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COMMUNITY AND ABORIGINAL SELF
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COMMUNITY AND ABORIGINAL SELF-GOVERNMENT IN THE NORTHWEST
TERRITORIES

A PRESENTATION

BY THE

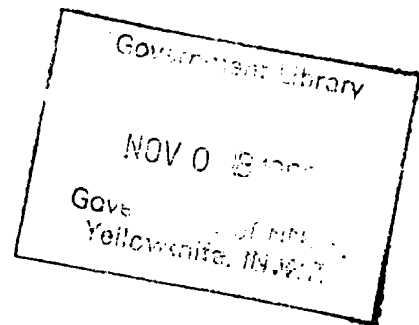
FORT GOOD HOPE COWUNITY COUNCIL


TO THE

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

OCTOBER 31, 1989

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A PRESENTATION

BY TEE

FORT GOOD HOPE COMMUNITY COUNCIL

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TABLE OF CONTENT

1. INTRODUCTION	1
2. COMMUNITY SELF-GOVERNMENT	1
3. ABORIGINAL SELF-GOVERNMENT	5
A. SEPARATE AND EXCLUSIVE JURISDICTION	6
B. ENTRENCH SPECIFIC ABORIGINAL RIGHTS WITHIN A CONSTITUTION	7
C. GUARANTEED REPRESENTATION	7
D. SHARED OR CONCURRENT JURISDICTION	7
4. CONSTITUTIONAL PRINCIPLES IN THE IQALUIT AGREEMENT	8
5. REFLECTIONS ON OUR HISTORY OF SELF-GOVERNMENT	10
6. COMMUNITY SELF-GOVERNMENT	32
A. WITHIN MUNICIPAL BOUNDARIES	33
B. BEYOND MUNICIPAL BOUNDARIES	36
C. REGIONAL GOVERNMENT	41
7. ABORIGINAL SELF-GOVERNMENT AT THE TERRITORIAL LEVEL	42
A. COMMUNITY GOVERNMENT AND TERRITORIAL GOVERNMENT	47
B. GUARANTEED REPRESENTATION IN THE LEGISLATIVE ASSEMBLY	49
C. GUARANTEED REPRESENTATION IN THE GNWT	55
D. GUARANTEED REPRESENTATION AND POLITICAL PARTIES	60
E. CONSTITUTION ENTRENCHMENT	61
F. MAJOR LEGISLATION AND THE ROLE OF THE CULTURAL CAUCUSES IN THE LEGISLATIVE ASSEMBLY	65
G. EXCLUSIVE ABORIGINAL JURISDICTION AND THE CULTURAL CAUCUSES	69
a. ABORIGINAL SELF-GOVERNMENT AT THE COMMUNITY LEVEL	71
9. CONCLUSION	75

1. INTRODUCTION

ON BEHALF OF **THE** RESIDENTS **OF** FORT GOOD HOPE, I WOULD **LIKE TO** EXPRESS OUR APPRECIATION TO THE LEGISLATIVE ASSEMBLY FOR **GRANTING** US THIS OPPORTUNITY TO EXPRESS OUR VIEWS AND PRESENT OUR PROPOSALS REGARDING COMMUNITY **SELF-GOVERNMENT** AND ABORIGINAL SELF-GOVERNMENT . WHILE THESE TWO CONCEPTS ARE CLOSELY INTERRELATED, THEY **ARE NOT** IDENTICAL. IT IS IMPORTANT, THEREFORE, THAT ANY COMPREHENSIVE PROPOSAL DEFINE AND CAREFULLY DISTINGUISH BETWEEN THE TWO. I WOULD LIKE TO SUGGEST THE FOLLOWING INTERPRETATION.

