the Advisor shall consult with the Tribal Council(s) of the affected region(s) or its nominees. For the **Inuit**, the Advisor shall consult with the **TFN**.

The Advisor shall use the materials that were presented to the fact-finder, and shall evaluate and interpret such materials as the Advisor deems appropriate.

The Advisor shall submit his recommendation for the complete single-line boundary to the Minister of Indian Affairs and Northern Development by March 15, 1991.

CONDITIONS

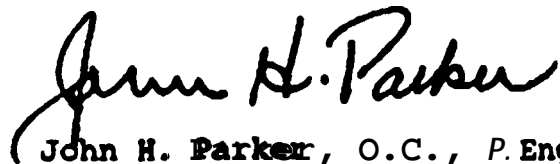
The decision made will be consistent with the objectives of the 1986 Comprehensive Land Claims Policy.

The boundary will be used as a basis for establishing the jurisdiction of wildlife management boards, environmental impact review boards and land or water management structures.

There may be overlap zones on either side of the single-line boundary. There will be no joint management boards for these overlap areas. In the overlap zone, a claimant group will have the right to participate on the management boards which have jurisdiction on the other side of the single-line boundary.

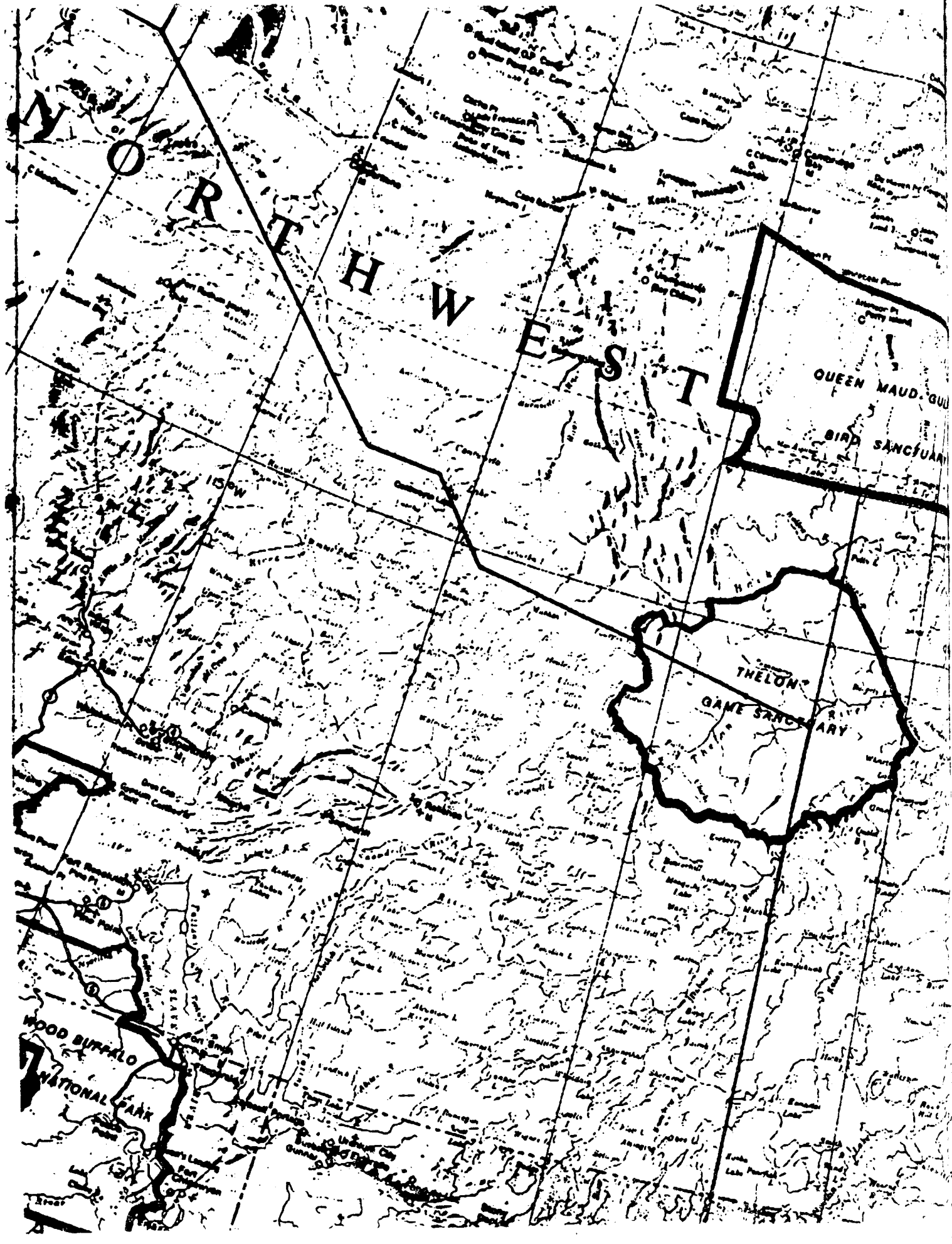
8. The negotiation of overlapping land use and the further delineation of overlap areas by the Dene-Metis, the Inuit, and the Chipewyans of the provinces is of vital importance. The satisfactory and meaningful implementation of claims settlements will depend upon the continued sharing of the resources of the land, and the recognition that the boundary is not intended to be a barrier to ongoing good relationships.

Finally, I wish to express my appreciation and thanks to members of TFN, the Dene-Metis group, territorial cabinet ministers and officers of the Department of Indian Affairs for the warm reception and strong cooperation I received in carrying out this task.



John H. Parker, O.C., P. Eng.

April 13, 1991





LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

**PUBLIC DISCUSSION ON THE BOUNDARY
TO DIVIDE THE NORTHWEST TERRITORIES**

YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, MARCH 10, 1992

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**PUBLIC DISCUSSION ON THE BOUNDARY TO
DIVIDE THE NORTHWEST TERRITORIES
YELLOWKNIFE, NORTHWEST TERRITORIES
TUESDAY, MARCH 10, 1992**

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PUBLIC DISCUSSION ON THE BOUNDARY TO
DIVIDE THE NORTHWEST TERRITORIES
YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, MARCH 10, 1992

MEMBERS OF THE LEGISLATIVE ASSEMBLY

Hon. Titus Allooooloo, Mr. Antoine, Mr. Arngna'naaq, Mr. Arvaluk, Hon. Michael Ballantine, Mr. Bernhardt, Hon. Nellie Cournoyea, Mr. Dent, Mr. Gargan, Hon. Stephen Kakfwi, Mr. Koe, Mr. Lewis, Mrs. Marie-Jewell, Hon. Oon Morin, Mr. Nerysoo, Hon. John Ningark, Hon. Dennis Patterson, Hon. John Pollard, Mr. Pudlat, Mr. Pudluk, Mr. Todd, Hon. Tony Whitford

REPRESENTATIVES OF ORGANIZATIONS

Mr. James Eetoolook, Tungavik Federation of Nunavut; Mr. John Amagoalik, Tungavik Federation of Nunavut; Mrs. Liza Enzoe, Dene Nation; Mr. Antoine Michel, Dene Nation; Mr. Roger Gruben, Inuvialuit Regional Corporation; Mr. Charles Dent, Non-Aboriginal Representative M. David Krutko, Gwich'in Tribal Council, Inuvik

CHAIRMAN (Mr. Pudluk): I would like to call this meeting to order. Before I begin my opening remarks, I would like to remind the gallery and the Members about the channels for the languages: zero is for language; one, English; two, Chipewyan; three, French; four, South Slavey; five, Dogrib; six, North Slavey; seven, Gwich'in; eight, Inuktitut. I am going to begin my opening remarks in Inuktitut, and then halfway through I will speak in English,

Chairman's Opening Remarks

(Translation) I would like to call this meeting to order and welcome Members of the Legislative Assembly and representatives from various groups from across the Northwest Territories. I also welcome the listeners and viewers from across the Northwest Territories who are following this important meeting on radio and television.

This meeting was arranged after the Legislative Assembly received a request from the Tungavik Federation of Nunavut to allow them to appear before the Legislature to discuss the upcoming plebiscite on a boundary to divide the Northwest Territories. Members of this House felt that it would be more beneficial to arrange for a full and public discussion on this important issue. To facilitate this, representatives of the major aboriginal organizations and other groups were invited to attend this meeting today. Unfortunately, the Members of Parliament for the Western Arctic and Nunatsiag send their regrets that they are unable to participate because of prior commitments. As well, the Shihta Regional Council are unable to attend as they begin negotiations on their land claim today. (Translation ends)

The format for the meeting has been circulated to each participant, but I would like to briefly outline the procedure that we will follow. The topic for discussion is the May 4th plebiscite on a boundary to divide the Northwest Territories. Each organization, or group, will be permitted to make a 15 minute opening statement, followed by 10-minute opening statements by each Member of the Assembly. Once those who wish to participate have spoken, there will be a short break followed by a two-hour question and answer period. Each participant will be permitted to ask three questions of each other.

To begin, I would like to go around the room, starting on my left, and ask each individual to introduce themselves. Once this is completed, we will begin with James Eetoolook, from TFN, with his opening statement.

To assist with the timing, we will use the timer on the wall. The Clerk will alert each speaker when they have two minutes

left by ringing this bell. Please do not be offended if I cut you off. I will try to be as fair as I can with all participants. With that, I would like to begin with the introductions beginning from my left.

Introduction 01 Members Of The legislative Assembly

MR. PUDLAT: (Translation) Thank you, Mr. Chairman. My name is Kenoayoak Pudlat, and I represent Baffin South. I represent three communities: Lake Harbour, Sanikiluaq and Cape Dorset. Thank you.

MR. NERYSOO: Thank you, Mr. Chairman. I am Richard Nerysoo. My constituency is the Mackenzie Delta. I represent Fort McPherson, Aklavik and Arctic Red River.

MRS. MARIE-JEWELL: Thank you, Mr. Chairman. My name is Jeannie Marie-Jewell. I am the MLA for Thebacha. I represent the constituency of Fort Smith.

MR. KOE Mahsi, Mr. Chairman. My name is Fred Koe. I represent the constituency of Inuvik.

MR. ANTOINE Mahsi, Mr. Chairman. My name is Jim Antoine. (Translation) I will be speaking my own language. I am the MLA for Nahendeh. I represent six communities: Fort Simpson, Fort Liard, Fort Wrigley, Nahanni Butte, Trout Lake and Jean Marie River. Thank you.

MR. TODD: I am John Todd, the MLA for Keewatin Central, which encompassed the communities of Rankin Inlet and Whale Cove. Thank you.

MR. BERNHARDT: Thank you, Mr. Chairman. My name is Ernie Bernhardt. I represent the Kitikmeot riding. My riding consists of Bathurst Inlet, Bay Chime, Cambridge Bay and Coppermine.

MR. LEWIS: I am Brian Lewis, the MIA for Yellowknife Centre. It is the downtown business centre, which I can walk around in about an hour and a bit.

MR. ARNGNA'NAAQ: (Translation) Thank you, Mr. Chairman. My name is Silas Arngna'naaq. I represent Kivallivik, which is Baker Lake and Eskimo Point, Arviat.

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Chairman. My name is Titus Allooooloo. I represent Amituq. The communities I represent are Pond Inlet and Hall Beach. Thank you.

HON. JOHN NINGARK: (Translation) Thank you, Mr.

Chairman. My name is John Ningark. I represent Natilikmiot. The communities are Pelly Bay, Spence Bay and Gjoa Haven.

HON. JOHN POLLARD: John Pollard, Mr. Chairman, representing Hay River and Enterprise. Thank you,

HON. NELLIE COURNOYEA: I am Nellie Cournoyee. I represent the riding of Nunakput; the communities are Tuktoyaktuk, Sachs Harbour, Paulatuk and Holman Island.

HON. STEPHEN KAKFWI: (Translation) My name is Steve Kakfwi. I am the voted Member for Colville Lake, Fort Franklin, Norman Wells and Fort Good Hope.

HON. DON MORIN: Thank you, Mr. Chairman. My name is Don Morin. I represent the riding of Tu Nadhe, which consists of Fort Resolution and Snowdrift.

HON. TONY WHITFORD: Thank you, Mr. Chairman. My name is Tony Whitford. I represent the constituency of Yellowknife South,

HON. DENNIS PATTERSON: (Translation) Thank you, Mr. Chairman. My name is Dennis Patterson. I represent the community of Iqaluit.

HON. MICHAEL BALLANIYNE: Thank you, Mr. Chairman. My name is Michael Ballantine. I am a Member of the Legislative Assembly for the constituency of Yellowknife North.

CHAIRMAN (Mr. Pudluk): Thank you. Somebody just walked in. Would you please introduce yourself?

MR. ARVALUK: (Translation) I am sorry; I left my papers and I had to go back and get them. My name is James Arvaluk. I represent Aivilik. The communities I represent are Cheaterfield Inlet and Coral Harbour. I am glad that my previous colleagues are here at present.

MR. GARGAN: Thank you. I apologize, Mr. Chairman, for being late. I was trying to look at myself on TV.

—Laughter

I am the Member for Deh Cho, which consists of Fort Providence, Kakisa and the Hay River Reserve. Mahsi cho.

CHAIRMAN (Mr. Pudluk): (Translation) Thank you. I am the chairman, and my name is Ludy Pudluk. I am the MLA for High Arctic. Before we proceed, I would like to ask the presenters who are representing various organizations to indicate who they are and introduce themselves.

Introduction Of Representatives Of Organizations

MR. JAMES EETOOLOOK: (Translation) My name is James Eetoolook. I am the acting president for the Tungavik Federation of Nunavut.

MR. DENT: Thank you, Mr. Chairman, I am Charles Dent. I am the MLA for Yellowknife Frame Lake,

MR. DAVID KRUTKO: My name is David Krutko. I represent the Gwich'in Tribal Council, Inuvik.

MR. ANTOINE MICHEL: Thank you, Mr. Chairman. My name is Antoine Michel. I am the chief of Lutselk'e. I have with me one of my elders.

MRS. LIZA ENZOE: (Translation) My name is Liza Enzoe, and I work for the Snowdrift Band.

CHAIRMAN (Mr. Pudluk): (Translation) We will now proceed. We will start off with the Tungavik Federation of Nunavut.

Presentation By Tungavik Federation Of Nunavut

MR. JAMES EETOOLOOK: We will be talking in English so that the western Members can understand. I would like to address the Assembly on division and the plebiscite. My name is James Eetoolook. I am the acting president of the Tungavik Federation of Nunavut, which represents 17,000 Inuit living in the Nunavut region of the Northwest Territories. I am here with John Amagoalik. Mr. Amagoalik is the constitutional advisor to TFN and a member of the Inuit committee on constitutional issues. We will be making this address together.

The Inuit of the Nunavut region have pressed for division of the Northwest Territories for almost 17 years, but we have not been alone in our desire for division. The original idea to divide came from our neighbours in the West back in the 1860s, and since that time division has gained support in many quarters. The previous Legislative Assembly is on record in support of division. The ninth Legislative Assembly passed motions of support for division and the creation of Nunavut in 1960 and 1981. In the 1962 plebiscite on division, 56 per cent of the voters voted in favour of it. In that same year, the Legislative Assembly established the Constitutional Alliance to pursue the matter of division and other constitutional issues. The alliance's work culminated in the 1967 Iqaluit Agreement, which was endorsed by motion of the 10th Legislative Assembly. That Assembly authorized a plebiscite on the boundary, just as this Assembly has.

The aboriginal peoples of the Northwest Territories have also supported division. The Dene Nation advocated division in 1976 for the first time. One year later the Metis Association of the Northwest Territories did the same thing, and both have called for division many times since. In 1965, the Constitutional Alliance, in which the Dene and Metis participated, agreed in principle to a boundary to divide the Northwest Territories, and in 1987 the alliance agreed again to divide according to the terms of the Iqaluit Agreement.

The federal government, as well, has been supportive of division. In 1962, John Monroe, Minister of Indian Affairs, declared the federal government's approval in principle to division. In 1984, Prime Minister Trudeau, at the First Ministers' Conference on aboriginal issues advocated Nunavut as a workable form of self-government. In 1965, David Crombie, Minister of Indian Affairs, announced to the 10th Legislative Assembly that the federal government would be willing to divide upon finalization of boundary, and today, as is evident by its agreement to Article 4 in the TFN final agreement, the current federal government also supports division. And there are many other instances of support.

The point of this short historical summary on support for division is to underscore that there is support, and there has been support for many years now. To divide or not to divide is no longer the question. A more relevant question today is whether the proposed boundary is acceptable to the residents of the Northwest Territories. At this point, I hand it over to John.

History Of Boundary Selection

MR. JOHN AMAGOALIK: Considerable discussion and controversy has surrounded the boundary issue for years, and many different boundaries have been proposed. What criteria should be used to come up with an acceptable boundary? Where should the boundary be located? In which territory would the Inuvialuit be located? et cetera, are all questions that were debated time and again. But as of 1985, the questions had finally been answered. In January of that year,

opinion was consolidated when the Constitutional Alliance agreed in principle to a constitutional building process and to use the land claims boundary between the Inuit and the Dene/Metis as the boundary for division. This 1985 understanding, coupled with the 1986 boundary and overlap agreement between the Dene/Metis and Inuit, laid the foundation for the Iqaluit Agreement in 1987.

The Iqaluit Agreement outlined principles and processes for constitutional development of both territories, and set a timetable and target date for division, October 1, 1991. But subsequent failures by the Inuit and the Dene/Metis to firm up the 1988 agreement led to the collapse of the Iqaluit Agreement. So five years later where are we, apart from being a year and a half past the alliance's target date of October 1, 1991? Until recently we appeared to be still struggling to move beyond the point at which we left off in 1987. Now, as is evident in the recommendations contained in the Commission for Constitutional Development's interim report, the West is once again ready to move toward division. So let us go on with what we have already decided to do and divide the Northwest Territories.

Given all the past support for division, is there a problem? Should we be concerned that it may not happen? Well there may be a problem if the people of the West choose not to endorse the boundary. Some people in the West do not like the boundary, not so much because it is not fair, but because in their view it was decided upon without their concurrence. At TFN we had no choice but to accept this situation if we expected to settle our claim. We had tried for seven years to get a boundary agreement but were unsuccessful, so former Commissioner Mr. John Parker was asked by Tom Siddon, Minister of Indian Affairs, to recommend what he thought to be a fair line. In our view, the line was a reasonable compromise. It was not perfect, as no compromise can be, but it was acceptable.

Mr. Parker's boundary resembles the 1988 Inuit and Dene/Metis boundary, which was thought to be fair at the time. At that time, though, there were no demands by the Dene/Metis to include land use in the Northwest Territories by Dene in the provinces. The 1988 line also proved to be a fairly equitable split of valuable mineral regions, when compared with mineral resource maps developed in 1984 by the Western Constitutional Forum. As well, it posed no greater problem for migratory species of wildlife than do the current territorial or provincial boundaries. The overlap agreement that went with the boundary protected the rights of both parties to carry out traditional land-based activities in the overlap area, and it provided for joint management of the lands and resources, and when it was negotiated it included several elders from both sides at many of the meetings. Any differences that existed afterwards appeared to have greater emotional significance than geographic impact.

The present boundary, recommended by Mr. Parker, differs in only a few respects from the 1988 boundary. It allocates small parcels of land to the Inuit on the southern side of the line. It dips a bit further south in the western sector, and it lies further north and east throughout the remainder of its length.

So now we have a history of consensus for support. We have the grass-roots results of the 1982 plebiscite vote, and we have a boundary recommended that is not overly different from the one that had been negotiated in 1988. Why, then, are some people nervous? In our view, it appears to boil down to a general sense of uncertainty on the part of some people in the West concerning the West's political and economic future, and to a dislike of the line by some aboriginal people,

Legitimate Concerns In The East And The West

We recognize that there are many legitimate concerns in both the East and the West that cannot be taken lightly. Although progress is being made on claims at the regional level, the notion of a unified Dene/Metis claim has collapsed, leaving them uncertain about their self-government future as a nation or nations. The Inuvialuit remain as concerned as ever about being in a mine* position in a western territory. The non-natives are concerned about their jobs in the public sector and about the economic impacts of division in general. The western caucus of the territorial government is confronted with the problem as to what shape to give a western territorial government, and people in Nunavut are querying the ability of Nunavut residents to implement both their land claim and Nunavut at the same time. These are real concerns, and they must be addressed. However, many of the answers to these concerns are there, should people choose to recognize and accept them.

To begin, division of the Northwest Territories and the creation of Nunavut is not something that will happen overnight. It is a process that will occur over a 15-year period, accompanied by a massive human resources development plan. The first seven years will see the establishment of a core operation of a Nunavut government, essentially the legislative, executive, judicial and financial functions. A further eight years will see the establishment of its remaining functions. A further eight years will see the establishment of its remaining functions. Now this careful phase-in of government administration over 15 years, which is 10 years greater than what was agreed to under the Iqaluit Agreement, should meet many concerns.