2. COMMUNITY SELF-GOVERNMENT

COMMUNITY SELF-GOVERNMENT REFERS TO THE INSTITUTIONS OF LOCAL GOVERNMENT', AND THE POWERS AND RESPONSIBILITIES RETAINED BY THESE GOVERNING BODIES WHICH ENABLE **THEM** TO REPRESENT, MAKE **DECISIONS** ON BEHALF OF, AND DELIVER SERVICES TO ALL BONA FIDE RESIDENTS OF THE COMMUNITY. IT ALSO REFERS TO THE RELATIONSHIP TO, AND THE DISTRIBUTION **OF** POWERS BETWEEN THE COMMUNITY, THE GOVERNMENT OF THE NORTHWEST TERRITORIES, AND, TO A LESSER EXTENT, THE GOVERNMENT OF CANADA.

THE FOLLOWING **IS** A LIST **OF GENERAL** PRINCIPLES **AND** ASSUMPTIONS ABOUT
COMMUNITY SELF-GOVERNMENT WHICH WE ENDORSE;

A) IN GENERAL, ON MOST MATTERS, THE RELATIONSHIP BETWEEN THE
COMMUNITY GOVERNMENT AND THE TERRITORIAL GOVERNMENT IS ONE
OF SHARED RESPONSIBILITY AND **JURISDICTION**.

WE SEE THE GOVERNMENT OF THE NORTHWEST TERRITORIES BEING
RESPONSIBLE FOR,

- THE **GENERATION** OF MOST PUBLIC REVENUES,
- THE ESTABLISHMENT OF BROAD GOALS, OBJECTIVES AND STANDARDS
VIA LEGISLATION, REGULATION AND POLICY,
- THE SETTING OF BROAD PARAMETERS FOR THE DELIVERY OF
PROGRAMS AND SERVICES,
- A SOURCE OF SCARCE, SPECIALIZED AND EXPENSIVE EXPERTISE
WHICH IS **AVAILABLE** TO BOTH LEVELS OF GOVERNMENT, AND
- THE PROTECTION OF THE GENERAL INTERESTS OF ALL **NWT**
RESIDENTS.

WE SEE COMMUNITY GOVERNMENTS BEING RESPONSIBLE FOR;

- SPECIFIC, DAY-TO-DAY PLANNING WITHIN THEIR BOUNDARIES,
- THE APPROVAL AND LICENSING OF SPECIFIC PROJECTS,

- THE ADAPTION AND APPLICATION OF TERRITORIAL OBJECTIVES AND STANDARDS TO THEIR COMMUNITY IN A MANNER WHICH MEETS ITS SPECIFIC NEEDS, AND
- THE REFINEKENT AND DELIVERY OF **PROGRAMS** AND SERVICES TO **LOCAL** RESIDENTS.

B) THE EXTENT **OF** THE RELATIONSHIP BETWEEN THE COMMUNITY GOVERNMENT AND THE GOVERNMENT OF CANADA WOULD BE MORE LIMITED. IT WOULD BE DEFINED PRIMARILY BY THE NATURE AND EXTENT OF THE INTEREST THE FEDERAL GOVERNMENT RETAINS IN SURFACE LANDS AND MINERALS AFTER CLAIMS AND OTHER CONSTITUTIONAL INITIATIVES HAVE BEEN COMPLETED. HOWEVER, THE NATURE OF THE RELATIONSHIP WOULD BE THE SAME; THE FEDERAL GOVERNMENT WOULD REPRESENT THE GENERAL INTERESTS OF CANADIANS WHILE RESPONSIBILITY FOR LOCAL **AND** SPECIFIC INTERESTS WOULD REST WITH THE COMMUNITY.

REGARDLESS OF WHICH LEVEL OF GOVERNMENT THE COMMUNITY GOVERNMENT IS DEALING WITH, THE NORMAL, PRACTICAL EXPRESSION OF THIS RELATIONSHIP WOULD BE THAT MOST PLANS OR PROJECTS WOULD REQUIRE SOME FORM **OF** APPROVAL FROM BOTH LEVELS **OF** GOVERNMENT BEFORE THEY COULD BE IMPLEMENTED - THE PLAN THE LOCAL AUTHORITY APPROVES

BEING MUCH **MORE** SPECIFIC IN NATURE.