In the first place, it will provide for a smooth division of powers and responsibilities so as to cause as little disruption as possible to the remaining western territory. This lengthy time frame will not require the West to make hasty decisions regarding its administrative and constitutional future. Seven years to divide up the governmental responsibilities for \$5,000 people should not be an onerous task. If East and West Germany, containing over 80 million people from two very different economic, social and political backgrounds, can unite within a year, then surely 55,000 people can divide over a seven to 15-year period.

Also, the division of governmental responsibilities in departments will be overseen by a Nunavut implementation commission. Its job will be to ensure that an orderly transfer of responsibilities and division of resources will occur, so as not to leave the western territorial government in the lurch or overburden a fledgling Nunavut government.

Governing the West without Nunavut should be made easier. Current territorial policies and programs must balance the very different needs and interests of both the East and the West. After division, policy formation and program development can be tailored with only western priorities in mind. Of course, this situation will benefit the people of Nunavut as well.

The transition period was also designed to allow for adequate time to train eastern residents in order to ensure proper implementation and running of a Nunavut government. Some people in the East have raised concerns that the quality and level of services may suffer without proper training and planning. These concerns are legitimate, and that is why training will be a fundamental component of the transition period.

In areas of government where people cannot be trained fast enough, the Nunavut government will contract out services to agencies that have the expertise, much like the current territorial government does now for major aspects of health care. It is expected that the western territorial government

will benefit from eastern needs since it will possess some of the facilities and skills that may be lacking in Nunavut at the time of division. People in Coppermine and Cambridge Bay, for instance, will continue to go to Yellowknife for health and educational needs until each time there are comparable services in the region.

Economic Impacts Of Division

Regarding the economic impacts of division, it is the East, not the West, that will be taking the major risk. It is the West that will retain the oil and gas of the Beaufort Sea, Mackenzie Delta and Valley, and most of the operating mines. Business interests in the West stand to benefit from the considerable amount of money that will enter the eastern economy as a result of the creation of Nunavut and the settlement of the Inuit claim.

It is estimated that some \$560 million to \$632 million will be required to establish a Nunavut government. It is known that the Inuit land claim will bring in \$1.15 billion into Nunavut over a 14-year period. This large capital injection into the East will spawn many economic spinoffs, some of which will benefit business interests in the West. It is unrealistic to expect that existing trade and travel ties with the East will collapse completely after division.

There are also other economic fears in the West. In particular, fears related to jobs and job security in the public sector. These fears are not well-founded for two reasons: 1) A Nunavut government will contract out services for programs that it cannot provide for itself. This means job security in Yellowknife for many employees; 2) A Nunavut government is to be a decentralized government, employing local residents so as to reduce the need for imported labour from Yellowknife and other places. The territorial government's study estimated that not more than 250 jobs in Yellowknife will be lost because of division...

CHAIRMAN (Mr. Pudluk): Excuse me. The term has expired. We all know that the paper will be distributed throughout the delegation, as we have stated earlier about the procedures of the meeting, so we will keep on going, as the time has run out. According to the agenda here, the Dene Nation is here to do their presentation. The Dene Nation is next. We will have a question period after. Mr. Kakfwi.

HON. STEPHEN KAKFWI: Mr. Chairman, in light of the fact that there are going to be at least three different presentations from the western part of the Territories and the TFN are the sole spokesmen from the East, I would suggest that we let them complete their presentation.

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Kakfwi. I think all the Members agree on the continuation by TFN.

MR. JOHN AMAGOALIK: Thank you very much, Mr. Kakfwi. Although this study cited approximately 1500 new jobs would have to be created for Nunavut, the figure was arrived at by simply dividing the current government and duplicating its functions in Nunavut. A study concurrently being undertaken by the federal government is based on other parameters. It is looking at establishing a decentralized government. A decentralized government will mean a small government capital, limited to core government functions, with its remaining government departments established in regional centres across Nunavut. This will minimize the impact and maximize the benefits to communities. This approach, coupled with appropriate training programs for Nunavut

residents, will ensure that local residents will get the job and that hundreds of outsiders will not be needed to be brought in to run it. This has the added advantage of not requiring new, or not having to overly tax existing infrastructures, because fewer new houses and attendant support systems, et cetera, will be needed; and because of the technological advances in recent years, a decentralized approach is not unrealistic. Fax machines, computers, and the like will ensure instantaneous communication between government agencies. Effective systems of communication also mean less travel will be required and, therefore, lower government expenditures.

Ethnic Concerns

Now the foregoing has addressed mainly the economic concerns of the West and the concerns of the eastern residents regarding the capabilities of eastern residents to run a Nunavut government. I have not touched on any of the ethnically related concerns of the non-natives regarding their future after division, nor have I addressed the aboriginal-specific concerns of the Dene/Metis or the Inuvialuit, and without in any way meaning to suggest the best way forward for the West, I would like to make a few observations regarding such concerns.

In the East, minority rights would be guaranteed under our Nunavut bill of rights as outlined in the 19SS Nunavut constitutional forums' document, 'Building Nunavut.' In the West, non-native interests would be taken care of simply because they will be a majority. Western non-natives are among the better educated westerners, and they are the holders of some of the best jobs. Canada is a democratic country, and their rights as Canadian citizens are protected under the Canadian Charter of Rights and Freedoms.

Furthermore, the commission for constitutional development recommended, in its interim report, a reaffirmation of Charter rights in a western territorial constitution. We should not forget that the plebiscite question stipulates that, in achieving division, public sector employment preferences will be respected, and levels of government services will not be compromised. Moreover, the territorial government has agreed to provide all residents of the West an opportunity to participate in the development of a western constitution.

Some aboriginal peoples in the West see division as a trap rather than an opportunity. They fear a minority status in the West and face an uncertain future regarding their aboriginal rights. They wonder how they can participate effectively in a western territorial system of government in a predominantly Euro-Canadian society.

These concerns are understandable, but let us keep things in perspective. To begin, if people would look around this Assembly, they would observe that aboriginal Members from the West far outnumber non-aboriginal Members. There is little reason to think that this would change much after division. Division, as well, will provide a catalyst for negotiating a new relationship with the territorial government, and the negotiation process is not likely to be one-sided. Aboriginal people in the West can negotiate from a position of some strength. Current federal constitutional discussions may result in a renewed federal relationship with aboriginal peoples throughout the country. This, in turn, may assist aboriginal peoples in the western territory to negotiate their self-government future, not only at the federal level but also at the territorial level at a time when the western territorial government may be more receptive to innovative self-government arrangements.

This opportunity could not be enjoyed as it might if it were not for division opening up constitutional opportunities at the territorial level. Furthermore, the commission for constitutional

development would not have been formed if it were not for the possibility of division. Its continuing work in consolidating opinion and providing innovative thought on future western territorial constitutional arrangements may provide solutions to the problems confronted by aboriginal minorities.

Moreover, division of the Northwest Territories will not result in the extinguishment of aboriginal title, nor will it affect existing treaties. In fact, the commission's interim report recommends an entrenched inherent right to aboriginal self-government and the protection of treaty rights in the western territorial constitution.

Division, therefore, may provide greater opportunities for a revitalized future for aboriginal peoples in the West than are currently recognized. In doing so, it will not infringe on matters sacred to the hearts of many. TFN endorses the recommendations of the commission, and we also support the Metis National Council's efforts to have Metis recognized as Indians under section 91 (24) of the Constitution Act.

Special Consideration For Inuvialuit

The Inuvialuit deserve special consideration. Their concerns and needs are just as real as those of other aboriginal peoples, yet they appear, for the most part, to have been overlooked in the process. Perhaps it is because they settled their claim in 1984 and they are not seen to need the attention that other aboriginal peoples require. Perhaps it is because of their small numbers that their voices are not heard over those of their more vocal and more numerous neighbors. Whatever the reason, their needs must be taken seriously.

For years now, they have been lobbying for a regional government. They see it as the most effective means of achieving self-determination in a minority situation in the West. Without the Inuit in the East, with whom they prefer to remain, they will constitute only about 10 per cent of the total western territorial population after division. Western refusal to divide without the oil and gas of the Beaufort Sea and the Mackenzie transportation corridor to the sea has seen to that.

A reasonable model of regional government should not be viewed as a threat to the territorial government, and it may be entirely consistent with federal and aboriginal ideas of aboriginal self-government to which the Inuvialuit would be entitled under the Constitution. It is certainly consistent with the commission's recommendations for district orders of government. Thus, recognition of a regional government will go a long way in reassuring the Inuvialuit that their future is secure, and Inuvialuit support in the plebiscite is just as important as that of everybody else.

MR. JAMES EETOOLOOK: Division is the path to the future. By following it, we will ensure that Inuit will attain their long-sought objective of Nunavut and that the West will regain the road that was abandoned five years ago after the collapse of the Iqaluit Agreement. While the East has continued to march forward, the West has marked time. It is time now for both Nunavut and Denendeh to renew our respective journeys, but on separate paths. So support the boundary, and take the next step.

Thank you, Mr. Chairman and honorable Members, for generously allowing me the time to address this Legislative Assembly on this most important matter. Again, thank you, mahsi cho, qujannamiik.

--Applause

CHAIRMAN (Mr. Pudluk): Thank you. We will now hear from the Dene Nation. Mr. Michel.

Presentation By Dana Nation

MR. ANTOINE MICHEL: Thank you, Mr. Chairman. I will do this in my Chipewyan language. (Translation) We are concerned about the land around the Thelon River. We used to use that land for hunting and trapping; people used to live on that land. We want to talk about that as the most important thing over in our land. This country is big, but people are talking about it; the Inuit are talking about their land; we, the Chipewyan people, have to talk about our land and how we used to live off the land. That is what I want to discuss with you today.

This boundary that was established, for me, I do not think it was right the way it was handled. The reason is that some of our land has been taken, not only our's but the Dogrib People's. The way I saw it on the map, I do not like it. It seems as though we are giving up a lot of land to Inuit. By rights, Dogrib, Inuit and Chipewyan people could get together and solve it ourselves. Why should somebody else do it for us? For me it is not right. I would like to have people face each other and we could talk about it. The only way to solve things is by talking; that is the way to do things right.

When we are talking about this Chipewyan land over in Saskatchewan and Manitoba, before, when there was no Saskatchewan and Manitoba, it was all Northwest Territories. Once the boundaries were established we lost touch with our relatives over in Manitoba and Saskatchewan. The way the boundary is now, the game sanctuary goes straight down to the Manitoba/Saskatchewan border and people from Saskatchewan and Manitoba have traps in the Territories. It looks like it is going to be gone now. That is not right. It looks like the Inuit are going to be taking our land. We cannot have that.

I have a map here. I can show it to you. When they talk about surrendered land, we never did that. People still have cabins out there and have traps. People still use the land. Around the Thelon River, we have cabins there; we have traplines there, things that are not expensive, like white fox and wolves, but in the future our kids, if they want to live off the land and set traps, they could do that. They could use the land to wander around. The people out in the barren lands - a lot of people grew up there, a lot of Chipewyan people. We used to travel all the way to the Arctic Ocean. That is the story I got from my elders. That is how far people used to travel, and it is all shown on the map. We used to live off the land. We used to travel a long way in those days. Now, this Thelon Game Sanctuary they are talking about, around the Cameron Lake area, not too far from the East Arm - there used to be a game sanctuary there, after 1950 they moved it up to the Thelon. Now they consider it a park.

When they started in 1986, TFN made a boundary and showed it to us, and then we discussed it. If they came to us and said, 'This is way we are going to do it,' and then we sat down and talked about it - if that is the way they did it, we would have had a good working relationship. But that is not the way it happened. It looks like the Inuit established the line, and that is when the work started.

Boundary Not acceptable To Chipewyan People

We are not saying we do not like the people. That is not what we are saying. What we are saying is, now we can work things out? I just want you to know that. The way we used to work, if the Inuit and Chipewyan people can sit down side by side, we can fix it. Otherwise, it cannot be fixed. That is the way I look at it.

Yesterday I had a call here. This morning I came here. What I wanted to say is what I was told to say. The land is ours.

This line where the boundary is built is not right, and people have told me not to say yes. I cannot say yes to it.

In 1966, when it started, I was involved with a project. I did not want to lose land. I started work with the elders who are no longer with us, but I am still involved. Now I am chief and I am still involved in this issue. I work for my representative and for the Dogrib nation. The only way we can fix it is by talking. The way it is drawn up, I do not think it is right. You left out Saskatchewan people, and now they are taking it to court. People still use the land extending from Saskatchewan into the Territories. This map is here, if you want to look at it. The kind of work we have done is all on it. They gave us 15 minutes to talk here.

Two weeks ago I travelled in the Saskatchewan and Manitoba area to my relatives. I talked to people in that area, and a lot of elders there are saying it is not right. A lot of elders are still living by what was told to them in Treaties 8 and 11. All that Chipewyan land is still theirs. It was never surrendered. It is all written on a map here, and the way the line was drawn, the people from Manitoba are not too happy with it. It seems like Chipewyan land will be given to the Inuit. You cannot do that. If they want it, they can sit down and visit us and talk about it. That is the only way we can fix it; otherwise we cannot. If you want to fix it, we can still do it, but we have to sit down and look at each other and talk about it; otherwise you cannot fix it. We only have 15 minutes to make a presentation, so I would like my elder, Liza, to say something on this matter. That is all I have to say. Thank you.

- Applause

MRS. LIZA ENZOE: (Translation) I would like to thank you, all the MLAs that are here and the ones we are talking to. This land that you are talking about - we live off the land. We use it like a pillow. We, as people, should not fight each other for it. That is the way the world was left for us by our elders, but it looks like now we do not ask each other questions and we do not work that way, and it is no good.

The current work we want to do is all written on a map. Over by the Thelon River - I travelled in that area, too. A lot of our elders really worked the land for us. That is the way we did it in the old days. In order not to lose that, the federal government has papers in their offices of the way the land was used, where the traps were set, and where we travelled. All this we have discussed, in order to fix it all up. When the paper was first made, the boundary was established. It is not going to change, but what happened is that today it seems people are just taking whatever land they want. People do not even ask each other what they have to say. It is not supposed to be done that way. The way the elders used to live, they did not write things down on paper but they remembered what people said. I have never been to school, but I lived off the land. I travelled with a dog team. There were no white people there. We used to use hide for caribou.

Solutions Must Be Based On What Is Best For Everybody

Now the government seems to make motions for people to do things. That is not right. We have to make our own motions. We have to look at each other. We are not supposed to fight over things, argue. We have to ask each other questions about what would be best for each of us. That is how we have to work. Somebody else from different areas, or Inuit people, have to talk about what to do with the land. That is how they are supposed to deal with each other. But that is not even what is happening; for me that is how it seems, according to the TV services. A lot of people in southern Canada are probably the ones that are making motions for us. We have to make our own motions. The way

people used to live in the old days cannot be left behind and follow the new ways. That seems to be the way we are talking. That is not right.

Over in the Barren Lands where people used to go hunting, it seems like they made the boundary over our land. They did not ask us when they were going to move the line. They were supposed to sit down and let us know. A lot of people are unhappy about that; not only Chipewyans, but Dogribs and everybody else. If we are going to come up with something we are going to have to talk about it. We are not supposed to fight over land; that is not good. You can see by the examples of down south, the federal government down there, all they talk about is land. If we do not work according to those wishes, things are going to get pretty rough. In order to avoid that, we have to work together. That is what the Lord made the land for; for us and for our children.

The government has to let us know what we are talking about, but it does not seem like that is what is happening. After the map was made and they showed it on TV, somebody asked me if they talked to me about it, and I said I did not know. My son told me what it was that they were saying. Do you think it is right? If you are going to do a job, then you have to do it slowly and you have to work with each other. If you are going to make a dam on a river, you have to talk about it. You have to ask each other things, you are not supposed to go over each other's heads and do things without talking about it. That is not good, and that is not how you work.

We raise our children on the land and that is why we know. All of our kids used to work in the bush. They used to get everything off the land, water and wood. That is how they know it. If you work as though you do not know what it is you are working about, then it is not so good. That is the way it seems we are talking. For me, my land is like my pillow. If I die, I will be six feet underground. Then I will not be able to say anything or talk to people. That is the way people work, and that is not good. If somebody wants to make money, then they can say, 'We can do things this way. There is oil and gas, so let us do exploration.' I do not like people asking me - everybody wants everything for themselves; that is how they do things, and it is not good.

In the future, what we leave for our children, that is how we are supposed to work. We have to get things for our children, and that is what the Inuit people want, too. That is how it is supposed to work for everybody: Dogrib, Chipewyan, everybody.

I have never sat before at this kind of meeting. Sometimes it is not too good for me. In the Barren Lands there is an old lady who stays there. Every summer people go over there. For three summers we have gone there and talked to her and prayed to her. She told us, 'Last year they operated on me for cancer. I do not want a dam built on that river.' There are places like that, so that is why we have to look at this carefully and work well. Where the woman went into the ground there is still fire and smoke, you can still see everything. We have to watch places like that. On this land with the caribou and all of the animals, that is what native people live off.

—Applause

CHAIRMAN (Mr. Pudluk): Representing the Gwich'in, David Krutko.

Presentation By Gwich'in Tribal Council

MR. DAVID KRUTKO: Thank you, Mr. Chairman. (No English translation...) The cost of creating a new territorial government may reduce the services in the western territory.

Some of the options that the government may consider implementing as soon as possible are: The community transfer agreement, which would, somehow, include regions. This will reduce the need for services to be delivered out of Yellowknife; consider combining coats with the claims implementation institutions which will be established under the Gwich'in Agreement; revisit the current capital expenditures in Nunavut and reflect the needs for the Nunavut institutions that will be needed for that government examine the ways for the transfer to divide the territorial programs and services with regard to health, social services and education, in an equitable manner,

We would also like support from the Inuit leaders for the Gwich'in self-government, to protect the aboriginal self-government in the West. For example, if the Gwich'in have difficulties with the Government of the Northwest Territories on self-government negotiations, the matter may have to be resolved in this Legislative Assembly. At this time, we would like to mention that support may be needed at that time. With that support, the Gwich'in are willing to support the Nunavut in their aspirations of establishing a self-government arrangement with the creation of Nunavut, similar to the way the Gwich'in will be establishing a self-government arrangement through our self-government framework agreement.

The other concern we have is the question of the Bluenose caribou herd which inhabits both territories, the West and the East. There has to be an effort made to have a management regime in place, as soon as possible, to resolve the issue of the habitat of the caribou herd,

The Gwich'in strongly support the aspirations of any aboriginal organization in the North, in the South, or wherever, to take it on by themselves to do things by themselves and take more responsibility for their lives and control for their peoples. We support the aspirations of the Nunavut group, and also the question of division. Thank you.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. Inuvialuit Regional Corporation is next. I would like to remind you that we have a time limit for opening statements.

Presentation By Inuvialuit Regional Corporation

MR. ROGER GRUBEN: Thank you, Mr. Chairman. I would like to thank the MIAs and, as well, the Legislative Assembly for allowing us to make some comments with regard to the upcoming plebiscite and, as well, the constitutional process that is currently under way in the Northwest Territories.

The Inuvialuit continue to support the aspirations of Inuit to achieve a measure of self-government through the establishment of Nunavut. We believe that progress in the area of self-government, including the creation of Nunavut, is long overdue. Like the Inuit, the Inuvialuit have been working continuously toward a model of self-government for over 15 years and, to date, we have not achieved significant results.

Division of the NWT is a very controversial issue in the Western Arctic. Many Inuvialuit favour their inclusion in a Nunavut territory, while others would prefer to be in a western territory. At this time it is not possible to predict how Inuvialuit would vote on a plebiscite question. The IRC believes that the vote in our area on the plebiscite question will depend, in some part, on voters having information in regard to, basically, three fundamental questions:

1) The issue of the costs of dividing the Territories, which to date has been addressed to a certain degree; however, there

has *not* been any great detail or certainty attached to any of those figures.

2) How will the government ensure that there will be no reduction in the level of services after division? And again, Mr. Chairman, we recognize that in the plebiscite question there is the contemplation for there not being a reduction in services, but how do we know? And what kinds of qualifications are there going to be that indeed there will not be any lessening of services or lowering of quality of services for the people in the part of the Territories that remains after Nunavut is created?

3) What protection, including protection of the Inuvialuktun language and culture, will we, as an Inuvialuit minority, be provided with in whatever territory we are located in?

During the past several months the Inuvialuit have participated aggressively in various constitutional forums, both at the national and at the territorial levels. We have also had extensive consultations within our Inuvialuit communities. TFN conducted regional workshops and, as well, assemblies. Representatives of governments and, as well, other aboriginal groups, community leaders from our Inuvialuit communities, were all in attendance at these consultations.

We have conducted our activities with the objective of playing a positive role in the constitutional development process and assisting in the achievement of self-government for all peoples in the North, including the creation of Nunavut for the Inuit. In particular, we have put forward substantive proposals to assist all parties to be more comfortable with the current schedule for constitutional development.

For example, in our proposal to Mr. Bourque's commission on constitutional development, we suggested several fundamental principles to be incorporated into a western territorial constitution, to provide cultural and linguistic protection for all aboriginal peoples. We also outlined to the commission our aspiration for the establishment of a Western Arctic regional government. In putting forward our proposal for regional government we are not suggesting an untried new form of government or governmental institutions. Regional governments have been operating for many years with great success in other areas of Canada and throughout the world. The North Slope Borough in Alaska and the Kativik Regional Government in Quebec are two very noteworthy examples of effective northern regional governments,

North Slope Model Of Effective Northern Regional Government

We did take a study tour to the North Slope of Alaska, Mr. Chairman, and we studied the Inupiaq, the Alaskan way, of self-government. That resulted in a report that we have made available for distribution to various Members of the Legislative Assembly. We have made that report available to Jim Bourque's commission on constitutional development, and we feel that the model for how the Inupiaq in Alaska run their form of government, through a regional government, is quite workable in the Western Arctic.

With representation from their communities they are able to bring decision-making closer to the people that they represent. As an example, they are able to provide increased and better services to their people, which number only 6000. They are able to make decisions that are going to better enhance the standard and the quality of living of the people within their boundaries of the regional government. For instance, one decision they have made which is going to be so beneficial for them in coming years is that they have decided to put grade 12 schooling in all of their communities, regardless of the size of that community. Can you imagine what would

happen if we, as the Inuvialuit or any other region of the Territories, had that ability to make those kinds of decisions at the regional level, so that the beneficiaries of that regional government are able to see immediate and long-term benefits?

We heard before from the TFN representatives of the need for better education. We think, as the Inuvialuit, that the setting up of a regional government is one way to realize the required level of education to run a particular form of government.

The Inuvialuit are very pleased with the efforts of the commission to date and their ability to provide a substantive interim report within the established timetable. In particular, we are encouraged by Jim Bourque's commission and their support for the decentralization of powers and authorities. We also believe that the Inuvialuit proposal for a Western Arctic regional government can be accommodated within the concept of district governments put forward by the commission.

Mr. Chairman, again I would like to stress to the Members of the Legislative Assembly that we are taking the report of the commission very, very seriously. We heartily endorse a majority of the recommendations, in particular the recommendation that refers to district governments. We recognize that the commission, through the language and through the recommendation on that particular issue, is, in many ways, making references to regional governments. We are anxiously looking forward to the continuation of the work of the commission.

We feel, as the IRC, that when we are talking of a regional government that we are not pursuing anything different from what the current Government of the NWT is proposing. For many years, and more strenuously now since the election last year, there has been a lot of talk and there have been a lot of initiatives undertaken for the setting up of community governments. That is the initiative, we understand, from the Executive Committee of the government. However, I think they recognize and we recognize that to date there is no vehicle within the legislative process within the government that would allow for any community to pursue and achieve a measure of self-determination if they wish to do so.

I would say, check the record; you had some existing legislation before and some processes that were available to communities and residents of the NWT. Can you name me one community across the North right now that is self-governing? I do not think that you can. To me that means that there is something fundamentally wrong with the process.

Vehicle For Inuvialuit Regional Government

We are quite prepared as the Inuvialuit to suggest a vehicle for us to achieve regional government. And right now we are working with Members of the Legislative Assembly to put together draft legislation that would allow for the creation of regional governments. And, Mr. Chairman, at your request, I will provide that draft legislation to all Members of the Legislative Assembly, if you feel it would be worthwhile and contribute to the process. We have been working on that draft legislation, recognizing that at some point we will have to develop legislation anyway.

So back to my comments on the commission. Based on the commission's progress to date, the Inuvialuit would suggest that the commission continue its work into phase II, with the objective of finalizing a western constitution for presentation to the voters by the spring of 1993. Regional and local consultation, including the review of a draft constitution by a constituent assembly in the fall of 1992, would be essential components of the commission's work in phase II.

The Inuvialuit will continue to work toward developing measures to provide sufficient protection to aboriginal peoples. We will also attempt to play a constructive role in identifying and ensuring that government commit sufficient resources to allow division to occur without negative effects upon the services delivered to all NWT residents.

In closing, I will provide a few comments on the current process. I think we all realize that we are here today in this type of forum because of TFN and their ability to get Canada to include a Nunavut government provision in their claims settlement. TFN and their legitimate aspirations for self-government are driving this process, and we must all be prepared to accommodate the necessary timetables. Toward this goal, the Inuvialuit have worked very hard at developing our positions on division and recommending the necessary steps required to assure that all aboriginal peoples are provided with the opportunity to achieve a measure of self-government. We will continue to work with all parties to promote a positive result on the plebiscite and facilitate the creation of Nunavut and the establishment of similar self-government opportunities for other aboriginal peoples in the NWT. Thank you very much, Mr. Chairman.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. The last presentation is from our non-aboriginal representative, Mr. Dent.

Presentation By Non-Aboriginal Representative

MR. DENT Thank you, Mr. Chairman. Mr. Chairman, I was asked by several of my honorable colleagues in the Legislative Assembly to speak today on behalf of the non-aboriginal people of the NWT. If time had permitted, Mr. Chairman, we would have looked outside the Legislative Assembly for a representative of the non-native people of the NWT. However, this public discussion was organized in an extremely short period of time, making it virtually impossible to establish a process to select one person who could represent the widely diverse community of non-native peoples of the NWT. John Pollard, Brian Lewis and Michael Ballantyne, the other non-native MLAs from the Western Arctic, asked me to speak on behalf of non-native Northerners because of my involvement with the current western constitutional committee of political leaders. So I accepted this task, but with great reluctance, and on the understanding that I cannot speak on behalf of the non-native people of the Eastern Arctic.

Non-aboriginal people are represented in every region of the NWT and, as with native people, their concerns and aspirations differ from region to region, from town to town, even within towns. I do not believe that one person can speak on behalf of all non-aboriginal people of the NWT, any more than one native person can speak on behalf of all the Dene, Inuit and Metis people of this land. Nevertheless, it is important for a non-aboriginal voice to be heard at this discussion, to voice at least some of the concerns that other non-native Northerners have stated to us and to express our own concerns as long-time Northerners who want the best for the NWT.

Mr. Chairman, we do not believe there is significant concern among non-natives in the NWT over the location of the proposed line for dividing the NWT that all Northerners are being called to vote on, on May 4. There is, however, a great deal of concern over, and probably opposition to, the actual concept of dividing the NWT into two separate entities. It is important to note, Mr. Chairman, that most of these concerns are based solely on the financial implications of division. We firmly believe that the majority of non-native Northerners support the aspirations of the Inuit in creating a homeland in

Nunavut. However, it is only natural for the non-natives to ask, "At what cost will division occur?"

Non-native Northerners want assurances that all residents of the Western Arctic will be able to vote on a constitution for the new western territory that will be created by division. Further, Mr. Chairman, non-native Northerners in the Western Arctic cannot support division without the firm knowledge that if a new constitution for the West contains guaranteed representation, it will be guaranteed for all.

Non-native Northerners on both sides of the proposed boundary will also have difficulty supporting division, I expect, if it results in any loss of services currently provided by the Government of the NWT. Mr. Chairman, non-native residents also want assurance that division will not result in a further carving up of the already inadequate funding we receive through transfer agreements with the federal government. We need to be convinced that long-range planning will be undertaken to ensure that division will minimize any negative impact on current employees of the Government of the NWT, and there is also a concern over how non-native rights will be affected by division and by native self-government.

Mr. Chairman, it is said that there is strength in unity. Well, Northerners know from our past dealings with the federal government that much of our strength lies in our ability to work together and present a unified front. There is some concern, then, that if we carve the North into two halves and then further slice it into autonomous regions, we run the risk of weakening our central government and subsequently any strength we enjoyed in dealing with the federal government.

Mr. Chairman, most non-native Northerners fully support the concept of native self-government, but this is also our home. I would like to emphasize that we feel we have the right to be part of the process. Thank you, Mr. Chairman.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. Before I ask Legislative Assembly Members to comment, we will take a 15-minute break. When we come back we will start with any Member who wishes to make a 10 minute statement. It will be limited to 10 minutes.

—SHORT RECESS

I call the meeting back to order. Now I will allow any Member who wishes to make a statement. We will have a 10 minute limit, Mr. Koe.

Statements By Members Of The Legislative Assembly

MR. KOE: Mahsi, Mr. Chairman. I would like to thank all the presenters for being here and going through this process. I think it is a new era and new ground that has just been opened for future groups and future issues such as this. I have a lot of respect for TFN negotiators, and all negotiators that have been involved in land claims or aboriginal rights, and especially TFN in their ability to get the proposed Nunavut territory into their claim and to bring it to today's session and whatever the future holds. I have one concern, and that was raised by the Dene Nation representatives, that it does not seem fair or just to settle one claim to the detriment of another, and I believe and have been involved in negotiation processes where groups should be able to settle boundary issues by themselves. They must be given a fair opportunity and be allowed to do this.

I personally have no problem with the principle of division, but at this time a lot of my constituents do, and subsequently, I think they may not support the question of the boundary

issue, The reasons, I think, are no secret. There is a fear of the future; and what are the cost implications to all Northerner? What will the future costs and impacts be on the western territory? What will they be on an eastern territory? How will these costs impact on government's ability to deliver programs to residents? The plebiscite is a question that division will occur to respect the opportunity of residents in the Mackenzie Valley and Beaufort areas to develop new constitutional arrangements in the future for the western part of the NWT, and it has been mentioned that for this to happen there are no guarantee that any constitutional arrangements will be negotiated.

There are so many constitutional processes that are occurring now. We have the NWT constitutional process; we have the National Unity constitutional process; there is also an aboriginal constitutional process; and all have different timetables. I do not think we can assume that the recommendation they come up with will be the same, or all have the same time frame to finish. We know that for a fact. I think that in our term as MLAs we may never resolve these issues, yet on May 4 we are expected to vote similarly with the public of the Northwest Territories on this plebiscite issue. I feel it is much too quick. As a consequence, there may be a "No" vote from the West, and I for one believe this to be totally unnecessary. What is required is maybe some further negotiations between the Dene Nation, the Chipewyans especially, and the Inuit, and maybe some alterations to the boundary line could be made, and then we may get a satisfactory result. That is all I have to say at this time, Mahsi.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Arvaluk.

MR. ARVALUK: (Translation) Thank you, Mr. Chairman. I am very happy to be in this House when we are able to sit down with the delegation of aboriginal and non-aboriginal leaders of the Northwest Territories and discuss the future of our respective societies. At the outset, I want to say that I am one of the victims of the colonial system of the federal government. I am one of the victims of social genocide when the whalers, the Hudson Bay Company and the RCMP came to rule our land on their own terms and pleasure. I am pleased to see my former colleagues of the past 20 years who are still very active in the struggle to bring justice and self-determination to their people through land claims and through the creation of self-government.

To my friend from Inuvik, I have been involved in trying to achieve Nunavut for 20 years. It is not that we just heard about it and we are going to vote on May 4 at the plebiscite; we have been working for almost a quarter of a century on that. Everybody knows that. Everybody had an opportunity to do that. I remember in 1971, we had a staff of five people in the Inuit Tapirisat of Canada. There was no funding from the Secretary of State. All the funding for us was through donations. I, for one, was living in the YMCA with no pay for six months. I was the executive assistant to the president. I think we should realize that it is not just an aspiration of Nunavut residents to create a Nunavut territory. It is not only an aspiration. They have been working on it for a long, long time. Sometimes it was impossible to continue going forward. Sometimes we had to stop and think of where we have gone, what we have done, what we could do, and proceed again. We were fortunate that our friends across the ocean, Kallaatiit Nunaani were able to achieve a home rule. That caused us again to drive more, even harder, so that we too sometime would like to achieve that aspiration to finally start running our own land and the destiny of our people.

It is not a separation to divide the territory into two. I

sincerely hope that we still will be able to work together on the issues of wildlife management, hunting rights, as it is clearly a region in the agreement. The issue is not whether you will be able to go hunting over the border any more. We have been doing that all the time. I am in the Dene country. I could hunt here. A Dene person can go to Coral Herbour and hunt there. It is perfectly legal. The question is, to have a government that can administer its own people with the common grounds, common land, that could be best served without too much spending, thousands of dollars discussing and discussing, without being able to come to an agreement, like we do in this House sometimes. There is a lot of money spent on that. Money we could use to build houses and airstrips. The government could tell you how much it costs per day here.

I would like to assure my friends that we are not breaking away from the other part of the NWT. We are trying to achieve our goals and objectives and our dreams so that we could live in a more peaceful and understanding way within our own homeland. Thank you very much, Mr. Chairman,

CHAIRMAN (Mr. Pudluk): Thank you. Member for Kitikmeot.

MR. BERNHARDT: Thank you, Mr. Chairman. I would like to thank the people who gave their speeches. I understand you put a lot of years and hard labour into what you are trying to accomplish. But before I go any further, historically the people of Coppermine and Cambridge Bay have always been connected with the Western Arctic in essential services such as hospitals, schools, health and social services. I hope that we will continue to have these services, preferably written in stone.

Geographically, should Nunavut become a reality, which I hope it will, we will be in the western part of Nunavut. We have a different form of writing, like Roman orthography, than the remainder of the proposed Nunavut territory. We would like to see us continue our own way of writing. We must be guaranteed and given any opportunity to hold on to our culture, and we would like to grow economically and socially within Nunavut territory. Because I think it is important that we sort of become independent, because from what I am seeing in sitting in the Legislative Assembly, it is pretty hard to get things going in the region that I represent, so I would like the people of Nunavut to listen to what we have to say in the Kitikmeot Region. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Member for Amittuq.

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Chairman. I would like to welcome the delegations, the Dena Nation, as well as the Gwich'in Tribal Council and the non-native MLA from the West, also the Tungavik Federation of Nunavut, for airing their thoughts on the division of the Northwest Territories. (Translation ends)

Nunavut is the aspiration of my people who are living far in the East. To us living in the far East, Yellowknife as headquarters, is similar to Montreal being administered out of Alberta. It is just about as far as that. It is not sensible that a territory of this size should stay in one territory. For example, Mr. Chairman, since the election I have not been home, because it is too far away to go home. This creation of Nunavut territory is the aspiration of my people, it is not going to go away. Like TFN said, it has been attempted all through the years to come up with a boundary.

Back in 19S6, with the assistance of the Dene Nation, Metis Association, TFN and this Legislature, it was agreed in the Iqaluit Agreement that they would come up with a boundary. We asked the Dene Nation, the Metis Association and TFN to come to an agreement by talking together. They were not

able to. For seven years they talked and they were not able to come to an agreement on a boundary.

Finally, because of the TFN claim coming into reality, the Government of Canada had to do something. The TFN claim had to have a boundary. So they asked the former Commissioner of the NWT to solicit information, consult with the Dene Nation, Metis Association, all the people in the NWT, to come up with a boundary. As a result we have a boundary that has to be ratified or not ratified on May 4th.

I would encourage everybody, people in the East, people in the West, to come out and vote on the plebiscite boundary. Mr. Chairman, I have been asked by our Member of Parliament to read his statement into the record, if I am permitted. This statement comes from our MP, Jack Anewak. He says:

Statement From Jeek Anewak, MP, Eastern Arctic

"I would like to thank the caucus of the 12th Assembly for this opportunity to make a presentation on the boundary to divide the NWT. I regret that prior commitments prevent me from making this submission personally.

● As Members of this Assembly know, Nunavut has been a long-standing desire of Inuit in the East. Inuit have worked long and hard to get to this point today - the point of deciding on the actual boundary for Nunavut. Along the way many obstacles have been overcome, but the process has been steady. Nunavut will be created. It will happen because it is the necessary and natural outcome of the people's wish for self-determination in their homeland.

"I do not believe there are many people in the NWT or in Canada as a whole, who would want to deny the Inuit their right to self-determination in their own homeland. The high level of support Inuit have received for Nunavut from non-aboriginal peoples and other aboriginal peoples, both within and outside the North, must be acknowledged and recognized.

"Nunavut itself is not the issue on May 4th. Neither is division. It is important that everyone understands this. The division issue was settled in the plebiscite of 19S2 when the majority of the people of the NWT voted in favour of division. The Government of the NWT and the federal government have committed themselves to division. That commitment is spelled out in Article 4 of the TFN land claim agreement.

"The vote on May 4th is the next important step in the process toward division and the creation of a Nunavut territory and a new western territory. The vote on May 4th concerns the boundary between the eastern and western territories. On May 4th the people of the NWT will be asked their opinion on a particular boundary line. This boundary line was agreed upon between the representative of the federal government and the Tungavik Federation of Nunavut. A 'Yes' vote would simply establish this boundary as the one which would separate the eastern and western territories. It does not mean division will occur immediately.

"At the Nunavut Leaders Summit in Iqaluit in January, 199S we set the target date for the establishment of Nunavut. This is seven years away. This time frame, which is a little longer than the one initially proposed, will give all of the people of the Northwest Territories more time to prepare for division.

"Confirming a boundary for Nunavut is a necessary step in the process. Prior to the boundary vote on May 4, the federal and territorial governments must deal with some of the concerns which have been expressed, particularly in the West.

"Concerns about cost and services must be laid to rest. We all want to ensure at least the same level of service we have

today. We must ensure that the federal government lives up to its commitment to division by providing the necessary financial resources.

"In conclusion, I want to comment on the voting age for this boundary vote. I believe it is preferable to lower the voting age to 16 so that the youth in Nunavut will have the same opportunity to vote on the boundary question, as on the land claim ratification. The future of the youth is at stake. If they are old enough to vote on the land claim, they are old enough to vote on the boundary issue. Ten years from now the 16 year olds will be 26 years old and many of them will be leaders. We should not deny them the opportunity to have a voice in the shape of our future. I urge this Assembly to lower the voting age to 16 for this particular vote.

"I urge all NWT residents to carefully consider the consequences of their vote. The importance of Nunavut to the Inuit must not be underestimated. Nunavut is the supporting pillar around which the TFN land claim is built. Nunavut also provides western NWT residents with the opportunity to design and develop a government which truly reflects their own values and aspirations.

"With good will and co-operation we can build together a new and better north for our children. Thank you. Jack Anawak, Member of Parliament,"

Mr. Chairman, as Jack Anawak states, it is the aspiration of the Inuit, and I would urge all people in the Northwest Territorial to vote 'Yes' on this boundary. Qujannamiik.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Pudlat.

MR. PUDLAT: (Translation) Thank you, Mr. Chairman. First of all, I would like to thank the representatives who are here before the Legislative Assembly, talking about their respective organizations. I would like to thank all of them. I know that years ago you did a great deal of work to realize your aspirations. I think we all know that we have to go ahead each as an organization, in our own homeland.

We all know that in the 1940s we started realizing that our grandparents taught us that we had to take care of our own lives, rather than have somebody else run it for us. We have to live off the land, and we have to take care of our own wildlife. We realize, today, that even some of the animals that we used to be able to hunt, we can no longer hunt. We can still hunt them today, but only in a limited number. Today, we live as we please because our grandfathers told us to live that way.

Looking at what our ancestors told us, sometimes we have to work very hard to keep the wishes of our ancestors. I think we have to realize that we have to go ahead and change what we want, as individuals, so we can start a path for our young people to continue the way they want to. We have to make a good future for our people in the Northwest Territories. If we do not work for them now I think we are going to make a hard life for our future generations. I think we have to work with each other and to try to understand each other, so that we can do a good job for the future generations. We have to think about how our ancestors used to work together. They had a hard life because they had to migrate to where the game was.

In conclusion, I would like to ask us to work together during this upcoming boundary plebiscite because it has been worked on for quite some time. Thank you, Mr. Chairman.

—Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Kakfwi.

Idea Of Division Not New

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. I am also pleased to have had the opportunity to listen to the presentations made by the organizations and leaders today, I believe that this forum is important, because we have a high commitment to keep ourselves informed and to keep the public informed as well, about the issue of division, the work to arrive at an acceptable boundary, and the history involved around division and the commitments which have been made to if in the last 30 years.

As the TFN has pointed out, division just about happened in the 1960's when the federal government presented a bill that died on the order paper. This was proposed at that time by the federal government, recognizing that the territory was too vast to be governed by one single government, or administration. However, it has been a fundamental basis for federal policy, since then, that the question of division in any political and constitutional development of the North would be made by people here in the Northwest Territories.