- c) WE SUPPORT THE PRINCIPLE THAT, AS A RULE, TERRITORIAL GOVERNMENT DEPARTMENTS OR AGENCIES PROVIDING **PROGRAMS** OR SERVICES WITHIN A COMMUNITY SHOULD DO SO UNDER THE UMBRELLA AUTHORITY **OF THE COMMUNITY** COUNCIL.
- D) NOTWITHSTANDING C), COMMUNITY GOVERNMENTS WILL ONLY ASSUME RESPONSIBILITY FOR PROGRAMS, SERVICES OR OTHER PUBLIC MATTERS IN ACCORDANCE WITH THEIR OWN PRIORITIES AND CAPACITIES.
- E) TRAINING FOR INDIVIDUALS AND DEVELOPMENTAL **STRATEGIES** TO INVOLVE RESIDENTS IN THE EVOLUTION **OF THEIR** COMMUNITY ARE ESSENTIAL TO THE SUCCESS OF THESE OBJECTIVES.
- F) ADEQUATE **LEVELS** OF PUBLIC FUNDING MUST BE AVAILABLE TO COMMUNITY GOVERNMENTS TO ENABLE THEM TO FULFIL THEIR DUTIES AND RESPONSIBILITIES PROPERLY.
- G) REGIONAL GOVERNMENT MAY PROVE TO BE A VERY IMPORTANT LEVEL OF ADMINISTRATION IN THE FUTURE. HOWEVER, WE INCLUDE REGIONAL GOVERNMENT WITHIN THE **FRAMEWORK** OF COMMUNITY SELF-GOVERNMENT BECAUSE WE SEE REGIONAL INSTITUTIONS ONLY BEING CREATED ON THE INITIATIVE OF INTERESTED COMMUNITIES TO ACT AS THEIR AGENTS FOR THE PURPOSE OF MORE EFFICIENTLY OR EFFECTIVELY

MANAGING SOME ASPECTS OF COMMUNITY GOVERNMENT AUTHORITY. HOWEVER , THIS DOES NOT PRECLUDE THE POSSIBILITY **OF** ADDITIONAL DELEGATIONS **OF** AUTHORITY FROM THE TERRITORIAL GOVERNMENT TO A **REGIONAL** BODY IN CASES WHERE BOTH THE TERRITORIAL GOVERNMENT AND AFFECTED COMMUNITY GOVERNMENTS AGREE.

WE OFFER THESE PRINCIPLES AS GUIDELINES FOR THE COOPERATIVE DEVELOPMENT **OF** MODELS FOR COMMUNITY SELF-GOVERNMENT.

3. ABORIGINAL SELF-GOVERNMENT

ABORIGINAL SELF-GOVERNMENT, OR SPEAKING **MORE** SPECIFICALLY , **DENE/METIS** SELF-GOVERNMENT REFERS TO THE POLITICAL RIGHTS, AUTHORITIES AND RESPONSIBILITIES RETAINED AND EXERCISED BY THE **DENE/METIS** AS A DISTINCT GROUP OF ORIGINAL PEOPLE WHO ARE RECOGNIZED AS SUCH WITHIN THE CONSTITUTION OF **CANADA**. **THESE** COLLECTIVE RIGHTS ARE DISTINCT FROM THE INDIVIDUAL RIGHTS WE ENJOY WITH OTHER CANADIANS AS CITIZENS OF CANADA. SINCE THE **DENE/METIS** ARE DIRECTLY AND SUBSTANTIALLY AFFECTED BY THREE LEVELS OF GOVERNMENT: FEDERAL, TERRITORIAL AND LOCAL: AND SINCE EACH OF THESE LEVELS IS SUBJECT TO THE CANADIAN CONSTITUTION, OUR COLLECTIVE RIGHTS, AUTHORITIES AND RESPONSIBILITIES AS ABORIGINAL PEOPLES NEED

TO BE CLARIFIED AT ALL THREE LEVELS.