In following the plebiscite in the early 1950s, the various organizations and the Legislative Assembly convened a conference that led to the creation of the Constitutional Alliance. This was based on the fundamental assumption that we all had to work together to support and give forum to the particular aspirations that each one of us has for our future. With the result of the plebiscite at that time there was agreement to divide the Constitutional Alliance into two parts; the Western Constitutional Forum and the Nunavut Constitutional Forum. It was based on the fact that division was accepted as a given, and that the West had to work to get its act together to devise a constitution. Ten years later, we are just beginning again to work toward that process, I think it is important for all of us to look at the principle of why some of us support division. You have to be careful, I think, to not over-simplify a rather complicated issue. It is true that the Inuit have aspired to have their own territory, their own government, and a claim implemental within that jurisdiction. Consistently, as far back as people like myself remember, when the claims process was first initiated by the Inuit, that is a reason to support them. It is the reason to support the Dene and the Metis and the Inuvialuit, and every other aboriginal group that aspire to achieve their own goals, to support them in their quest for claims and their quest to create and give form to the type of government they want to govern themselves under. But the question comes, how long do you hold one group back because others are not prepared to move?

I think that is a fundamental question that is going to plague all of us for the next while. As you know, it plagued us when the Inuvialuit chose to set up a regional claim due to the fact that the ITC claim back in the 1970s was faltering. The Inuvialuit worked to set up their own claim, their own organization, and despite objections from others asking them to hold up and come back and work for the common good, they went ahead, and they have achieved the things they set out for. When the Dene/Metis claim started to fall apart, the Gwich'in came and said they were prepared, willing and able to go after a regional claim, and there were those of us who did not support them. There were those of us that said they should wait. There were those of us that said they were not ready, but they went ahead with the support that some of us gave them, and they have achieved certain things as well, so the question comes up in my mind, how long do you oppress one group and hold them back because other groups are not ready, are not willing, or are not organized, or are not interested enough to make some movement? I do not know the answer to the question, but I do know that in each of

these cases, good things have come as a result of the efforts of some of these groups. Personally, I believe that the TFN has to be given full support. I think it would be a disaster of some proportion if the plebiscite vote was a decisive "No" if that affected the ratification vote of the TFN claim, because we cannot have another seven years of talking about where the line should go, and we know that in 1988 Dene chiefs negotiated a deal. It was the Chipewyan chiefs. It was the Dogrib chiefs. It was Sahtu chiefs. It was the Metis leaders that negotiated and signed that boundary agreement. You cannot get any better than that and yet we failed. There does not seem to be any new element that could be injected into the boundary discussions at this time, that can promise us a better result. But what has been more startling for me in more recent months, is the realization that in spite of the fact that institutions like the Legislative Assembly, like the Government of the Northwest Territories, are not institutions that our great-grandparents grew up with, it is not the institutions that our parents grew up with, that our people identify with, it is hardly even institutions that we, as the present generation, can say are part of our traditions and our values.

Some of us have only been here a few months as Members of this Legislature, but I get a bit alarmed when I think about how quickly we become afraid to change things; how quickly we seem to run to the defence of keeping what is here. I find that alarming, because I know that to change anything is difficult enough as it is. I always thought it was to our benefit that most of the institutions that we want to change, and the laws, are recent creations, and that we of all people should have the least interest in trying to protect. In fact, we should try to take advantage of any momentum for change so that we can bring about better things. But it is difficult, I think, at times to see it, because the level of interest and the level of commitment to bring about change is really sometimes drowned in a sea of ourselves looking after our own particular little constituencies, and we fail often to see the big picture.

Myself, I am an optimist. I believe that only good things will happen as a result of a "Yes" vote in the plebiscite. I think the move towards division will be orderly, the concerns of the non-aboriginal people will be taken care of.

CHAIRMAN (Mr. Pudluk): Mr. Kakwi, your time is up.

SOME HON. MEMBERS: Agreed,

CHAIRMAN (Mr. Pudluk): We agreed we would have a 10-minute limit. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. One of the main things that has been working against the aboriginal people is the perpetuation of this myth that institutions and values rooted in the history of Europe are better than that of aboriginal ways that sustained our people for over forty thousand years. We must be able to establish institutions and forms of government that draw on our own strength as people. We must have a justice system, for instance, that incorporates the concept of reciprocity and consensus, and forgiveness through which our communities maintained law and order in pre-European times.

We must have the freedom to develop a social safety net that incorporates our notion of family responsibility and interpersonal caring. What I am talking about here, Mr. Chairman, is our essential right to self-government. Much has been said about the issue of aboriginal self-government. I certainly do not want to seem repetitious, but it seems like the question, again, is becoming hung up on the matter of the universal definition of self-government and of inherent right. I can understand the fear that non-native Canadians have with respect to this issue, within the narrow and inflexible European conceptualization of nationhood and sovereignty on maps that

show boundaries, build armies, establish social control and whatever else is needed to protect ownership over the land. In the Dene world view, I have learned that the way of thinking about a nation has always seemed foreign to me. Frankly, it seems to inflict some of the worst characteristics of human nature. We, the Dene, have never owned the land. We have been a part of it, and it has been a part of us. We look after it and it sustains us. We do not believe in boundaries which prevent others from accessing our hunting areas, or exercising a franchise for the making of political decisions. We have believed in the power of community and, in the wisdom of our elders, to govern our conduct together. We have valued the importance of living in harmony with others and have embraced the idea of a philosophy on the basis of our physical and cultural survival. With these basic values there is little room for concern over the European notion of sovereignty.

In Denendeh, the Greet Spirit holds a deed to our territory. That is our view of sovereignty. For this reason, the legal argument presently raging about whether or not an inherent right implies sovereignty seems somewhat irrelevant. We do have the right to govern ourselves. We were born with it because our parents and grandparents had it, and never gave it up.

When our forefathers were negotiating Treaty 8 and Treaty 11 they were doing it on the basis of a nation-to-nation dialogue. The Dene were recognized by the non-native signatories as a nation. We still have the rights that our forefathers had before, during, and after the signing of the Treaties. We have them because we did not choose to give them away. Since our right to self-government is inherent it is a part of our being. It is a part of our relationship with other Canadians. It is a part of our history and our contemporary presence in this world.

This has never implied the desire to make boundaries within Canada, that prevent others from realizing their legitimate destiny and living in harmony with the Dene people. This has never reflected our desire to establish a sovereign nation in the European sense of the word. What we want is the ability for our community to be able to decide what kinds of government services and programs should be supplied to the people and the community. We want each community to be able to develop its own model for making this happen.

One of things that has been happening during the last 20 years - again, with regard to the whole thing that has been reflected by land claims - is a separation issue that confronts our country at the present time, with the division of the Northwest Territories. They are, no doubt, aware that the people of the Northwest Territories have long been considering the concept that this jurisdiction should be divided to create an Arctic homeland for the Inuit, and a separate Western Arctic territory. Both would remain in Canada but would function as independent territories and, perhaps, some day as provincial units.

I believe in the establishment of Nunavut. I have supported the concept in the Legislative Assembly because my Inuit colleagues have embraced this as a dream for many years. Like them, I would like to see their dream of an Inuit homeland become a reality.

On April 4, 1982 a bare majority of Northerners voted in favour of dividing the Northwest Territories in a plebiscite. Now, on the basis of a 10-year old vote, a proposed boundary has been endorsed by Hon. Tom Siddon, and the people of the Northwest Territories will be asked to ratify it in a second plebiscite to be held in May of this year.

I spoke earlier about my feelings on the issue of boundaries.

This is just another example. Last year, when the Gwich'in claim was agreed upon there was a strong reaction from the Government of the Yukon because the claim area crossed the Northwest Territorial/Yukon border. With the Nunavut claim there is continuing concern that the boundary has been drawn too far to the West, precluding the Chipewyan Dene of the Great Slave to their traditional hunting areas. As you are aware, there is also concern that the TFN claim offends the legitimate interests of Chipewyan communities in northern Manitoba and Saskatchewan. In my view the Canada I would like to see is one in which First Nations are less constrained by boundaries, property rights, reserves, and non-native designation, and so on. Until these issues are resolved and on a constitutional level, I will not be willing to support the ratification of any boundary that will divide the Northwest Territories.

I believe in Nunavut and the legitimate aspirations of the Inuit to establish a territorial homeland, but the timing is wrong right now. I believe, also, Mr. Chairman, that the creation of Nunavut could become a reality with or without a boundary.

--Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Arngna'naaq.

MR. ARNGNA'NAAQ: (Translation) Thank you, Mr. Chairman, I will be talking in Inuktitut. I am glad that we are able to get together and discuss this issue. I would like to thank the people who have come.

I would like to say today that I have not had the opportunity to consult the people in my constituency, Baker Lake and Arviat. Therefore, I am not able to speak on their behalf on this topic. However I will point out that the majority of these communities voted to divide the Northwest Territorial. In total 538 people voted, of that 88 per cent voted 'Yes.' According to this, people in Baker Lake and Arviat do want Nunavut.

In listening to the Dene Nation, I was touched, because the people of Baker Lake also use the Thelon River. People from Baker Lake hunted, trapped and fished even in the Thelon Game Sanctuary until the 80's and the 70's.

The people of Arviat did not always live on the coast. Ahirmuit and Padleimuit were from the Ennadai Lake area and they would travel as far south as Churchill, Manitoba. The Inuit and the Dene were able to use these areas for hunting. However when the Europeans came they set boundaries. Our elders did not live by boundaries.

I stated earlier that I had not consulted with my constituents, but this is something I wanted to voice. Thank you.

CHAIRMAN (Mr. Nerysoo): Thank you. Mr. Ningark.

HON. JOHN NINGARK: (Translation) Thank you, Mr. Chairman. I would like to thank the participants: James Estoolook, John Amagoalik, Liza Enzoe, Antoine Michel, Roger Gruben, Charles Dent and David Krutko. I am glad to be here with you today. We do not always agree on the things that we do, even at home. There is sometimes lack of communication with our wives and children too. However the more we communicate the more we can understand, even though there are hardships. We can take out our stress and then be more comfortable with ourselves.

The division of our land was previously voiced in a different way. I would like to say that we are all from different areas. I wish to tell you that I look for the time we can live in harmony and think of the future of our children. We have been told that our land belongs to the Crown, the Queen, and the government in Ottawa is responsible. Our ancestors went

through a hard time to be recognized to have this land, when it became the federal government's responsibility. When I first heard this, I used to think that perhaps it might be impossible to take it back. But today as we voice our concern and through our negotiation, the Dene, Metis and Inuvialuit and Inuit, it is becoming more of a reality that we can have our land again and call it our own. (translation ends)

I do not have any real issue that I would like to bring up in this House. I have no problem as to whatever the Dene and Metis are trying to do. Honestly I do not. I do not have any problem with what the Inuvialuit are trying to do. Honestly I do not. I hope that everything goes well for each and every organization, namely Dene and Metis, Inuvialuit and Nunavut, which I belong to.

Mr. Chairman, however I want to talk briefly about the obstacle that is keeping us from settling our land claim. I ask myself that question many, many times. What is the obstacle that is blocking the road to the promised land? What is keeping the Inuit and Dene and Metis from settling their land claim? What is keeping the Inuit and Dene and Metis from achieving their goals and objectives? Is it the government of this country or is it the Queen of England herself? Neither, Mr. Chairman. What is keeping us from settling our land claim is that we are fighting among ourselves. The Inuit, Dene and Metis and other groups. Nobody is going to settle the land claim for us. Certainly Ottawa is not going to settle the land claim for us. The Queen of England is not going to settle the land claim for us. The people sitting here in this House are the ones that are going to have to settle the land claim and not by fighting among one another, but by working together. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Nerysoo): Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I too would like to thank the presenters and I would just like to mention to Mrs. Enzoe that I felt a little badly that she was cut off before she was finished. And I am sure I speak on behalf of the committee here that no offence was intended when the time ran out.

Mr. Chairman, I would like to thank the presenters for their general strong support for our dream of self-government, Nunavut. We cannot wait to get going on that. There have been many setbacks along the way, since the days James Arvaluk talks about when he worked along with the people who founded ITC, since the days in the early 1980s when the bill died on the order paper after second reading, which would have implemented division in the 1980s. Another major setback was the breakdown of the boundary talks on land claims in 1987, and I would just like to remind everyone that there had been many meetings of elders from the area, of just the same kind Chief Antoine is talking about starting today, and those talks succeeded in reaching an initial agreement between the Dene Nation and the TFN in 1988.

It was at the political level in Ottawa that the agreement was not ratified, unfortunately, because had that not happened we would have had a plebiscite back in 1987. Now the time has come again for a decision on this, and I would like to say I have worked on Nunavut since I have been an MIA in this Legislature 12 years ago. In the last election I said I wanted to run again to help take the next step. I know any time there is change, people have fears, and they express their fears. This is human nature.

Division Raises Fears Of Cost And Levels Of Service

I would like to just touch on some of those fears. The first one, expressed by Mr. Dent and others, will there be enough money to run these new governments? I would like to say,

Mr. Chairman, that the plebiscite question I believe makes it very clear in the preamble, that division will occur in such a way as to maintain adequate levels of public service. If you vote "Yes," you will have done so on the understanding that levels of service will be adequately maintained, and that will give the GNWT the mandate to carry that trust forward into the negotiations with the Government of Canada on finances, and let me assure Mr. Dent and other people who have expressed concern from the West, that those of us in Nunavut are just as concerned about costs and about the adequacy of financing for the new governments. We do not want Nunavut at any price. We well understand the concerns about costs, particularly in the midst of the national recession that we have right now, and that is one reason why the Nunavut leaders who met in January of this year in Inuvialuit, decided to delay the proposed implementation date to 1999. Time not only to train people, but time to negotiate adequate financial arrangements in what will hopefully be a much better fiscal and economic climate than there is right now.

I know there are some who believe the federal government will try to drive a hard financial bargain, and will tell us we have to use existing resources. I personally believe we have a chance to negotiate self-government in the NWT on a spectacular scale. We will be amongst the first in Canada. The federal government will want to establish a model that works, and I am personally optimistic that we will be treated fairly if we bargain hard. But we will go into this with our eyes open. We will be represented on the implementation and transition commission, and I want to say again, the plebiscite question makes it clear that maintaining an adequate level of financial services is really a condition of the next step forward. For those who worried about financial impacts, I want to point out that there is a tremendous cost, also, to saying "No." This will be a lost opportunity.

Positive Financial Impact Of Division

I want to point out the positive economic and financial impacts of agreeing on this boundary and taking the next step forward. According to TFN, a "Yes" vote will be critical to the ratification of the TFN claim, which will bring some \$1.15 billion into the NWT economy over the next 14 or 15 years. It will also create a stable economic climate. The "Yes" vote will also give us the go-ahead for the next step toward division. If we negotiate a good bargain, negotiating up to \$500 million one-time costs for a new capital, incremental O and M costs of up to \$200 million a year, which is another two billion dollars over 10 years, what other part of the country can even dream of such sizeable new moneys being spent in the North toward land claims and toward self-government; so this will benefit all of the NWT. In fact, it may even be a way of improving our present financial situation in the North.

In commenting on the presentations, Mr. Chairman, I also want to say to the people of Kitikmeot that division does not have to be thought of as a threat. There is no reason why services to those people could not continue to be provided by the Stanton Yellowknife Hospital, by the Kitikmeot boarding home, by the Arctic College campuses in Fort Smith and in Yellowknife and elsewhere. This line is not a wall. Just as residents of the Baffin and Keewatin purchase services outside the Territories in health and education, so residents in the Kitikmeot can do so as well. As far as their special linguistic and cultural needs are concerned, I believe the Nunavut government will operate in Inuktitut. It will be a very strong reflection of the Inuit culture and the Inuit majority, and it will support the culture of the residents of the Kitikmeot.

I want to say, as a non-native resident of Nunavut, I am not afraid of being part of a minority. We have been treated with tolerance and respect by the Inuit majority in our communities. They elect people like Mr. Todd and myself for what we

believe in, and I am confident our rights will be respected. I want to also mention briefly that I understand the special situation of the Inuvialuit. Like the residents of the Kitikmeot, their special situation must be respected. I want to say I endorse their aspirations for a Western Arctic regional government. I think their aspirations for self-government must be respected, as we must respect the aspirations for self-government of the Gwich'in in their very significant self-government framework agreement. I will support those aspirations as we move towards Nunavut over the next seven years, just as we will be grateful for their support for our aspirations in Nunavut. It is understandable that come people would like everything to stay the same.

Mr. Dent spoke eloquently about retaining a united Northwest Territories, but, Mr. Chairman, Canada will never be the same. The NWT will never be the same, because I believe the inherent right to self-government will be recognized in the Canadian Constitution. I believe that the NWT was not created by the will of its residents. It was what was left over after Alberta, Saskatchewan and Manitoba were carved out of the NWT. We are now working for the first time to create government models as an expression of the will of the people. In Baffin, Keewatin and Kitikmeot, it is proposed we will have a public government alongside the TFN land claim. We cannot wait for that day when we establish our new government closer to home. I believe we will proceed in an orderly, planned, careful fashion. That is why we have decided we should take the necessary time over the next seven years to work toward this long sought after dream. I cannot wait to go home and be part of the new government and the new territory, having laid the ground work for others to follow. Please support us and we will all be better for the precedent, the model of self-government set by Nunavut. Thank you.

CHAIRMAN (Mr. Nerysoo): Thank you. Mr. Pudluk.

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I would also like to make some comments on this issue. First of all, I would like to thank all the participants who made presentations. Now it is a lot clearer to us. The plebiscite will be on May 4th. They made it very clear what their concerns are and I would like to thank them for that.

I would like to thank the people who were involved in the 1982 plebiscite. I was always involved in this issue and I have supported it. At that time I tried very hard for the plebiscite to go through. I also tried to explain at the time what the plebiscite meant. Now we will be voting on the boundary. I still try and explain what the next plebiscite will be - the boundary.

We have worked together and there have been some negotiations about the boundary. There have been a lot of problems because some of them are living above the treeline and some of them are living below the treeline. Sometimes it has been hard. People who are living below the treeline, we are not trying to give them less. They have indicated they do not agree with the boundary; that they do not have enough land for themselves. If we say no to them right now on May 4th, I do not think we are going to settle the problem. I do not think there will be any better deals than what will happen on May 4th.

When we first started discussing this issue 12 years ago, in Nunavut a group and the Legislative Assembly were fighting among themselves. They were not going forward. But today the MLAs and the group are still coming closer to each other. We have almost succeeded in working together. Those groups that were fighting in the past they are working more closely now.

I would also like to make sure that just because there is going to be a boundary, we are not trying to separate from the Territories. To me it is mainly that we want to have self-government. Some of them have thought without really understanding the boundary. They think we are trying to separate from them. It is not that way.

We all know the people who are living in the Arctic, even non-Inuit who are living in the Territories, I know they are supporting it. The land is my land. I can say that I love my land. I am very excited that this will soon be a reality. But today it is just like we are guests in our own land. But we have to go through this and if the vote is "Yes," we are finally going to have our own land and our own ground.

Before that our ancestors used to think that they owned the land. Later on we finally realized that we have to go through all those things just to call it our land; to make it better for our children, to have their culture, their tradition and their lives. Now today it is becoming a reality. Now they will be able to feel better. The dream that we have and the dreams that our ancestors had, will finally become a reality.

We all know in the Arctic that the aboriginal people are trying to work together. It will always be that way. If one of them has any problems or concerns, we can start working together and supporting each other. For example, there was an incident in Oka. Even though aboriginal people were living in the NWT, we were supporting those people in Oka. That is the way it is supposed to work with the aboriginal people.

It is very important that the plebiscite will go through. I am fully supporting the plebiscite so we can all finally agree on the boundary. Thank you, Mr. Chairman.

—Applause

CHAIRMAN (Mr. Nerysoo): Thank you, Mr. Antoine.

MR. ANTOINE: Thank you, Mr. Chairman. I would like to thank the presenters for their views. The reason we are talking about it today is that on May 4th there will be a vote. Commissioner Dan Norris issued a plebiscite direction on February 17th and the question is: Do you support the boundary for division shown on the map above? "Yes" or "No." So on May 4th, that is what the vote is going to be on and that is why we are here.

We are also here because the TFN had requested a meeting with all the MLAs, and the decision was that other aboriginal groups should have an opportunity to also express their views. So they were invited, but I see that not all aboriginal groups are here. I know that the Metis people are not represented here. As well, there are Dogrib leaders who are in the audience, such as, Chief Jonas Sangris and Darrel Beaulieu. There is Chief Berna Unka, from Resolution, I notice that there are other leaders of the people in the audience who are going to be affected by this boundary. I also notice that there were a lot of Chipewyan people, who come from the Snowdrift area, in the audience today when these presentations were made. There is a lot of interest by the people who are going to be directly affected.

The Dogrib people who are going to be directly affected by the boundary, we did not hear them today. They did not have an opportunity to say anything today. It is unfortunate that we could not have them included in this discussion to see what kinds of views they had,

I represent communities in the southwestern portion of the Northwest Territories. I know it is far away from the boundary in question, but I am affected by boundaries of two other - a province and another territory. In Fort Liard, they are affected

by the BC border, which is 20 miles away, as well as the Yukon border. I know that they have a lot of problems because the people from that community go into northern BC - that is their traditional territory - and a line was drawn through their traditional territory many years ago by Ottawa, without their involvement in it. Today, they are suffering the consequences of not really enjoying the type of traditional lifestyle they are used to because of another jurisdiction. I see that problem when we talk about borders and boundaries.

I support all the aboriginal groups who want to pursue their own self-government. I support the Inuit in what they are trying to do in creating their own self-government, but if it comes to a point, if it is going to influence another group negatively then I have to take a second look at it. We are talking about people from other areas whose lands are going to be in question because of the boundary. Like we heard from the delegation from Snowdrift; they are talking about the areas where their traditional areas are going to be taken away from underneath them with this boundary. We have to take that into consideration.

There is also the Dene people from northern Manitoba, as well as Saskatchewan, who have come to the Dene Nation meetings many times and have expressed this concern about this boundary. We have to take those into consideration. There are other aboriginal groups out there. They have their own aspirations and you have to think about that as well.

The whole question about the wording of this plebiscite - do you support the boundary for division shown on the map above? This wording was developed without any consultation with us in my constituency, and we have some problems with that. I know there was a vote taken quite a few years ago and a "yes" vote was in the majority, I understand, but to divide the North on the boundary - we have some serious concerns about it in my constituency. The location of the boundary, because of the people whose areas are in question - the Chipewyan people and the Dogrib people, the people in Manitoba and Saskatchewan - there are problems with consultation on the wording. There was a discussion with the political leaders in my region, the Deh Cho Regional Council, and the question of not fully understanding the implications of a division, if it does happen - the utilization of resources and not fully understanding government infrastructure and what is going to happen, the economic base of the Northwest Territories and the political future of both Territories - is not fully understood. The problem there is lack of consultation, and fear of the unknown, I guess you could say, is behind our position in the people that I represent.

I would just like to make the point that I represent everybody in my constituency, including non-aboriginal people, and I would like to make a point of that. I have heard that there were people who were willing and able to give up their aboriginal and treaty rights - that seems to be a criteria for being accepted into and being recognized as a region. I disagree with that. I think there are other regions in the North that have their own views, and they should be listened to and recognized.

I just wanted to also say that I questioned who has that right to give away the land of another people. Who says that there has to be a boundary? I am saying that because of the people of Snowdrift. I know their aspirations and I have listened to them many times in different presentations, and I support where they are coming from. You have to listen to them and you have to take them into consideration.

For the rest of us, if the division does happen, then we are going to live with these people. We are going to have to make compensation to them. They are going to be at a disadvantage forever. You have to take that into

consideration. At what cost is division? Is division going to cost them their traditional area, the people from northern Saskatchewan and Manitoba? This is what you have to take into consideration. They have been presenting their cases for many years, to us, and I have heard that the discussion broke down for seven years. Why did the discussion break down for seven years? I do not know that I come from an area where there are different types of boundaries. I am far away from the present border dispute, but I have heard it at different meetings that I have attended with them.

It is unfortunate that it has to come down to this point in the history of the Northwest Territories, where we have to make a decision. Maybe somebody has to pay the price. The price that somebody has to pay is the that people whose traditional land is in question,...

CHAIRMAN (Mr. Nerysoo): Mr. Antoine, your time is up.)

--Applause

Are there any other Members who wish to speak? Mrs. Marie-Jewell.

MRS. MARIE-JEWELL: Thank you, Mr. Chairman. First of all, I would like to thank the presenters for their comments to this House this afternoon. They were very informative for the public, and I believe they have probably given the public some information to be able to address the plebiscite that we are going to deal with on May 4.

Mr. Chairman, I recognize the Inuit's aspirations for Nunavut, and I have always been on record in support of their achieving such aspirations. However, at the same time I do recognize the Dene Nation's concerns over the way the boundary was formulated, and I must state that it is generally, traditionally, not the way of native people in coming to some type of agreement. Generally, Mr. Chairman, the way for native people to address these types of things is to mutually agree to issues of concern through discussions, whether they be through forums like this or through exchange of agreements, and through respecting each other to also disagree, if need be. Sometimes I think maybe the way the boundary was developed, with the Minister of Indian Affairs asking the previous Commissioner, was somewhat resented by the Dene Nation, because for years the native people have been told how they were going to be governed by Ottawa, and we feel now that we are in an era where we can basically indicate to them what we want in the North, and we should not have to be told any more what is good for us in the North.

Cost Of Division A Concern

Mr. Chairman, there are a couple of concerns, though, that I know, that are out in the public's viewpoint. One of the most important questions that the public keeps asking even myself, as a Member, about is the cost in respect to division, even though they do agree or do not agree with the boundary, and who is going to absorb that cost. I believe that in the time that the native organizations are going to be going out and discussing the boundary, these are the types of issues they have to bring to the public's attention, to take away this uncertainty.

But at the same time, Mr. Chairman, I do also want to state that a couple of weeks back I was somewhat disappointed in reading some of the media articles in respect to the boundary, particularly in Nunatsiag News, where I read a quote from one of our MIAs, and if I may quote the words, even though I know I should not be quoting media reports, but the article stated that if the Dene want to deny Inuit aspirations, and if the western business community wants to be seen as killing

the Inuit land claim, they had better be prepared for consequences. I want to indicate that it is difficult enough for us western Members to try to convince our constituents, or western members of the public, to support the boundary in the plebiscite question, but it makes it more difficult when leaders make comments such as this. I believe it is not the way to address the plebiscite, and I do not believe it is the reflection of the Inuit people of the Eastern Arctic in ways to address this plebiscite, but I do want to indicate that it does make it very, very difficult for Members in the West to deal with this issue when we are being threatened in some way, as it appears.

Mr. Chairman, my comments will be brief. I do want to indicate that, even though I recognize my constituency is a fairly predominantly native constituency - a large population of Chipewyan people, and a large population of Dene and non-native people - even though they did not agree on division, I have campaigned on the fact that I do support the Inuit in acquiring Nunavut and that I do support the boundary. But I feel that there also has to be some way of trying to address the concerns with respect to the lands that have been traditionally used by the Chipewyan people, particularly of Snowdrift, that have been used on the other side of the proposed boundary that we are going to be concurring or voting upon. I am sure there is some mechanism that can be looked at by the Inuit leadership to address this concern, whether it be through a memorandum of understanding, or whether it be just through traditional acknowledgement that the land has always been available for resource harvesting and there is not going to be any wall or barrier that is going to restrain us from continuing to harvest these resources.

I believe with that type of indication to the Dene people that have utilized the areas within the boundary that is designated for the Eastern Arctic, it will give them some comfort to be able to also concur with the boundary and the plebiscite vote we are to address on May 4. Thank you, Mr. Chairman.

--Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. I just want to thank all those who have taken their time to participate in this discussion, particularly the leaders who have articulated the concerns they have and the issues that are necessary for us to address in terms of addressing some of the questions and the fears of the people, not only in the West but generally in the Northwest Territories, when it comes to making a final decision on the plebiscite, in particular in terms of making a decision on the boundary. I wanted to say to the people here, and generally across the Territories - because I note that a great number of people are probably paying attention to this debate on television - that I do not think that today you have heard significant opposition, or any opposition, to the idea of division of the Northwest Territories or to support for the aspirations of the Inuit. I do not think that has been expressed here today.

Fears And Questions Need Addressing Before Plebiscite

The facts are that there are fears and questions that need to be answered leading up to the plebiscite, and they deal with matters of finances, who pays, what happens to the programs and services that are presently available to the people of the Northwest Territories. What happens to the economy in the West? What happens to the economy in the East, in Nunavut? What is the relationship between the two new territories? How do we resolve the questions and concerns that have been raised by aboriginal people - the Chipewyan in Snowdrift, the Dogribs in this particular area, and the other aboriginal people in the provinces? In the presentations that

have been made, each and every one of the people that made presentations, the representative and the leaders, indicated their support for the rights of aboriginal people to self-government, to govern themselves; but it needs some answers, and I do not have the solution at this particular time, but it requires the leaders to resolve what might be some of the difference of opinion or, as my friend next to me, Mm. Marie-Jewell, indicated, some agreement whether or not it is formalized or agreed through negotiation, a solution has to be found to resolve or address the fear of aboriginal people generally.

I want to say to the leaders here that when we express our support for the right of aboriginal people to protect their rights and ensure their right of self-government, I think actions speak much greater than words, and that includes people in this Assembly. Because we can say all the good things possible about what it is we aspire to or what we support, but clearly nothing is more important than the actions of the people that want to resolve this particular matter.

I say that not in terms of trying to be paternalistic to people, but more importantly I want to see, here and after today, an effort on the part of the leaders to try to bring to conclusion some of the concerns that people have. But I also want to see, when I hear people indicate that we support the aspirations of aboriginal people to self-government, that they make every effort to put in place certain arrangements or agreements that ensure the aspirations of the aboriginal people. Because there is nothing worse than speaking highly of the right of aboriginal self-government and turning around and trying to utilize this particular forum and not making changes that reflect the wishes and desires of the people that we govern.

Mr. Kakfwi raised a point that people here continue to oppress. The fact is that not too many people here are oppressive people. To my knowledge we have not governed by force over the last couple of years, but I guess he is using the word "oppressive" in terms of not supporting the aspirations of the Inuit. But I do not think that you have heard anyone today that has fought or argued against the wishes of the Inuit.

But I do say that the issue of division is not simply the issue of Inuit aspirations, Inuit dreams; it is the issue of trying to ensure that we work together to protect aboriginal people and their dreams of aboriginal self-government. What that means is strictly a matter for the aboriginal groups to resolve themselves. We cannot, in this debate, forget that. Because it is not simply a matter of creating Nunavut. And I think Mr. Amagoalik and Mr. Eetoolook made that quite clear that that is the fact. I want to say to you that those questions that are out there still have to be answered, and I think it is important that we address them and it is important we resolve some of the differences of opinion that exist right now, particularly prior to the actual vote.

That is all I have to say, and I thank the leaders for attending, and I thank Members for giving us the opportunity to discuss this particular item.

—Applause

Question Period

CHAIRMAN (Mr. Pudluk): If there are no further statements, we will now get into question period. We will have a two hour limit -- not each.

---Laughter

I would like to say that when you ask the question, please

indicate who you are asking. I think that will make it easier for me. Are there any questions? You are allowed only three questions. Mr. Alloo.oo.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. I would like to ask the TFN people, in the event that the people of the NWT say "No" to establishing the boundary, would the Inuit from the East ratify their land claim?

CHAIRMAN (Mr. Pudluk): Thank you. Representative of TFN.

MR. JOHN AMAGOALIK: Well, first of all, if there is a no vote in the plebiscite, we would have to find out what the opinion of the Government of Canada is. Because if our Nunavut communities vote heavily for the boundary but are defeated by the majority in the West, that will say something, and we intend to go to the Minister of Indian Affairs and ask his opinion about it. After that, the ratification date for the land claims agreement will be held at the end of June and beginning of July, and it is very doubtful that without Nunavut, without the assurances of Nunavut, it is very doubtful that the TFN claim will be ratified. We have done some surveying in our communities, and we have indication that without Nunavut about two-thirds of our people are not prepared to support the land claim.

CHAIRMAN (Mr. Pudluk): Thank you. Second question, Mr. Alloo.oo.

Renewed Talks On Boundary Between Dene National And Tungavik Federation Of Nunavut

HON. TITUS ALLOOLOO: Thank you. I would like to ask the Dene Nation, they mentioned earlier that in terms of establishing a boundary, people from the Dene Nation and also TFN should start talking again, recognizing that they have tried to reach an agreement on the boundary which was not able to be reached back in 1986 and 1987. Since then they have attempted a lot of times to come to agreement on the boundary. Keeping in mind that I suggested that they should talk again, who would attend that meeting to establish the boundary? What would they do that is different from what they have done in the past?

CHAIRMAN (Mr. Pudluk): Thank you. Dene Nation.

MR. ANTOINE MICHEL: (Translation) We from the Snowdrift area including Saskatchewan and Manitoba people wanted to sit down and talk to the Inuit people about this issue. I have told Billy Erasmus quite a number of times that we would like to sit down and talk about it. We would like to resolve this issue fast. People never got back to us on this. That is why people from Snowdrift and the Dogrib Nation and people around the Thelon Game Sanctuary feel that different issues still have to be resolved. We wanted to sit down and talk to people about it. We wanted to bring elders with us, because that is how they used to do things in the old days. Elders speak very powerfully, and that is how we work, with their advice. We have to carry our elders with us. And if the Inuit did the same thing, bring young people and the elders, if we had the same number of people, we could get together somewhere and solve it. Otherwise it is pretty hard to solve it. Mahsi.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Antoine.

MR. ANTOINE: Thank you, Mr. Chairman. In the presentations the Minister responsible for Aboriginal Affairs for the territorial government mentioned that seven years went by without any talks. I would like to ask Chief Antoine Michel if he could tell us why there were no talks for seven years.

CHAIRMAN (Mr. Pudluk): Dene Nation.

MR. ANTOINE MICHEL: (Translation) I have been working on this a long time. I first became involved in 1988. We met about three times and could not come to an agreement. We did not like the way the boundary was coming up, I am sure the Inuit delegations were not too happy with that, either. When I say Chipewyan land, that is what we want. We cannot give it to the Inuit. We have to keep it for our children, too. I am pretty sure that is how they feel, too. I kept asking why we could not sit down and meet together, and now the elders are saying that the young people have their own way of looking at it. We are still looking at it. We are doing land selection work. We are doing mapping of all the traplines where the elders used to travel around. We are gathering all this information.

Over in Saskatchewan and Manitoba, those people did the same thing, too; they documented the use of the land. If someone from Saskatchewan had been here with us today, it would have been very useful. Why were they not invited? They have to be here with us and talk about this kind of thing. We cannot talk behind their backs. Some of it is their land.

When we talk about surrendering lands, I have it on the map here. It is looked at as if it were our land. We have not reached any agreement with the government. The land they are talking about leading into the Manitoba boundary - we say it is not right; we cannot give our land away. Our relatives from Saskatchewan and Manitoba make a living off that land. In Saskatchewan all they make a living from is from trapping and fishing, with not too much assistance from social services. That is the way we are, on this side of the boundary.

They always talk about quotas, and in the old days nobody knew what quotas were. We did not know. Now there are all kinds of laws and rules and because of all that, people start talking about things. It is not right. Those who are making policies and so forth. When we are talking about our land, we are the ones who are supposed to make policies. That is why we have to talk about it very carefully, including elders and all the young educated people - we should all get together and talk about it. If that happened, it would not be long after that before an agreement is reached. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Antoine.

MR. ANTOINE: Thank you, Mr. Chairman. The chief is talking about people from Saskatchewan and Manitoba. Can you tell us why? Are you all the same people? Are you all related? Can you tell the people here?

CHAIRMAN (Mr. Pudluk): Dene Nation.

MR. ANTOINE MICHEL: (Transition) Chipewyan people from Saskatchewan and Manitoba, in here that is like four communities that are Chipewyan people up here. But we have relatives in Manitoba and Saskatchewan, a lot of relatives over there. But when the borders were established in Saskatchewan and Manitoba, nobody talked to us about it. It is like they cut them off from us. Why can we not communicate with them now? Why can there not be a Chipewyan unity with people from Saskatchewan and Manitoba? That way our word would be strong. Maybe in the future we can do away with the boundary, That is what they would like to see.

What I am saying is that we are all one people together with the people from Saskatchewan and Manitoba. People used to travel and visit in each others' country. They used to set traps. Elders from that country still come to Snowdrift. They used to share the land and have traps and use dog teams in

all the country. But then with the establishment of boundaries, it is like we are separated. There are two different kinds of governments, and it is not too good. That is why we are saying now we have to get back together, because we are all one people.

CHAIRMAN (Mr. Pudluk): Mr. Amagoalik.

Rights Of Other Aboriginal Groups Not Extinguished By Tungavik Federation Of Nunavut Agreement

MR. JOHN AMAGOALIK: I just want to try to clarify what appears to be some misunderstandings. Mr. Antoine has said that the talks have broken down, we have not talked for seven years. It is the other way around. We tried for seven years to get an agreement. We did have one in 1988 and we had another one in 1987. Those agreements did not survive. We did have elders on both sides to have meetings.

I want to make it very clear that the TFN Agreement does not extinguish the rights of any other aboriginal groups in the TFN area. We want everyone to understand that other aboriginal people who come into our area to enjoy their rights, to harvest the resources of the land, will continue to do so. We had a memorandum of understanding with the Manitoba Indians, and we will be talking to them again next week in Churchill. We will be talking about hunting rights, not boundary changes. We are settling our overlap with the Inuit of Nunavik.

So I do not want people to misunderstand and think we have not tried. We have tried very, very hard for seven years, through dozens of meetings. But there comes a time when we have to move forward. We want the Chipewyan, the Dogrib, to understand that we will completely respect their rights, that we are not taking them away, and that they will not be prevented from enjoying historical rights.

CHAIRMAN (Mr. Pudluk): Thank you. Dene Nation.

MR. ANTOINE MICHEL: Thank you, Mr. Chairman. I am glad to hear that. It has been a long time that I have been working with my elders, too, and they keep asking me, 'When are we going to meet with TFN and face us?' I think I hear clearly now that maybe we can sit together and negotiate again. I have no problems negotiating with the TFN. I guess when we sat down at that time, you know it is hard sometimes to give up some of our rights, and I am still working on my rights, too, under my treaty. The reason I am saying this is, I do not want to give up the rights on this land, because it is treaty land. If I give up my treaty, that means I am breaking my treaty rights, so that is why I am saying that we have to negotiate with the elders and the young people. Let us sit down and talk about it again. I asked Billy lots of times, how come the TFN does not meet us, and they always tell us there is no money there, so maybe we should look for some money and maybe negotiate on this boundary again.

I would like to sit down, even with the Saskatchewan people. Do not leave them out. They are involved in the land too. They have to have the right to say what they use on that land too. When you see this kind of line that is just a straight line that cuts them off, even myself I do not like it. I still do not like it today. You are taking lots of land away from the other Chipewyan people that is their hunting area, their trapping area. It is still there. Their traditional hunting area is still there. I listened to the Saskatchewan people a couple of weeks ago, and that is what they told me. They said, "at the next meeting you guys should try to get us involved." I heard there is another meeting in Churchill. I am going to try to make it to that meeting too. Mahsi.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Arvaluk.

MR. ARVALUK: Thank you, Mr. Chairman. I would like to ask a question to Antoine Michel of the Dene Nation. First of all, before I ask the question, we seem to be confusing an issue here. We are here to talk about the plebiscite boundary, and we keep getting into this political accord process that could be dealt with through a seven-year period until 1999. I recognize the Dene Nation's situation here, that the present system is not any better because you have not reached your aspiration to the treaty with the present government of the Territories and the federal government That is not resolved. Nothing will change, also, with the TFN, except that you may want to participate.

My question should be this: If you are not successful by 1995, would you consider developing a political accord with the Nunavut government in the area of tractional land use and occupancy, hunting rights, conservation regimes, bilateral wildlife management? Would you consider this if this boundary vote is successful on May 4?

CHAIRMAN (Mr. Pudluk): Thank you. I would like to remind the people here that we discussing the upcoming plebiscite on a boundary to divide the Northwest Territories. If you can stick to that area, it will be a lot better. Dene Nation.

MR. ANTOINE MICHEL: (Translation) Mahsi. This plebiscite you are talking about, a lot of elders are not too happy about it. Away back when it started, when discussions started, people were saying, 'Why do they want to separate us?' Some people wanted it and some people did not want it. I am pretty sure that is the way it is over in Inuit country. But once the plebiscite is finished and done with, that is the way it is going to have to be, and that is what started this whole discussion.

What you are talking about now, I have no problems with. If we are going to vote on land settlement, and if we do not for this boundary question, it is not going to look too good for me. Once we have finished voting on it, and if the shape of the land has not changed, it is not going to be good. I am speaking on behalf of the Dene Nation. If I do not do it right - I am saying it is going to have to be worked out very slowly. It is quite a way before the voting starts. We can get together at least one more time before that to discuss it.

MR. ARVALUK: My question was not quite answered. I said when he is going to be working in those areas, but if the plebiscite is successful on the 'Yes' vote side, would he consider negotiating with TFN, the federal government, the territorial government, in achieving this political accord so that his desires to achieve his rights in the Nunavut territory area, dealing with the overlap question? The people of Nunavut too are saying that there will be some lands, a fairly large amount according to Mr. Arngna'naaq, that will not be in the Nunavut territory. Our problem is mutual. Would he consider participating in a tripartite type of discussion on the political accord to solve these outstanding issues?