THE QUESTIONS THEN BECOME, WHAT FORM OR FORMS COULD ABORIGINAL SELF-GOVERNMENT ASSUME, AND HOW WOULD THEY INTERACT WITH THE THREE LEVELS OF GOVERNMENT. THERE ARE A NUMBER OF WAYS IN WHICH THE CONCEPT **OF** ABORIGINAL SELF-GOVERNMENT COULD BE CONCRETELY EXPRESSED. WE WILL SUGGEST FOUR.

A. SEPARATE AND EXCLUSIVE JURISDICTION: INSTITUTIONS COULD BE CREATED WHICH WOULD REPRESENT, BE ACCOUNTABLE TO AND PROVIDE SERVICES EXCLUSIVELY TO **DENE/METIS**. THE MOST COMMON EXAMPLE CITED IS INDIAN RESERVES IN SOUTHERN CANADA, ALTHOUGH MOST INDIAN BANDS" WOULD BE QUICK TO AGREE THAT THE CURRENT EXTENT OF BAND CONTROL IS FAR TOO NARROW AND THE OPPORTUNITIES FOR THE FEDERAL GOVERNMENT TO MEDDLE IN BAND AFFAIRS FAR TOO BROAD .

THIS APPROACH IS ASSUMED BY SOME TO BE THE ONLY FORM SELF-GOVERNMENT CAN TAKE . WHILE WE BELIEVE THAT EXCLUSIVE **DENE/METIS** JURISDICTION IS DESIRABLE FOR SOME MATTERS AT BOTH THE LOCAL **AND** TERRITORIAL LEVELS, IT IS NOT THE ONLY, OR EVEN THE BEST EXPRESSION OF ABORIGINAL SELF-GOVERNMENT FOR OTHERS .

- B. ENTRENCH SPECIFIC ABORIGINAL RIGHTS WITHIN A CONSTITUTION:
- IT MIGHT BE **DESIRABLE** TO PROTECT ABORIGINAL INTERESTS IN SOME AREAS BY ENTRENCHING CERTAIN RIGHTS IN THE CANADIAN OR A NORTHERN CONSTITUTION. SOME EXAMPLES MIGHT INCLUDE LANGUAGE OR EDUCATION RIGHTS AND WILL CERTAINLY INCLUDE RIGHTS DEFINED IN EACH ABORIGINAL **GROUP' S** FINAL CLAIMS SETTLEMENT. IN THIS MANNER OBLIGATIONS ARE CREATED FOR GOVERNMENT, AND, IF THEY FAIL TO **FULFIL** THOSE OBLIGATIONS, A COURT OF **LAW** CAN INTERVENE ON BEHALF OF THE AFFECTED PEOPLE.
- C. GUARANTEED REPRESENTATION: THIS METHOD WOULD ENSURE **THAT** THE **DENE/METIS** ARE PRESENT AND FORMALLY PARTICIPATE IN THE DECISION-MAKING PROCESS IN THE LEGISLATIVE ASSEMBLY. **IT** COULD BE ACCOMPLISHED DIRECTLY BY APPOINTMENT OR ELECTION BY **DENE/METIS**, OR INDIRECTLY BY DRAWING CONSTITUENCY Boundaries IN SUCH A MANNER THAT **DENE/METIS** CLEARLY CONSTITUTE A MAJORITY IN A NUMBER OF **RIDINGS**. WE PREFER THE DIRECT METHOD.
- D. SHARED OR CONCURRENT JURISDICTION: THIS METHOD IS IN ADDITION TO **GUARANTEED** REPRESENTATION IN THAT CERTAIN DECISIONS MADE BY A BODY ON **WHICH** THE **DENE/METIS ARE** REPRESENTED WOULD REQUIRE THE APPROVAL **OF A MAJORITY OF THE DENE/METIS**

REPRESENTATIVES AS **WELI** AS A MAJORITY OF THE WHOLE GROUP. IT WOULD PROBABLY ONLY BE APPLIED TO DECISIONS WHICH AFFECTED THE **DENE/METIS** IN VERY DIRECT, DISTINCT AND FUNDAMENTAL WAYS. ANY AMENDMENTS TO SPECIFIC ABORIGINAL RIGHTS DEFINED IN A CONSTITUTIONAL DOCUMENT WOULD BE ONE OBVIOUS EXAMPLE.

THESE FOUR EXPRESSIONS OF ABORIGINAL SELF-GOVERNMENT ARE NOT MUTUALLY EXCLUSIVE. WE WILL BE PROPOSING THAT ALL FOUR BE APPLIED TO ALL THREE LEVELS OF GOVERNMENT LATER IN THIS PRESENTATION. WE WILL BE ALSO BE DISCUSSING THE PRINCIPLES OF COMMUNITY AND ABORIGINAL SELF-GOVERNMENT IN GREATER DETAIL AND MAKING SOME SUGGESTIONS REGARDING THE INSTITUTIONS OF GOVERNMENT THAT WE BELIEVE WILL COKE CLOSEST TO MEETING OUR NEEDS.

4. CONSTITUTIONAL PRINCIPLES IN **THE IOALUIT** AGREEMENT"

IN MARCH 1987, THE LEGISLATIVE ASSEMBLY FORMALLY APPROVED THE BOUNDARY AND CONSTITUTIONAL AGREEMENT REACHED BY THE WESTERN AND NUNAWT CONSTITUTIONAL FORUMS EARLIER THAT YEAR. WHILE A SECOND MOTION REGARDING A PLEBISCITE ON THE BOUNDARY FOR DIVISION OF THE NORTHWEST TERRITORIES FELL BY THE WAYSIDE AS A RESULT OF DIFFICULTIES ENCOUNTERED BETWEEN THE **DENE/METIS** AND **INUIT** REGARDING

A BOUNDARY FOR CLAIMS, THE MOTION SUPPORTING THE CONSTITUTIONAL PRINCIPLES **ELABORATED** IN THE **IQALUIT** AGREEMENT STILL STANDS. THE DEFINITIONS AND PRINCIPLES FOR COMMUNITY AND ABORIGINAL SELF-GOVERNMENT OFFERED ABOVE ARE ENTIRELY CONSISTENT WITH THE **IQALUIT** AGREEMENT AS ARE THE PROPOSALS WHICH FOLLOW.

HOWEVER, BEFORE PROCEEDING IN THIS DIRECTION, WE WOULD LIKE TO TAKE SOME TIME TO DESCRIBE TO YOU OUR EXPERIENCES WITH SELF-GOVERNMENT OVER THE YEARS, BOTH AS PART OF THE **DENE/METIS** COMMUNITY AND AS CITIZENS OF FORT GOOD HOPE. PRESENTATIONS **OF** PRINCIPLES AND STRUCTURES OFTEN COME ACROSS AS COLD, IMPERSONAL, AND DIFFICULT TO RELATE TO OR UNDERSTAND IN MORE THAN A SUPERFICIAL WAY. WE HOPE THAT BY TAKING THE TIME TO OUTLINE OUR EXPERIENCES AND TO EXPRESS OUR INTERPRETATIONS AND FEELINGS TOWARDS THOSE EVENTS, WE WILL BE ABLE TO PROVIDE YOU WITH A MUCH RICHER UNDERSTANDING OF WHAT **WE ARE** PROPOSING AND WHY WE THINK OUR PROPOSALS ARE REALLY A MATTER OF COMMON SENSE.

MANY **OF** YOU WILL PROBABLY RECOGNIZE REFLECTIONS OF YOUR OWN HISTORIES AND EXPERIENCES. I HOPE THIS WILL HELP US SHAPE A COMMON VISION OF THE FUTURE WHICH TOGETHER ALL OF US CAN WORK TOWARDS.