CHAIRMAN (Mr. Pudluk): Thank you. Dene Nation.

MR. ANTOINE MICHEL: I have this elder here with me. She would like to speak to that. This is Liza here, if it is all right with the Chairman.

More Consultation Needed Before Division

MRS. LIZA ENZOE: (Translation) You are talking about the plebiscite here today. There are a lot of people in my home community that are not happy with this, because we do not feel it is right to be voting on something like that. I saw on TV the map, and I believe the Inuit have more territory than we have. I really feel that we did not have the consultation that we should have had. Now, you people are telling us that

we would be allowed to trap or hunt any place in the areas that are overlapping. The government talked to us and there is a lot of money involved, and if the time comes that you people have your own territory, it will probably end up with us not being allowed in that overlap area. The land we work on, we understand what we are doing. When there are things that you do not understand, it is pretty hard to agree to it when you do not understand what is happening. It is not only for now that I am talking about.

About four years ago there were changes made to the proposed boundary. Felix was our chief at that time. We asked if we could have that proposed boundary changed, but you people would not agree to it at that time. Now the way the proposed boundary is, I do not think you people would want to make changes to it. I really believe that we still talk about it until we come to an agreement, on either side; I think it would be the best way to work at it.

Along the Thelon River, I have a sister who lived there for 50 years. She did not see any non-natives, nor did she see any Inuit. She moved to Yellowknife about two years ago. I used to visit her so I know I have travelled in that area. She has a house in that area.

People may not agree all the time, but if they sit together face to face and discuss whatever they want regarding the issue at hand, I think it is easier to work at things like that. But once we vote on it that is it. A lot of the elders are telling us that once it is voted on there is no way of turning back. They told us we could work at it without voting on it. We have our treaty rights and we do not want to go back. Our elders have given us all this, and now it seems like whatever we were taught and were living with is all being changed because of the government. If we keep doing things like that there is no way that we will ever work well together.

I think, right from the beginning, if we were open and honest with each other and discussed all these different things it would not have had to come to this. Sometimes I do not feel it is right, especially when it comes to land. To me, it is just like a burning feeling and I do not feel right about it. I have seen the whole area that you are talking about. I have flown over it by plane and everything, and we sure do not want to lose part of the land. I think we should all have a say in this and not have the government dictate to us what they think we should be doing. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Arvaluk.

MR. ARVALUK: Thank you. I think it better be good. With all due respect, yes there is a concern about the boundary, a concern that there may be restrictions imposed, especially on the traditional land. I know all that. You probably also studied the Inuit land-use and occupancy project of 1975, which indicates both parties, Inuit and Dene, with overlapping interest. If you look at the map there is a very large amount of land that the Inuit had that will no longer be in the Nunavut territory. However, there is no fear because both parties can, if they want to, still be able to negotiate an accord where both will have complete rights to their traditional land-use and occupancy, including the bilateral conservation regimes, bilateral wildlife management, not just the use of the land, but two parties looking after it to make sure it is always the way it should be. Make sure there is no over-hunting, over-harvesting - environmental protection, this will still be allowed. My question was, Mr. Chairman: Would you want to participate, in the event the plebiscite was successful, in a political accord to achieve these things for both sides; for the Dene and for the Inuit?

CHAIRMAN (Mr. Pudluk): Thank You. Dene Nation.

MR. ANTOINE MICHEL: Yes, I would like to sit in it the second time we met and we started talking about all of these overlaps, it was okay for us. When it came to trapping we had a problem. In the overlap, when you have to trap there, you guys said "No" to us. Hunting was okay then again. Now we are coming back to the same question again. I would like to talk to some of my elders again. I would like to sit down with the Dogribs, Chipewyan and the Saskatchewan and Manitoba people. They are all one people and we all have the same interests. The way we live is not much different, it is all the same. The line you have drawn is not right. You have to give them a piece of that land, then for sure you will have an agreement. If you guys do not do that then you guys will never come to an agreement.

Right now, Saskatchewan is going to take the government to court over it. That is the same thing that I heard from a lot of elders in my home and back from the elders in Saskatchewan. We have to discuss everything like this. We can think about it and maybe we can have a future meeting here. I would like to see that. I am willing to work. Mahsi.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. I just have one question that I would like to direct to Mr. Amagoalik. It is with regard to the plebiscite on the boundary. Mr. Amagoalik indicated that if the plebiscite on division is not supported, then two thirds of the Inuit would probably not support the land claim itself. I am wondering if the political boundary and the claim itself - I could not find the area where you get 170,000 square miles or something to that effect of fee-simple lands. But what does the boundary have to do with killing this agreement? I thought this was just a boundary for political reasons, as opposed to land claim reasons.

CHAIRMAN (Mr. Pudluk): Mr. Amagoalik.

MR. JOHN AMAGOALIK: I think it has to do with extinguishment provisions. The Inuit of Nunavut, like all aboriginal people, find it extremely difficult to accept, to swallow, the extinguishment provisions of the land claims agreement. But because Nunavut is being offered, they are sort of willing to hold their noses and vote "Yes," but if we do not have Nunavut then the extinguishment issue will flare up. And I think that is the reason the Inuit would not support a land claims agreement without Nunavut.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. I want to ask Mr. Amagoalik and Mr. Eetoolook whether or not you have been involved in any studies regarding the economic viability of division and Nunavut itself, other than the information you have given to us so far.

CHAIRMAN (Mr. Pudluk): Thank you. Tungavik.

Study Re Economic Viability Of Division

MR. JOHN AMAGOALIK: I personally have not been involved long enough to be able to give you an answer from experience. But I do know that there is a very extensive study going on at the moment. I am sure you know about it, the Coopers and Lybrand people are doing a very extensive study. I have seen some preliminary documents, and I have not had time to go over them yet. But we certainly are very concerned about the economic viability of Nunavut, but we are confident with the kind of money that will be needed to start up the territory and also with the land claims agreement, \$1.15 billion over 15 years, that it will give us opportunities to be much more economically viable and less dependent on government. Perhaps James would like to add a bit.

CHAIRMAN (Mr. Pudluk): Go ahead, James.

MR. JAMES EETOOLOOK: (Translation) The study that has been done for a Nunavut government - inside the land claims there will be mining available. After division there will be more economic opportunity. There will be more mining. At one point we indicated how much it would cost if we were to divide the NWT. John indicated earlier how many jobs we would lose. There have been studies done and the Government of Canada has done studies on this.

CHAIRMAN (Mr. Pudluk): Mr. Nerysoo.

MR. NERYSOO: Could Mr. Dent clarify for us the concerns he raised with regard to the financial aspects? What are some of the more significant concerns that have been raised to date with regard to that item?

CHAIRMAN (Mr. Pudluk): Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. I guess the ongoing concern, or the major concern that I have had expressed to me, is that the federal government may decide not to provide any extra funds to the Territories for the split. In other words there is a real concern that the present federal study that is under way right now has, as an objective, to prove that the split could take place without any additional funds. The half billion dollars for the one-time infrastructure and no extra cost for providing the ongoing O and M. And I think if you take a look at the terms of reference for that study, there is some reason for concern. Because I think the study that was conducted for the territorial government indicated that there would have to be some extra costs in order to maintain the present level of services.

That is really the major concern that has been expressed to me. It has not been one that deals with one specific item or program, but it has been a concern that the federal government has not come out and said, "Yes, we are willing to fund this." As a matter of fact, they have been quite explicit in saying that they do not think they have any extra money right now. So that is really where the concern comes from.

CHAIRMAN (Mr. Pudluk): Mr. Koe.

MR. KOE: Thank you, Mr. Chairman. I would like to make some comments on my colleague, James Arvaluk's, points of negotiating overlap issues. The suggestion is nice; he is recommending that they negotiate after the agreement is made. I guess my concern is why would the Dene Nation want to negotiate after the vote and after an agreement is made. These negotiations should be done now, much before an agreement is signed and sealed. The level of comfort then for Dene Nation people would be much greater.

A question for TFN representatives is: Are you presently doing implementation negotiations and are overlap negotiations part of those negotiations?

CHAIRMAN (Mr. Pudluk): Tungavik.

MR. JAMES EETOOLOOK: (Translation) Thank you, Mr. Chairman. The recent overlap has not been completed. We have to come up with an agreement with the Dene Nation and Saskatchewan and Manitoba and Makivik. We are still working on this. You are probably referring to the land claim. We have not completed negotiating the overlap agreement. However, we can pretty well say that we will agree on it and anybody will be able to harvest inside the Inuit land claim, indicating the overlap land claim - the non-renewable agreement has to be in place.

If we do not have the overlap agreement, we will be fighting

forever. However, we have to have the overlap agreement in place. We will both have to agree on the overlap agreement. It is not totally completed yet.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Koe.

MR. KOE Mahsi, Mr. Chairman. Just a comment on that. It is great, and I think if the Dene Nation and the other people you are negotiating with, Saskatchewan - Manitoba, whoever - if they were made aware that these options are there and the door is open to negotiate, you may get more support than you are getting now. That is all I wanted to say.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Todd.

Cost Associated With Nunavut

MR. TODD: Thank you, Mr. Chairman. I wonder if I can go back to the issue that Mr. Dent raised, because it seems to be a fear by, I think, certainly a number of people in Yellowknife within the business community, about the economic ramifications of Nunavut. I think it is important to point out that under the agreement that has been put in place, the Nunavut implementation commission - which will be made up of three members of TFN, three members of the Nunavut caucus, and an independent chairman - part of its responsibility will be to be able to put together the financial ramifications and the costs associated with however the government falls out. I do not think anybody is naive enough, on either side of the argument, to suggest that Nunavut is going to come about without the need for additional dollars. I know the TFN people recognize that clearly, and certainly the Nunavut caucus realizes that clearly.

I think the cost associated with Nunavut is going to be part of the negotiations, if you want, or part of the implementation commission; and it will determine, as part of its responsibilities, as I understand it, how Nunavut would go about, whether it is a decentralized government, the costs associated with it, and, I think, in the long run it would be a part of the negotiating team with the federal government, as to the need for these additional funds. Whether it is \$500 million, whether it is \$200 million - to me, at this stage of the argument, it is not relevant. It is clearly recognized by all parties that there are some additional costs attached to the establishment of Nunavut. I am sure, contrary to what some of you people may be feeling over here, the feds also realize that.

I think it is important to say that, because the argument I hear all the time is, 'What is it going to cost? what is it going to cost? what is it going to cost?' That will be determined through negotiations. I am confident, as a non-native business person in the Eastern Arctic, that we will bring about a reasonable level of financing to meet the needs of both sides of the Territories. I am, fundamentally, under the belief that the closer you put the government to people, the better the net impact is going to be.

I would just like to remind Mr. Dent that of our billion dollar budget, close to \$675 million is controlled by the civil service in Yellowknife, which is a long way from Grise Fiord.

CHAIRMAN (Mr. Pudluk): Mr. Dent,

Cost Not Just Yellowknife Concern

MR. DENT Thank you, Mr. Chairman. I think I also heard Mr. Gruben and Mr. Krutko mention the same concern, so I do not think this is one that is just a Yellowknife concern, Mr. Todd, and not just a Yellowknife business community concern. I just wanted to point out that I was not the only person to mention this.

in a radio interview, I have heard the Minister quoted as saying, 'There are no new funds available for this creation of the Territories,' so I guess this is where the fear comes from. I recognize that it is a process of negotiation and it does entirely depend on those negotiations as to how the money shakes out. In fact, that may just be a negotiating start. Who knows? What the bottom line is, at this point in time, I have to have some concerns about where the money is coming from.

CHAIRMAN (Mr. Pudluk): Thank you. Second question, Mr. Todd.

MR. TODD: Mr. Dent, do you really believe that the TFN are going to sign an agreement, or the Nunavut caucus is going to agree to an agreement, that is going to jeopardize the economic well-being of Nunavut? That is the point I am trying to make. If the money is not there - do you believe that? Let me ask you that question. Are we that naive?

CHAIRMAN (Mr. Pudluk): Mr. Dent.

MR. DENT: Mr. Chairman, I do not, Mr. Todd, believe that TFN is going to sign that sort of an agreement. My concern is, though, that there is a danger that the eastern group may be satisfied but the western group may not. That is the concern, that it could be a unilateral decision that really left some of the western people out of the financial picture.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Lewis.

Involvement in Drawing Up Plebiscite Question

MR. LEWIS Thank you, Mr. Chairman. I would like to ask the TFN delegates if they were involved in any way in drawing up the plebiscite question. The government had taken the responsibility to get the question framed properly and decided to add some preambles to it. I would like to ask if, in fact, TFN were consulted on this business of the preamble to the question.

CHAIRMAN (Mr. Pudluk): Thank you. Tungavik.

MR. JOHN AMAGOALIK: Thank you. The short answer is, yes, they asked our advice and we gave it to them.

CHAIRMAN (Mr. Pudluk): Thank you. Second question, Mr. Lewis.

MR. LEWIS: Thank you, Mr. Chairman. Since this is a plebiscite question that is going to be asked to all of the people of the voting age in the Territories, I would like to ask Mr. Michel if, in fact, the people of the Dene Nation were involved in any way in drawing up the plebiscite question, which included a preamble about protection of level of service, constitutional rights - he referred, earlier on, to treaty rights and so on. Was he consulted on the service rights, the constitutional rights or any other issues that the government felt should be in the plebiscite question?

CHAIRMAN (Mr. Pudluk): Thank you. Dene Nation.

MR. ANTOINE MICHEL: (Translation) Thank you, Mr. Chairman. When you talk about constitution rights, we have talked about it with regard to social services and the various kinds of services. We still have a big job to do. Since the land claims discussions have ceased, we are dealing about voting and looking at various different things, and trying to find the best way to solve problems. One of my friends has just asked me a question here. He is suggesting that we vote and then we work on the boundary. I do not think that is right. If it is like you are working behind each other's backs. That is why the Dogrib Nation, the people from Saskatchewan,

the Inuit - if we all talk about it then we can fix it. Once we talk about it we can vote. When it comes to **compensation** in terms of money, we are still talking about it.

For us, over in the Thelon River, there is some potential for mining, and there is staking going on. Over where we live, different mining companies are bringing papers in to us, and we have not even resolved the land claims. How are we going to get **benefits** from the claims? We are still dealing with all of these things. Why are people beside us working like that? We do not even get **jobs**. Non-native people come among us and set up mines; they decide to take the land away and they do things. We are still trying to resolve those things. We are trying to find ways, by use of land use planning and various other ways. What happens around Thelon Sanctuary in the future and how we are going to get **benefit** from it is what we are discussing now. We are looking at different kinds of **benefits**, of how we can make money and how we can look at constitutional rights, the ones you are talking about. Some elders, when it comes to constitutional rights, do not understand what it is. For rights, people do not know **people's** rights, so we have to teach people. We put on workshops for elders and we let them know that this is what is meant by 'rights,' and when they have the understanding, then we find money to do work. We make use of this land, the animals. We **benefit**. We are not too worried about money. If we can resolve this land business fast and resolve our different **issues**, if we resolve this boundary question, then we can vote on it. We can have the plebiscite vote on May 16. If we do it that way, it is good. Thank you.

CHAIRMAN (Mr. Pudluk): Third question. Mr. Lewis.

MR. LEWIS: I would like to thank Mr. Michel for that explanation of how he understands these big issues we are trying to deal with. My last question has to do with the drafting of the plebiscite question. What the question comes down to is, if you look at this map and if you look at this bit of history about how we have arrived at this place now on dealing with the division issue, would you support this line as long as you could keep on having a good level of service, as long as your rights are looked after, and as long as people who are employed are not going to be upset too much? If is my understanding that the government has agreed to include those three provision in the question through communication between the government and TFN. So my last question is, was the Dene Nation contacted to see if there were any things they wanted to have in the plebiscite question, because there was already an agreement to have these three things included in the question in order to satisfy the people from TFN. Were you asked if there was something you wanted in the question to satisfy the needs of the Dene Nation?

CHAIRMAN (Mr. Pudluk): Thank you. Dene Nation.

Boundary Not Agreed To By Dene Elders

MR. ANTOINE MICHEL: (Translation) That is what I am saying. Arbitration is what people are talking about when people came to see us. The elders wanted to know, what is this arbitration? So the younger generation who understood and are educated explained to the elders what arbitration was. We are given something to work by. Whether you like it or not, it is still the same. This is what is proposed. This is where the boundary is. This is how we explained it to the elders.

The elders' reply was, 'It is not good. It is not the way it is supposed to be.' We took some elders to Ottawa with us. We talked to the bureaucrats in Ottawa. 'The way the boundary is written is what you have to go by.' That is what they told us. So we told them, 'No. It is no good.' And then they came to visit us, and we told them again that it was not

good and we cannot go along with it, but still he went ahead and made the boundary when though we told him 'No.' It is not right. That is how they work. It is our land, and now they are making a big issue out of this.

I know what you are saying. We have talked about it in the past. I have explained this to the Dene Nation. I have explained it to the Dogrib nation. The way they gave us the proposed boundary, we cannot defend ourselves in the future. That is why, when they brought this arbitration to us, we did not like it and a lot of elders did not like it. But that is the way the government works. They brought this proposed boundary to us. If it is not right, but that is how they did it.

You MLAs that are sitting here now, you have to worry about this sometimes. The people that are on this side of the border, we love our land. I am pretty sure the Inuit love their land on the other side of the border. This is our livelihood when people are talking about issues. We are not too concerned ourselves with money. Land is what we are concerned about. Land is our biggest issue. And now people are telling us where boundaries should be. As Liza said a while ago, when people start talking about division, unity is going to be cut down and their voice is not going to be strong.

Land Issues Before Money Issues

If we talk about money, then we can talk about money in terms of land claims, and then we can really sit down and talk about it thoroughly. But right now, what I am saying is, let us try to get together. We can still get together one more time and talk about it. If we talk about it, we can solve it, if we face each other, not with telephones, but sit down with elders and young people. We will bring all the maps. Everyone who travelled on the land will know. Everything will be in the open.

[In the next couple of weeks I am going away to the barren lands. That is where I live. That is where my ancestors used to travel. That is where I am going. It is a big land. It is a beautiful country. I go to the Thelon River, over close to Baker Lake. I travel over 600 miles, I and the people from Snowdrift. A lot of people never see that land. We are talking about land. We are not worried about money. Let us settle the land issue first, and then we will talk about money. Let us try to get together. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Pudlat.

MR. PUDLAT: (Translation) Thank you, Mr. Chairman. Right now, we are having a meeting and I am getting a lot of information. I would like to go back to the boundary discussion at that time. At that time when you used to meet each other, there used to be no agreement, but now I think we are starting to understand each other. Perhaps if you had not met in the past, this could be the issue right now. Perhaps that is why both parties were trying to decide where the boundary is going to be, but the way I see it, there was no agreement. There was no co-operation about where the boundary is going to be. Perhaps right now we could come up with an agreement. We are not saying our land is not going to be your land. Perhaps we could come up with an agreement, something like that, and we could involve the elders and the young people. Sometimes there would be an agreement, and those agreements broke down later on. Perhaps we are too worried about our future. Perhaps we worry about the future so much, that is why we cannot come to any agreement. Thank you.

CHAIRMAN (Mr. Pudluk): I do not think that is a question.

MR. JAMES EETOLOOK: (translation) I think I would like

to get this boundary issue record straight. When the Dene Nation was talking about the arbitration - at that time back in 1953, the Dene Nation and Metis wanted to come to an agreement with us and work with us. They wanted to sign a memorandum of understanding regarding joint management Again, back in 1984, TFN and the Dene Nation signed an agreement that they would come up with an agreement on where the boundary is going to be. We held several meetings and the issue was the boundary, of course. We did not come to any agreement at the time. At that time we used to meet with their negotiators. It was their group that wanted to come up with arbitration. After that we said, 'Well, okay, if we have to use arbitration we will agree with you.' That is how the issue was. After that we had another meeting to deal with the boundary line. At that time we had to meet in Edmonton to deal with the boundary line, We told each other at that time that there was an agreement that we were not going to draw the line until further agreement. So they came up with a map and drew the line and they broke the agreement that we had in Edmonton.

I wanted to make it clear that it was not the Inuit who wanted to come up with the arbitration; it was the Dene Nation and Metis that came up with the arbitration. The issue was the boundary line. During the meeting we came to an agreement but after the meeting they had to come up with something else other than the agreement that they already had. Thank you.

CHAIRMAN (Mr. Pudluk): Mr. Ningark.

HON. JOHN NINGARK: Thank you, Mr. Chairman. I would like to place myself in somewhat of a neutral area in asking this question. As a result of the arbitration I am wondering if the other side could answer my question. As a result of the proposed boundary which was arbitrated - I do not know when, some time ago - how much of the land, the traditional hunting grounds, have both sides lost as a result of the arbitration? Could I get an answer from both sides if they have an answer for me? Thank you.