5. REFLECTIONS ON OUR HISTORY OF SELF-GOVERNMENT

THE DENE OF THE NORTHWEST DID NOT EXPERIENCE SIGNIFICANT IMPACTS FROM CONTACT WITH EUROPEANS UNTIL THE LATE 1700'S. UNTIL THEN THE VARIOUS FAMILIES, TRIBES OR NATIONS OF DENE WERE INARGUABLY SELF-SUFFICIENT, SELF-CONTAINED, SOVEREIGN PEOPLES WITH DEFINABLE LAND BASES **AND** FORMAL ECONOMIC AND POLITICAL RELATIONS WITH OTHER ABORIGINAL NATIONS. THOSE **SCEPTICS** WHO FIND IT DIFFICULT TO COMPARE DENE SELF-GOVERNMENT TO THE COMPLEX ENVIRONMENT AND STRUCTURES **OF** TODAY 'S GOVERNMENTS OUGHT TO REMIND THEMSELVES WHAT FORMS GOVERNMENTS IN WESTERN EUROPE AND THEIR NORTH AMERICAN COLONIES ASSUMED IN THE SEVENTEENTH OR EIGHTEENTH CENTURY.

THE FUR **TRADE** WAS THE DOMINANT DETERMINANT **OF** RELATIONS BETWEEN THE **DENE/METIS** AND NON-ABORIGINAL PEOPLES **THROUGH** THE NINETEENTH AND WELL INTO THE TWENTIETH CENTURY. THIS WAS **PRIMARILY** AN ECONOMIC RELATIONSHIP RATHER THAN AN ISSUE OF SOVEREIGNTY AND THE ESSENTIAL CHARACTERISTICS OF SELF-DETERMINATION FOUND IN THE **PRE-**CONTACT PERIOD PERSISTED.

THERE WERE SOME CHANGES. THE TOOLS USED BY THE DENE IN OUR TRADITIONAL ACTIVITIES WERE UPGRADED AND THE FOCUS **OF OUR** ECONOMY CHANGED SOMEWHAT AND BECAME MORE SPECIALIZED. NEVERTHELESS, BECAUSE

THE LIMITED DEPENDENCE OF THE **DENE/METIS** ON THE TRADERS CREATED DURING **THIS** PERIOD WAS **MATCHED** BY THE **TRADERS'** DEPENDENCE ON THE GOODS THAT ONLY THE **DENE/METIS** COULD PROVIDE, WE REMAINED INDEPENDENT PEOPLES ADJUSTING AS OTHER NATIONS DID TO A MORE INTERDEPENDENT WORLD. EVENTS LIKE THE ENACTMENT **OF** THE ROYAL PROCLAMATION OF 1763 AND THE CREATION OF CANADA WERE OF LITTLE CONSEQUENCE TO THE DAY-TO-DAY LIVES OF OUR RECENT ANCESTORS.

DRAMATIC AND SIGNIFICANT CHANGES TO OUR STATUS, JURISDICTION, ECONOMY AND LIFESTYLE REALLY ONLY BEGAN TO OCCUR WHEN GOVERNMENT BEGAN TO **TAKE** AN ACTIVE INTEREST IN THE NORTH. THE GOVERNMENT SHOWED NO INTEREST IN ACTING ON ITS UNILATERAL **DECLARATION** OF SOVEREIGNTY UNTIL PROSPECTORS AND GEOLOGISTS BEGAN TO FIND MINERALS AND OIL IN OUR LAND.

THE EXPLOITATION **OF** NON-RENEWABLE RESOURCES WAS NOT, IN* THE GOVERNMENT'S VIEW, FOUNDED UPON PRINCIPLES **OF** MUTUAL DEPENDENCE BETWEEN CANADA AND NON-ABORIGINAIS ON THE ONE HAND AND THE **DENE/METIS** COLLECTIVELY AND AS INDIVIDUALS ON THE OTHER. THEIR PRIMARY OBJECTIVE WAS TO SECURE THE ECONOMIC AND, IN THEIR VIEW, POLITICAL RIGHT TO **EXTRACT** THIS WEALTH FROM THE NORTH. WE WERE FIRST **OF** ALL IMPEDIMENTS TO BE REMOVED BY WAY OF APPARENTLY

NEGOTIABLE BUT IN REALITY NON-NEGOTIABLE TREATIES, AND SUBSEQUENTLY FISCAL AND MORAL LIABILITIES OR "PROBLEMS" TO BE ADDRESSED THROUGH THE **FILTERED** PERCEPTIONS OF ETHNOCENTRISM AND PATERNALISM.

THESE DEVELOPMENTS AND ATTITUDES CLEARLY SET THE STAGE FOR THE CREATION OF AN ENVIRONMENT IN THE NORTH WHICH SERIOUSLY THREATENED OUR ECONOMIC SELF-SUFFICIENCY, OUR INDEPENDENCE AND OUR ABILITY TO EFFECTIVELY GOVERN OURSELVES AND MANAGE OUR LANDS. EVEN SO, IT WAS NOT UNTIL THE 1950'S WHEN GOVERNMENT ACTIVELY BEGAN TO **ENCOURAGE** THE **DENE/METIS** TO TAKE UP PERMANENT RESIDENCE IN COMMUNITIES THAT A RELATIONSHIP OF DEPENDENCE CAME TO **CHARACTERIZE** OUR DAILY LIVES. CONGREGATING DISPERSED AND NOMADIC PEOPLE AT A FIXED LOCATION MADE THE TASK OF LIVING OFF THE LAND MORE DIFFICULT. AT THE SAME TIME, SETTLEMENT LIFE CREATED PROBLEMS AND EXPECTATIONS WHICH REQUIRED MONEY TO ADDRESS. ONLY THE GOVERNMENT HAD MONEY, AND WITH **CONTROL** OVER THE PURSE STRINGS, CAME THE **POWER** TO DETERMINE THE COMMUNITY'S PRIORITIES AND TO SET TERMS AND CONDITIONS FOR THE EXPENDITURE OF FUNDS. THE **DENE/METIS** COULD ONLY PRACTICE SELF-GOVERNMENT WHEN THEY WERE ON THE LAND.

OUR STRUGGLE SINCE THE 1960'S HAS BEEN TO FIND WAYS TO REASSERT OUR ECONOMIC, POLITICAL AND CULTURAL INDEPENDENCE, AND TO CREATE

A NEW FORM OF SELF-GOVERNMENT, ROOTED IN OUR HISTORY AND CULTURE, BUT ADAPTED TO THE ENVIRONMENT OF THE TWENTY-FIRST CENTURY. OUR TENDENCY HAS BEEN TO FOLLOW THE EXAMPLE **OF OUR** ANCESTORS BY APPROACHING THIS TOPIC FROM A TRIBAL OR COMMUNITY POINT **OF VIEW**.

THE PERIOD 1968 TO 1977 WAS CHARACTERIZED BY OUR RESISTANCE TO Government^s PLANS FOR OUR ASSIMILATION COUPLED WITH ACTIONS ON OUR PART TO ASSERT OUR ABORIGINAL RIGHT TO SELF-GOVERNMENT. WE HAD TO RESIST THE FEDERAL GOVERNMENT ' S 1969 WHITE PAPER ON ASSIMILATION AND INDIAN AFFAIR COINCIDENT PULL OUT FROM THE NWT, THE IMPOSITION **OF FOREIGN** INSTITUTIONS OF LOCAL GOVERNMENT COMPLETE WITH ROBERT'S RULES OF **ORDER**, AND THE SELF-SERVING COLONIAL SLOGAN, "WE'RE ALL NORTHERNERS . "

WE DO NOT ALL FIT WITHIN SOME CATEGORY CALLED NORTHERNERS. **WE** ARE COMMUNITIES OF DISTINCT PEOPLES WITH OUR OWN HISTORIES, OUR OWN CULTURES AND OUR OWN HOPES FOR OUR **CHILDRENS'** FUTURES. THIS DOES NOT MEAN THAT WE CANNOT LIVE AND WORX TOGETHER, THAT WE CANNOT OPENLY APPRECIATE WHAT EACH CULTURE HAS TO OFFER. BUT WE DO THIS BY RECOGNIZING AND RESPECTING EACH OTHER, AS PEOPLES AS WELL AS INDIVIDUALS; NOT BY DENYING WHO WE **ARE**. THE ULTIMATE EXPRESSION OF

RESPECT FOR A CULTURAL COMMUNITY IS TO **HONOUR** ITS RIGHT TO SELF-GOVERNMENT WITHIN THE FRAMEWORK **OF** NORTHERN SOCIETY **RATHER** THAN DOGMATICALLY IMPOSING THE PRINCIPLE **OF** MAJORITY RULE.