CHAIRMAN (Mr. Pudluk): Dene Nation.

MR. ANTOINE MICHEL: (Translation) For our side of the land we are talking about a large area of land; the Dogrib territory, the Chipewyan territory over in Saskatchewan and Manitoba, the total size is pretty big. That is what I am saying. If you want to see, I have a map here and it discusses "surrender land." It is all on the map. If you look at it you are going to see what kind of land we are talking about. That is why we are concerned. That is why I would like to get together one more time and we can solve it. It is not too late.

After they made the last line, they also took away a lot of our land around Contwoyto Lake. We have cabins over in that area and that all ended up in the eastern side, over in the Great Bear Lake area. The Slavey people from Great Bear Lake are also talking about it. Even COPE, Committee for Original People's Entitlement, has a claim settlement over in that area and that cuts into the Dene land, and from there it goes straight down to Manitoba.

If we are going to do it right we have to give some of this land back. Even around there there are a lot of lakes that the elders are talking about. A lot of fishing. In the old days people used to live off the fish. When there was no caribou that is when they would go to these lakes and find all the fish. That was over in Saskatchewan and Manitoba and over by Hudson Bay.

That is why we are saying we are ending up losing a lot of land over by the Thelon River, Grassy Island, all around there.

From there to Aylmer Lake, When we first drew the boundary we said they were taking too much of the land. The elders used to use all that area. So when we worked at it we moved the boundary again and they were agreeable with that and now it is changed again and we end up losing a large piece of land. That is why we are talking about it and it is not too late to be fixed. If we can settle this land question, I will be happy and I am pretty sure we can reach an agreement. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Tungavik.

MR. JAMES EETOOLOOK: (Translation) Thank you, Mr. Chairman. Yes, at that time they said how much land they were losing. After the arbitration, it is a very big piece that we already lost around Contwoyto Lake which belongs to the Kitikmeot and also the people from Baker Lake, they lost the land in that area because there was arbitration. Both sides lost a big area of land and then again we lost that piece of land. But we agreed to the boundary because we know we could be able to come up with an agreement of overlapping.

We are talking about the hunting grounds. Even though we lost the land we still could be able to hunt in that area, even though Contwoyto Lake still belongs to the Dene Nation, I know the Inuit could still go hunting in that area. As for hunting, it will be open to both sides, regardless of who. It belongs to both sides. Also if we have to deal with the mining companies. I know Dene and Inuit people could come up with an agreement. We could settle this on our own. I know it is a lot of land, but we have agreed with the boundary line, Thank you,

CHAIRMAN (Mr. Pudluk): Mr. Gargan.

Support Of Tungavik Federation Of Nunavut For Metis People

MR. GARGAN: I would like to ask the Tungavik Federation of Nunavut members about one of the statements that were made this last week. It with regard to getting support from the Metis people. The support was on the condition that Nunavut would support the Metis to try to gain Metis rights equivalent to what the Dene and Inuit enjoy right now. I know that I and Mr. Morin made two motions in this House to try to achieve that, and we have been successful to some extent. How do you propose to accommodate that for the Metis people, recognizing their Metis rights and having them equal to those of Inuit and Dene people?

CHAIRMAN (Mr. Pudluk): Tungavik.

MR. JOHN AMAGOALIK: Thank you, Mr. Chairman. The Inuit of Canada have always supported all aboriginal peoples to be treated equally. On the national level, when I was president of the Inuit Tapirisat of Canada, and it continues today, at the national level we support each other; we support the Metis that they should be fully recognized as aboriginal people and they should have the same rights and responsibilities as all First Nations. We will continue to do so, and as a matter of fact the TFN passed a resolution the other day, directed at the Government of Canada, encouraging them to recognize the Metis people as the first peoples of Canada as well, with the same rights as the Dene and Inuit.

CHAIRMAN (Mr. Pudluk): Mr. Gargan.

MR. GARGAN: In your claims agreement you do have an extinguishment clause. Would that have any effect if in effect the national agenda supported inherent right to self-government? Would that affect your claims at all with regard to your extinguishment clause?

CHAIRMAN (Mr. Pudluk): Thank you. Tungavik.

MR. JOHN AMAGOALIK: As I understand it, the recognition of an inherent right to self-government is just that, a recognition of self-government rights. As I understand it, that is quite different from the provisions of land claims agreements. Land claims agreements deal with land rights, property rights and the recognition of inherent right to self-government is just that, a recognition of self-government.

CHAIRMAN (Mr. Pudluk): Thank you. Any more questions? If not, I would like to thank the people here, especially James Eetoolook, Tungavik Federation of Nunavut; John Amagoalik, Tungavik Federation of Nunavut; Mrs. Liza Enzoe, Dene Nation; Antoine Michel, Dene Nation; David Krutko, Gwich'in Tribal Council; Roger Gruben, Inuvialuit Regional Corporation; and Charles Dent, non-aboriginal representative, and all the Members.

—Applause

This meeting is now adjourned.

—ADJOURNMENT

NUNAVUT NEWSLETTER ARTICLES RELATING TO THE PLEBISCITE

Article #1

Nunavut and the West

The people of Nunavut and the people of the Mackenzie Valley -- Inuvialuit, Dene, Metis and non-aboriginal -- are neighbors. We share many of the challenges of *climate* and distance. We all think its funny when southern Canadians reveal their stereotyped images of the North. We are all frustrated when the North is overlooked in talks between Ottawa and the provinces.

Geography has made us neighbors. But common experiences have done much to make us friends. Many of us have spent a lot of time together -- in school, in games, in meetings, on our travels. Sometimes we have seen issues from the same perspective, sometimes from very different ones. sometimes we have argued; many times we have helped and supported each other.

The people of Nunavut have a great **opportunity**. In conjunction with the settlement of Inuit land and resource rights in our part of the North, we have a chance to create a new territory and government which will reflect the unique character of our region and our people. As people living north of the tree line have done in Greenland, northern Quebec and northern Alaska, we can shape the institutions of government in Nunavut so as to focus on the priorities and preoccupations that are most important to us. We can give the language of a majority of our people -- Inuktitut -- a role in the workplace that it could never have in an undivided NWT.

We are not saying that our ways of doing things are better than the ways of people in the Mackenzie, that are concerns are more important, that our way of life more satisfying. Given a fair share of authority and responsibility, we will make our fair share of mistakes. The record of the existing GNWT has in many ways been a positive one, and we shall all be able to build on the work and the contributions of those who have gone before us. But the accomplishments of the past do not detract from a simple Yet powerful reality: the people of Nunavut are committed to creating their own territory and government so as to bring political power closer to its people, and to do so in a way that is as respectful and as fair to the rights and interests of others as possible.

Neighbors don't always expect much of each other. Friends always do. For our part, we have tried to plan for Nunavut in a way that reflects our friendship. Let us look at *some* examples.

- the plebiscite question emphasizes the importance of maintaining levels of public services throughout the existing NWT and respecting the jobs and location preferences of GNWT

employees; we have attached the same importance in all our other work

- we have agreed that the **Nunavut** Government will not come into operation until 1999; this period of preparation will give the residents of the Mackenzie plenty of time to address their own future before **Nunavut** comes into effect; it will also give lots of time to adjust government work forces without penalizing any individuals or families

we support the idea that the new **Nunavut** government will be built up in a gradual and staged way after 1999; according to this approach the net number of government positions (not persons) likely to be transferred to **Nunavut** after 1999 is unlikely to be more than several hundred; compensating any negative economic consequences on the West resulting from this transfer will be the reality that the new **Nunavut** government will bring about an overall increase in public sector expenditures in the **North** and **Yellowknife** and other **Western-**based business and professional people will be well positioned to benefit from this

Nunavut will be a public government that falls within the established territorial and provincial models that Canadians are familiar with; the division of the NWT will in no way impede Western residents from entering, doing business or taking up residence in ~~Nunavut~~; by adding a new member to the Canadian family, **Nunavut** will expand and strengthen that family, not shrink or weaken it

Our plans for **Nunavut** represent a realistic recognition that **Nunavut** has implications for all Canadians, and our neighbors in the Mackenzie Valley. At the same time, they also represent a genuine effort to create **Nunavut** in a way that reflects and consolidates the bonds of friendship that exist between the people of **Nunavut** and the residents of the Mackenzie in a variety of ways and at a variety of levels. It is to those bonds of friendship that we appeal to the people of Mackenzie to support us in our goals, as we strive to support you.

We believe that the purpose of government is to serve the people. On May 4, 1992 we all have the opportunity to support that principle. On May 4, 1992, please vote YES.

Article #2

The Plebiscite Question: ^{*} What Are We Being Asked?

On May 4, 1992, residents of the Northwest Territories will be asked to vote on the question shown (on the opposite page? in the box on the left?). Accompanying the question will be the map shown (beside the question on the opposite page? in the box on the right?).

Both the question and the map contain explanatory information. Let us look at each in turn.

The Question Itself

The question is divided into four paragraphs.

The first paragraph reminds the voters that the 1982 plebiscite decided on the principle of creating a new **Nunavut** Territory and Government through the division of the existing Northwest Territories. Both the NWT Legislative Assembly and the Government of Canada have accepted and support division.

The second paragraph says two things. Since 1987, it has been agreed that the boundary for division of the existing NWT into two new territories should be the same boundary as the one that separates the TFN land claim agreement area from the Dene-Metis and Inuvialuit land claims agreement areas. This paragraph also says that in April 1991 the Government of Canada accepted the boundary shown on the map. This boundary was proposed by former NWT Commissioner John Parker as a compromise after years of unsuccessful negotiations between TFN and the **Dene-Metis**. In addition to the Government of Canada, TFN and the Government of the Northwest Territories have accepted this boundary in the TFN final land claims agreement.

The third paragraph gives assurances that the creation of the new **Nunavut** Territory and Government will be brought about in a careful and responsible way. The process will take into account the needs of all Northerners for maintaining good public **services**. It will reflect the desire for residents of the Mackenzie Valley to have a chance to sort out their political future before **Nunavut** comes into effect. It will also be fair to existing GNWT employees and their families. Partly in order to provide these assurances, it has been agreed that the new Nunavut Government will not begin operating until five, six, or seven years after the legislation creating Nunavut is passed by Parliament at the end of 1992.

The fourth paragraph is the most important. It asks the voters the following question:

"ON THESE UNDERSTANDINGS, DO YOU SUPPORT THE BOUNDARY FOR DIVISION SHOWN ON THE MAP ATTACHED?"

TFN and the Nunavut regional Inuit associations urges each voter to vote "YES".

The Map

There are a number of things worth pointing out with respect to the map.

The map shows what will become the western boundary of the **Nunavut** Territory. All the areas east of the boundary will fall within the jurisdiction of the new **Nunavut** Legislative Assembly and Government. Areas west of the boundary will form part of a Western territory. The boundary line will be an internal boundary within Canada and will *not* affect the powers and responsibilities of the federal government. Residents on both sides of the boundary will retain all their rights and freedoms as Canadian citizens, including the right to move freely across the boundary.

The plebiscite is not legally binding, all of the boundaries of the **Nunavut** Territory, including its western boundary, will have to be eventually confirmed formally in the legislation passed by Parliament creating the new territory and its government.

The boundary shown on the map is the boundary recommended by former NWT Commissioner John Parker. It reflects patterns of traditional and current land use by **Dene-Metis** and **Inuit**. In areas like the southern **Keewatin**, where there has been little overlapping land use by **Dene-Metis** and **Inuit**, the boundary was easier to identify. In areas like the **Contwoyto** Lake region, where there has been overlapping land use by **Dene-Metis** and **Inuit**, the boundary represents Mr. Parker's best efforts to make a compromise.

After receiving assurances that **Inuit** would have certain rights to land ownership and hunting in areas used by **Inuit** west of the boundary through the TFN final land claims agreement, TFN agreed to the boundary as an acceptable and honorable compromise. The Government of Canada and Government of the Northwest Territories have also agreed to accept the boundary for purposes of concluding the TFN final land claims agreement.

A number of **Dene-Metis** leaders have expressed their disappointment that the proposed boundary is not located further east. While **Inuit** would also have preferred a line more favorable to themselves, TFN recognizes that both sides have to be prepared to give and take. TFN also believes that appropriate provisions in land claims agreements will allow both **Inuit** and **Dene-Metis** to continue their hunting activities in areas of traditional and current use and occupation regardless of the location of the boundary.

With respect to the northern portion of the boundary, **Inuvialuit** and TFN representatives agreed on the location of the boundary in 1984 to facilitate the conclusion of the **Inuvialuit** final land claims agreement.

**SUMMARY OF THE AGREEMENT BETWEEN THE INUIT OF THE
NUNAVUT SETTLEMENT AREA AND HER MAJESTY IN RIGHT OF
CANADA**

Published by:

**Nunavut Land Claim Ratification Committee,
Suite 204,
5102 50th. Avenue ,
Yellowknife, Northwest Territories,
XIA 3F8**

March 1992.

What is the Purpose to the Nunavut Land Claim Agreement?

This Agreement is between the Inuit of the Nunavut Settlement Area, who are represented by the Tungavik Federation of Nunavut (TFN) and Her Majesty the Queen in Right of Canada.

In 1976, we presented our land claim to the Government of Canada for negotiations. Negotiations between the federal government and TFN took place throughout the 1980s. An Agreement-In-Principle was signed in Igloolik in late April 1990, and a Final Agreement was concluded in mid-December 1991. The Board of Directors of TFN accepted this Agreement in January 1992 and passed a resolution recommending that Inuit ratify it. A vote among all eligible Inuit is scheduled later this year for Inuit to decide if they will ratify the Agreement. In order for the Agreement to be ratified, the majority of eligible voters in each of the three regions (Baffin, Keewatin and Kitikmeot) must vote in favour of the the Agreement. If Inuit vote for the Agreement, the federal Cabinet will then consider it. If the federal Cabinet approves the Agreement, it will then be formally signed. The Parliament of Canada then will be asked to pass legislation ratifying the Agreement on behalf of Canada. As soon as the Agreement is ratified by both parties, Inuit will be able to take advantage of and enjoy the rights and benefits it contains. if Inuit vote against the Agreement, it will be defeated.

The purpose of the Agreement is to make clear what rights Inuit will have to the lands and waters in the Nunavut Settlement Area, what rights the Government will have to the lands and waters in the Nunavut Settlement Area, and to make sure that Inuit will be involved in decisions about using and conserving the land and the offshore, and natural resources throughout the Nunavut Settlement Area. The Agreement make sure that Inuit will have more control over the way that they live, and will help to protect the Inuit way of life. It also makes sure that Inuit will be able to benefit from new jobs and businesses in Nunavut. The Agreement also commits the federal government to introduce legislation to divide the Northwest Territories in order to create a Nunavut Territory with its own territorial government. In exchange for the rights in the Agreement, Inuit will surrender aboriginal rights and claims to lands and waters ending uncertainty over land claims. The Agreement does not affect the ability of Inuit to benefit from social programs such as health, housing and

education or affect any Inuit rights which are not dealt with in the Agreement.

The Nunavut Agreement contains 41 Articles. Each is described briefly below.

GENERAL

Article 1 : Definitions

This Article defines the terms used in the Agreement.

Article 2 : General Provisions

This Article contains provisions that apply to the whole Agreement. These provisions provide that:

- the Agreement will be a land claims agreement within the meaning of Section 35 of the Constitution Act 1982 (this means that Inuit rights in the Agreement will be protected under the Constitution):
- government will consult closely with Inuit in the preparation or amendment of legislation to implement the agreement;
- in exchange for the rights and benefits in the Agreement, the Inuit of the Nunavut settlement Area, as represented by TFN, will cede and surrender to Her Majesty in Right of Canada all of their claims, rights, title and interests in and to lands, freshwater and the offshore in Canada;
- any other existing or future constitutional rights that the Inuit may have are not affected by the Agreement, and the ability of Inuit to benefit from government programs is not affected;
- the Agreement will not affect any rights of other aboriginal peoples under Section 35 of the Constitution Act 1982;
- the Agreement will be translated into Inuktitut, but the English and French versions are to be authoritative;
- the devolution or transfer of jurisdiction or powers from Canada to the

territorial government will not be restricted, provided Inuit rights outlined in the Agreement are not abrogated or changed;

- federal and territorial laws apply to Inuit and Inuit Owned Land, but where there is a conflict between these laws and the Agreement, the Agreement shall prevail;
- the Agreement can only be amended with the consent of Inuit and “ government;

Article 3 :Nunavut Settlement Area

This Article defines the Nunavut Settlement Area, and includes a map of this area.

POLITICAL DEVELOPMENT

Article 4: Nunavut Political Development

This Article deals with the creation of Nunavut. The Article provides:

- the federal government will recommend to Parliament legislation to establish a new Nunavut territory with its own Legislative Assembly;
- the federal and territorial governments and TFN shall negotiate a political accord to establish the date on which this legislation shall be brought forward in Parliament, and a transition process. The accord shall also deal with the types of powers, principles regarding the financing, and the time limits of the establishment and operation of the Nunavut government. It is the intention of TFN and the two governments to complete the accord by April 1, 1992. This Article is subject to revision by TFN and the two governments following a review of the results of the boundary plebiscite to be held before ratification of the Agreement.

WILDLIFE AND CONSERVATION

Article 5: Wildlife

This Article provides for and defines the right of Inuit to harvest wildlife, subject to conservation, and for Inuit involvement in the management of

wildlife. The purpose of this Article is to ensure that there will always be wildlife in Nunavut for Inuit to use.

Inuit will have preferential harvesting allocations, including the right to harvest wildlife to meet their basic needs as determined by a 5-year harvest study. Inuit will not need licences to harvest for their basic needs. Non-Inuit who have lived in the Nunavut Settlement Area for a long time will also have certain hunting rights. Inuit will be able to give rights to hunt to someone they know, or to a non-Inuk husband or wife. Inuit will have economic opportunities related to guiding, sports lodges and commercial marketing of wildlife products.

A nine-member Nunavut Wildlife Management Board, with equal representation of Inuit and Government, plus a chairperson, will be set-up to make all decisions about wildlife in the Nunavut Settlement Area. This board will make decisions on many matters now controlled by the Territorial Department of Renewable Resources and the federal Department of Fisheries and Oceans. The Nunavut Wildlife Management Board and the responsible ministers can only limit Inuit harvesting for the following reasons:

- for conservation,
- for public health or public safety,
- to implement the wildlife harvesting allocative system in the Agreement, including provisions respecting other aboriginal peoples.

The Nunavut Wildlife Management Board will do a 5-year study to find out how much wildlife you are hunting. This study will help the board make sure that you have enough wildlife to live on, and at the same time make sure no types of animals are killed off. The board will also do research and teach people about wildlife.

The board will do a special Inuit knowledge study to record the sightings, location and concentrations of bowhead whales in the Nunavut Settlement Area. Within one year of the beginning of this study, the board shall establish a total allowable harvest of at least one bowhead whale.

Article 6 : Wildlife Compensation

This' Article ensures that Inuit will receive compensation where developers cause provable damage to property or equipment used in wildlife harvesting, or cause present or future loss of income or loss of wildlife harvested for personal use. These provisions apply to onshore and offshore development, and to shipping directly associated with development. Liability for damage or loss from transit shipping will be as provided in laws of general application.

Under the Wildlife Compensation provisions, developers have to make-up for their damages by:

- paying cash in lump sums or by installments;**
- replacing or fixing lost or damaged equipment that Inuit use for hunting;**
- replacing income, food, clothing or other goods that Inuit get from hunting, if Inuit miss a hunting season; and**
- paying for a temporary or permanent move, if development has forced Inuit to move.**

If the developers do not compensate for damage within 30 days of a claim, Inuit can sent their claim to a Surface Rights Tribunal. The tribunal will hear the claim and decide within 30 days if the developer caused the damage and the compensation to be provided. While Inuit are waiting, the Surface Rights Tribunal can:

- order the immediate replacement of or compensation for lost or damaged equipment;**
- charge the developer interest, which will be paid to Inuit, on cash payments owed; or**
- require the developer to pay Inuit more, if the delay causes more losses.**

If the developer refuses to make-up the damages, the Tribunal can register its decision with the courts. Inuit can then use the courts to enforce the decision.

Article 7 : Outpost Camps

This Article says that Inuit can continue to occupy and use outpost camps, and can build new outpost camps on Crown land anywhere that they have a right of access to harevest in the Nunavut Settlement Area.

If Inuit want to make sure that they can keep a camp for at least a year, all that is needed is for an Inuk or an Inuit organization to tell Government in writing that Inuit are making an outpost camp. Government must then let Inuit stay there for a year, unless government proposes another use of the land that would be inconsistent with the outpost camp. Inuit can apply for a renewable five-year lease for the outpost camp.

The operation and management of the outpost camp will be left up to Inuit.

Article 8 : Parks

This Article promises to establish three national parks; Auyuittuq, Ellesmere Island, and North Baffin. Inuit promise to consider exchanging Inuit Owned Land in the area proposed for a national park at Wager Bay for other land should Government decide to establish this area as a national park. Government agrees to work with Inuit to establish additional national parks in the Nunavut Settlement Area. Article 5, ensures that Inuit are able to hunt in national and territorial parks.

Before parks can be established, Inuit and Government must negotiate an Inuit Impact and Benefit Agreement (IIBA) to ensure that Inuit receive economic and social benefits from the establishment and management of parks. When requested by government or Inuit, the IIBAs can set-up a joint parks planning and management committee to advise the Minister responsible for the park. Management plans shall be based on the recommendations of the committee, and must accord with the terms and conditions of an IIBA.

When issuing contracts related to park facilities, Government shall give preferential treatment to qualified Inuit contractors. In addition, Government must ensure that all contractors give preferential treatment to Inuit. Inuit will receive first option to operate all business opportunities and ventures in parks.

Information about national and territorial parks in the Nunavut Settlement Area will be available in Inuktitut, and Inuit history relating to parks will be recognized in the operation of parks.

Article 9 : Conservation Areas

The provisions in Article 8 : Parks, dealing with management, economic benefits and opportunities, information in Inuktitut and Inuit history will apply also to conservation areas. Conservation areas include national wildlife areas, migratory bird and wildlife sanctuaries, and other areas of biological, ecological or historical significance. Schedules to this Article outline parcels of Inuit Owned Land in existing conservation areas, and parcels of Inuit Owned Land in Conservation areas that may be established in the future.

LAND AND RESOURCE MANAGEMENT

Article 10 : Land and Resource Management Institutions

This Article provides for the establishment of new institutions within specified times to manage land, water and wildlife, and to evaluate the impacts of development in the Nunavut Settlement Area. These institutions include:

- Surface Rights Tribunal (within six months of ratification of the Agreement),
- Nunavut Impact Review Board (within two years of ratification of the Agreement),
- Nunavut Planning Commission (within two years of ratification of the Agreement),
- Nunavut Water Board (within two years of ratification of the Agreement).

These institutions will be instruments of public government. In other words, they will be funded by government, and will be for the benefit of all residents of Nunavut.

Article 11: Land use Planning

This Article ensures that the Nunavut Settlement Area will be subject to land use planning. It outlines principles to guide planning, and specifies the tasks of the Nunavut Planning Commission which is charged with conducting land use planning in the settlement area.

The membership of the Nunavut Planning Commission may vary, but Inuit are guaranteed 50% of the members of the commission. The Nunavut Planning Commission is responsible for setting planning goals and priorities with government, and for formulating and reviewing land use plans; and contributing to the development of an Arctic Marine Policy. The Nunavut Planning Commission can hold public hearings to help it develop draft land use plans. These draft land use plans are submitted to the federal Minister of Indian Affairs and Northern Development, and the territorial Minister of Renewable Resources. Once land use plans are approved by the federal Cabinet and the territorial Executive Council, the Nunavut Planning Commission will monitor all development projects to ensure their conformity with land use plans. The Nunavut Planning Commission will also identify and prioritize requirements to clean-up waste sites in Nunavut.

Article 21 Development Impact

This Article provides for the assessment and review of development projects in the Nunavut Settlement Area. A Nunavut Impact Review Board (NIRB) will screen project proposals to determine whether there is a need for a review of their ecosystemic and socio-economic impacts. If NIRB determines that a review is required, the Minister may refer the proposal to either NIRB or the Federal Environmental Assessment Review Office (FEARO) for consideration. There is to be no duplication of reviews. Inuit are to nominate 50% of the members of NIRB. At least 25% of the members of panels set-up by FEARO will be Inuit nominees with a similar percentage from the territorial government.

Where NIRB conducts a review, it would determine if the proposal may proceed, and if so, what terms and conditions will be imposed to deal with environmental and socio-economic impacts. NIRB will issue a report to the Minister. The Minister has the overriding authority to approve or reject projects in the national or regional interest, or to modify terms and conditions that are more onerous than necessary to mitigate impacts to an

acceptable level. **NIRB will issue a project certificate containing terms and conditions accepted or varied by the Minister, and may be asked to monitor the impacts of projects.**

Article 13 : Water Management

This Article puts in place a new institution to manage water in the Nunavut Settlement Area. Currently, the NWT Water Board licences the use of water in the NWT. A Nunavut Water Board, composed of an equal number of Inuit and government appointees, will be established to take over these functions in the Nunavut Settlement Area, and will have responsibilities at least equivalent to those of the present NWT Water Board. The Nunavut Water Board is to contribute to the development of land use plans as they relate to water use, and is to cooperate closely with the Nunavut Impact Review Board.

Article 14 : Municipal Lands

This Article provides for local governments to own, control, and administer municipal land on behalf of the people who live in the communities, and ensures that municipal boundaries include land needed by the communities. The territorial government will hold a referendum in each community within two years of ratification of the Agreement, to determine whether voters are in favour of the municipality selling municipal land. This Article also says that if, in future, a municipality does not need the land, Inuit will have a "right of first refusal" to buy the land, or exchange some other Inuit land for the old municipal land.

Article 15 : Marine Areas

This Article ensures the continuation of the Inuit right to use the offshore in the Nunavut Settlement Area. It extends the application of various Articles of the Agreement to the offshore, including wildlife harvesting and management, land use planning, impact development, resource royalty sharing, parks, consecration areas, and some other provisions.

This Article also defines two zones in Hudson Bay, James Bay, and Hudson Strait; and Baffin Bay and Davis Strait, outside the land claim settlement area, but in which the Nunavut Wildlife Management Board will be involved in managing migratory species. In addition, the Government recognizes the

economic dependence and adjacency of communities in Nunavut on and to marine species in zones 1 and 2, and so agrees to give special consideration to these factors when allocating commercial fishing licences within these two zones.

Article 16 : Outer Land Fast Ice Zone - East Baffin Coast

The boundary of the Nunavut Settlement Area on the East Baffin Coast will follow the twelve mile limit of the territorial sea. Where the outer limit of the land fast ice extends beyond the territorial sea, Article 16 ensures that the land use planning, development impact, wildlife harvesting and resource royalty sharing provisions will apply to this area too.

INUIT OWNED LANDS

Article 17 : Purposes of Inuit Owned Lands

This Article outlines the purposes for which Inuit can select and, therefore, own land in the Nunavut Settlement Area. This Article was included in the Nunavut Agreement-In-Principle, and was used to guide land ownership negotiations in 1990 and 1991. The overriding purpose of Inuit Owned Lands is to secure balanced economic development for Inuit. To this end, Article 17 recognizes that Inuit Owned Land should include:

- good trapping and hunting areas;
- outpost camps;
- areas good for tourism;
- land where minerals have been or might be found;
- areas good for business or industry; and
- places of cultural importance.

Article 18 : Principles to Guide the Identification of Inuit Owned Lands

This Article contains the guidelines that were used by Inuit and Government in 1990 and 1991 in negotiating which land Inuit would own.

Generally, Inuit could negotiate to own any land in the Nunavut Settlement Area as long as they could demonstrate use and occupancy of the land in question.

TFN organized Community Land Ownership Negotiating Teams (CLINTS) to speak for Inuit in land ownership negotiations. Each CLINT included community leaders including at least one elder and members of the Hunters and Trappers Association and the municipal council. TFN negotiators were also "members of the team that negotiated land ownership.

Article 19 :: Title to Inuit Owned Lands

This Article describes the two ways that Inuit can own land in the Nunavut Settlement Area. In some places, Inuit will own the land and everything on and under it, including rights to oil, gas and minerals. In other places Inuit will own the land and everything on and under it including things like construction and carving stone, but will not have the right to oil, gas or minerals. Inuit own lands covered by water (lake beds, etc.) if the body of water is surrounded by Inuit Owned Lands.

Carving stone is recognized in the Agreement as a resource used almost solely by Inuit, so Inuit own all carving stone on their land. During land ownership negotiations Inuit picked land rich in carving stone. In addition, the Agreement says that every Inuk will be able to take up to 50 cubic yards of carving stone from Crown land every year. If the Crown land is being used by somebody else, Inuit must remove the carving stone without significantly interfering with with the use of the land. As well, Government must tell Inuit about any new discoveries of carving stone on Crown land, and Inuit will have the right to either trade some of their land for that Crown land, or get a lease to remove the stone. Only Inuit will be able to obtain these leases.

Before a national park is established, Inuit can ask government to study how much carving stone is inside the park boundaries. If the park would include significant amounts of carving stone, Inuit can have the park boundaries moved. In existing national or territorial parks and conservation areas, Inuit can get a special agreement to remove the stone in certain ways.

This Article defines the total amount of land to be owned by Inuit in Nunavut according to the following regional breakdown:

1. North Baffin	33,230 square miles	(86,060 square kilometers)
2. South Baffin	25,500 square miles	(66,040 square kilometers)
3. Keewatin	36,890 square miles	(95,450 square kilometers)
4. Kitikmeot East	14,275 square miles	(36, 970 square kilometers)
5. Kitikmeot West	25,635 square miles	(60, 390 square kilometers)
6. Sanikiluaq	1,000 square miles	(2, 590 square kilometers)
Total	136,530 square miles	(353,590 square kilometres)

Of this total, 14,000 square miles of land (36, 257 square kilometers) will include rights to the subsurface specifically including oil, gas and minerals.

Article 19 also defines an area in the High Arctic Islands, within the Nunavut Settlement Area, in which Inuit did not select land. This was agreed to because this is not land that Inuit have traditionally used.

Article 20 : Inuit Water Rights

This Article provides that, subject to the Agreement, Inuit have the exclusive right to the use of water on, in or flowing through Inuit Owned Lands, and the right to have water flow through Inuit Owned Lands substantially unaffected in quality, quantity and flow.

Use of water on Inuit Owned Lands will be subject to normal regulatory approvals by the Nunavut Water Board. Access to and use of water by subsurface developers is provided for in this Article. Inuit will be entitled to compensation if development adversely affects the quality, quantity, or flow of waters through Inuit Owned Lands. If Inuit and the would-be developer can not agree on appropriate compensation, the Nunavut Water Board will decide. This Article does not affect public rights to navigation, rights of innocent public passage on water, or use of water in emergencies.

Article 21 : Entry and Access

This Article sets out the rules under which non-Inuit can gain entry to and access across Inuit Owned Lands. As a general principle, such access and

entry will occur *only* with the consent of Inuit. However, the Agreement lets members of the public go onto Inuit Owned Land for casual travel, recreation or in emergencies, or when associated with travel by water. Government agents, employees, and contractors **will** have the right to enter, cross and remain on Inuit Owned Land to implement government programs and to enforce laws. If Inuit Owned Land is damaged as result of this, Government will have to compensate Inuit. Government is able to acquire sand and gravel on Inuit Owned Land for public purposes.

The rights of third parties, such as the oil and gas, and mining industries, to Inuit Owned Land are respected in the Agreement. If developers have mineral rights to Inuit Owned Land or have to cross Inuit Owned Land they may do so by obtaining the consent of Inuit or, failing this, they can obtain an entry order from the Surface Rights Tribunal. This tribunal will also determine compensation to be paid to Inuit. As well, commercial operators may cross Inuit Owned Land with the consent of Inuit or by order of the Surface Rights Tribunal, if the access is essential and other means of access are impractical.

Government will be able to expropriate Inuit Owned Land, but must do so with the approval of the Governor-In-Council or Commissioner-In-Council, as the case may be, and with appropriate compensation to Inuit in the form of money or land. A limit of 120% has been set on how much Inuit Owned Land can be expropriated.

Article 22: Real Property Taxation

As a general principle, Inuit Owned Lands are exempt from Real Property Taxation by the federal, territorial, or municipal governments. However, within municipalities, Inuit Owned Lands that have improvements, such as houses, or lie within approved subdivisions are subject to Real Property Taxation. Inuit Owned Lands outside municipalities that have improvements are also subject to this type of taxation, but Outpost Camps or structures used for non-commercial, traditional purposes are not subject to Real Property Taxation.

ECONOMIC PROVISIONS

Article 23 : Inuit Employment Within Government

The object of this Article is to increase the number of Inuit employed by Government to a level that reflects the ratio of Inuit to the total population of Nunavut. Government, with the participation of Inuit, will look at the Inuit workforce in Nunavut to see what skills are available now and what training is needed, Government departments will develop plans to increase Inuit employment in government. These departments will also develop pre-employment training plans to provide some Inuit with skills to qualify for government employment. Government jobs will be posted throughout Nunavut, and efforts will be made to increase Inuit recruitment and promotion by removing barriers to employment such as inflated education requirements. Implementation of this Article will be reviewed five years after ratification of the Agreement.

Article 24 : Government contracts

The purpose of this Article is to help Inuit firms to compete for government contracts in the Nunavut Settlement Area. To that end, government will take measures to assist Inuit firms to make competitive bids, including designing contracts to make it easier for Inuit firms to compete. A review of the effect of this Article will be undertaken within 20 years of its implementation.

Article 25 : Resource Royalty Sharing

This Article requires government to pay Inuit 50% of the first \$2 million and 5% thereafter of royalties that it receives from the production of resources such as oil, gas, and minerals, on Crown land in the Nunavut Settlement Area. This money will be paid to the Nunavut Trust.

Article 26 : Inuit Impact and Benefit Agreements(IIBAs)

This Article provides for the negotiation of an agreement between Inuit and developers before any major development projects in Nunavut can go forward. A major development project is one that involves the development or exploitation by industry or a Crown Corporation of non-renewable resources on land to which Inuit own the surface, or water power generation or water exploitation anywhere in the Nunavut Settlement Area. IIBAs must be negotiated for projects that involve more than \$35 million (1986 dollars) in capital costs, or which involve more

than 200 person years of employment in any 5-year period. An IIBA can include such things as training, housing, preferential employment, employment rotation and language of the workplace.

Negotiation of an IIBA must begin at least 180 days before development on Inuit Owned Land begins. When both Inuit and the developer agree on the contents of the IIBA, it is final. If they do not agree, they can use arbitration to establish the IIBA. The IIBA forms a contract between the Inuit and the developer.

Article 77 : Natural Resource Development

This Article requires government to notify Inuit before any land in the Nunavut Settlement Area is opened for petroleum exploration, and to discuss with Inuit the terms and conditions that should be attached to any such exploration. Prior to exploration, development or production of petroleum, and development and production of resources other than petroleum on Crown lands, developers are required to consult with Inuit on a wide range of matters identified in a schedule to the Article.

Article 28 : Northern Energy and Minerals Accord

This Article makes sure that Inuit representatives will be included on the territorial government team to develop and to implement agreements with the federal government about the future management and development of oil, gas, and minerals in the North.

Article 29 : Capital Transfers

This Article outlines the money payments ("capital transfers") that are to be made to Inuit as part of the land claim agreement. Inuit are to receive \$1,148,123,217 over 14 years. The Article specifies how much money Inuit will receive in each year. In addition, the Article requires TFN to repay to the federal government over 14 years, approximately \$35 million that has been used to negotiate the land claim agreement.

Article 30 : General Taxation

This Article says that the capital transfer payments made by government to the Nunavut Trust or loans made by government to the Trust against the

money that government still owes Inuit, will not be subject to taxes or any other type of fees. The Nunavut Trust will be subject to general tax laws of application, as will the recipient of any income or capital from the Trust.

Article 31 : The Nunavut Trust

The Nunavut Trust will be set-up by Inuit to receive the capital paid to Inuit by government. The Trust is responsible for protecting, managing and investing the capital. The Trust is to be controlled by its trustees, selected by the regional Inuit associations.

SOCIAL AND CULTURAL PROVISIONS

Article 32 : Nunavut Social Development Council

This Article provides Inuit with the right to participate in the development of social and cultural policies and programs in Nunavut, and commits government to try to reflect Inuit goals and objectives when establishing such policies and programs. A Nunavut Social Development Council will be set-up by Inuit to do research on Inuit social and cultural issues and to advise government on the need for social and cultural policies and programs. The council will be an independent Inuit body. It will submit annual reports on the state of Inuit culture and society to the federal and territorial governments.

Article 33 : Archaeology

This Article is to ensure that Inuit are involved in interpreting their cultural, historical and ethnographic history, and to ensure the proper treatment of Inuit archaeological specimens. An Inuit Heritage Trust is to be established by Inuit within one year of ratification of the agreement. This trust is to support and facilitate the conservation and display of archaeological sites and specimens in the Nunavut Settlement Area, and is also to review existing 'official' place names in the Nunavut Settlement Area that may be replaced by traditional Inuit names. The trust will participate with government in designing policy and legislation dealing with archaeology and, in particular, a permit system to protect, excavate and restore archaeological sites.

Qualified Inuit contractors are to be given preferential treatment by government if it tenders contracts concerning archaeological work. Archaeological programs in the Nunavut Settlement Area implemented by government shall conform to the employment and training provisions of Article 23. Most archaeological specimens found within the Nunavut Settlement Area shall be jointly owned by Inuit and government. Agencies identified in this Article agree to keep in the Nunavut Settlement Area as many specimens as possible, and Inuit and government agree that new facilities need to be established in the Nunavut Settlement Area to conserve and to manage a representative portion of the archaeological record.

Article 34 : Ethnographic Objects and Archival Materials

Government has many Inuit ethnographic objects in museums in the South. This Article states that as many objects as possible must be loaned to the Inuit Heritage Trust for display in the Nunavut Settlement Area, as long as the trust is able to safely maintain the objects. Government ethnological programs shall involve employment and training provisions for Inuit.

Article 35 : Enrolment

This Article outlines a process for Inuit to define who is an Inuk for purposes of the agreement. Inuit will maintain a list of people entitled to be enrolled under the agreement. To be enrolled, a person must be recognized as an Inuk under Inuit custom or Inuit law, and be associated with a community or the Nunavut Settlement Area. In addition, individuals must be Canadian citizens, and may only benefit from one Canadian land claim settlement at any given time. A Community Enrolment Committee (CEC), composed of local people, shall be established in each community to determine who meets the enrolment criteria. An appeals committee is able to hear appeals by people who disagree with the decisions of the CEC.

Article 36 : Ratification

This Article sets out the method by which the Inuit and government will ratify, that is, approve the agreement. Inuit will ratify the agreement if a majority of eligible voters in each of the three regions of the Nunavut Settlement Area approve it, and when TFN signs it. The government will ratify the agreement by signing it, following authorization to *do so* by the

federal Cabinet, and passing legislation. A Ratification Committee composed of three Inuit and two government representatives is to organize and conduct the land claim ratification vote, and to ensure that voters have a reasonable opportunity to examine the agreement before the vote occurs.

Article 37 : Implementation

A plan to implement the agreement shall be **developed** before the agreement is ratified. This plan shall provide for an ongoing process for Inuit and government to plan for and monitor the implementation of the agreement. The implementation plan shall **form** a contract between Inuit and government, and shall only be amended **with** the written consent of Inuit and government. Within 60 days of the ratification of the agreement, an Implementation Panel composed of four people, two representing Inuit and **two** representing government, **shall** be established. This panel is to oversee and provide direction on the implementation of the agreement.

An Implementation Fund of \$4 million **will** be established and administered by the Nunavut Trust to assist Inuit organizations to carry out their responsibilities under the agreement. A Nunavut Implementation Training Committee (NITC), composed of seven members, five appointed by Inuit and two appointed by government, will be established within three months of ratification of the agreement. The **NITC shall** direct a study into the positions needed to implement the agreement and the skills needed in these positions. Government will provide \$13 million to an Implementation Training Trust that will fund the work of the NITC in providing training.

Article 38 : Arbitration

An Arbitration Board will be set-up where Inuit and Government can refer disagreements on the meaning and interpretation of the agreement. Various parts of the agreement provide that Inuit organizations and, in some cases, individual Inuit can ask the Board to deal with disagreements involving such topics as wildlife harvesting, commercial and government access to Inuit Owned Lands, expropriation of Inuit Owned Lands, and exchange of lands for lands with carving stone. Decisions made by the Arbitration Board are final.

Article 39 : Inuit Organizations

Inuit have to set-up their own organizations to implement parts of the agreement. This Article provides for the establishment of a the **Nunavut Tungavik** and other organizations to exercise authority to Implement the agreement on behalf of Inuit.

Article 40 : Other Aboriginal Organizations

Inuit in the **Nunavut Settlement Area** and adjacent aboriginal peoples have overlapping interests and land use. This Article is unfinished, but it is the intention that it will provide for the protection and continuation of these interests.

Article 41 : Contwoyto Lake

This Article defines two parcels of land in the **Contwoyto Lake** area, totalling 220 square miles, to be owned by Inuit. These two parcels of land are outside the **Nunavut Settlement Area** but are lands that have been traditionally used by Inuit.