WE REJUVENATED OLD INSTITUTIONS LIKE OUR CHIEFS AND BAND COUNCILS, AND WE CREATED NEWS ONES; THE INDIAN BROTHERHOOD NOW DENE NATION AND THE METIS ASSOCIATION. WE SUCCESSFULLY SPEARHEADED A CAMPAIGN TO POSTPONE THE CONSTRUCTION OF A MACKENZIE VALLEY PIPELINE - A PROJECT WHICH WOULD HAVE DRAMATICALLY AFFECTED OUR LAND AND WILDLIFE, OUR PEOPLE AND COMMUNITIES, AND OUR CHANCES TO OBTAIN A JUST RECOGNITION OF **OUR** ABORIGINAL RIGHTS.

WE SUCCEEDED IN CONVINCING A JUSTICE OF THE SUPREME COURT OF THE NORTHWEST TERRITORIES THAT OUR ABORIGINAL RIGHTS HAD NOT BEEN EXTINGUISHED BY THE DUBIOUS TERMS OF THE GOVERNMENT'S VERSION OF OUR TREATIES AND THAT **WE STILL** RETAINED AN UNDEFINED **INTEREST** IN OUR TRADITIONAL **LANDS**. **WE** ACCOMPLISHED THIS IN LARGE PART BECAUSE OF THE TESTIMONY OF **OUR ELDERS** WHO WERE PRESENT WHEN THE TREATY PARTIES MET WITH **OUR LEADERS** IN 1899 AND 1921.

FINALLY THE **DENE/METIS**, OUR NORTHERN BROTHERS THE **INUIT** AND **INUVIALUIT**, AND **OTHER** ABORIGINAL NATIONS OF CANADA SUCCEEDED IN CONVINCING THE **GOVERNMENT OF** CANADA THAT WE HAD ABORIGINAL RIGHTS

WHICH DEMANDED THE NEGOTIATION OF MODERN DAY TREATIES, THE SO-CALLED COMPREHENSIVE CLAIMS . THESE WERE HEADY TIMES FOR US. WE TRULY **WERE** RESHAPING CANADIAN PERSPECTIVES AND THE NORTHERN POLITICAL LANDSCAPE. AND, IN THE PROCESS, CLARIFYING AND REDEFINING OUR VISION OF OURSELVES.

THE PERIOD FROM 1977 TO 1981 WAS NOT SO POSITIVE. GOVERNMENT WAS DETERMINED TO REGAIN CONTROL OVER THE POLITICAL AGENDA. THE VERY ESSENCE OF OUR ABORIGINAL CLAIM AS SET FORTH BY OUR ELDERS WAS SELF-GOVERNMENT COUPLED WITH ECONOMIC SELF-SUFFICIENCY . WE FELT THAT IF WE COULD GOVERN OUR LANDS, WE COULD SUCCEED IN GOVERNING **OUR** LIVES.

HOWEVER, GOVERNMENT ADAMANTLY INSISTED THAT COMPREHENSIVE CLAIMS WOULD ONLY ADDRESS LANDS AND RESOURCES AND THE **DENE/METIS** WOULD PARTICIPATE AS PRIVATE PARTIES TO AN AGREEMENT **RATHER** THAN AS **SELF-GOVERNING** ENTITIES. FUNDS WERE CUT OFF. NEGOTIATIONS WENT NOWHERE. THREATS TO TERMINATE THE PROCESS WERE MADE. EVENTUALLY WE GRUDGINGLY AGREED TO NEGOTIATE CLAIMS ON THIS BASIS, BUT ONLY ON THE CONDITION THAT WE WERE SATISFIED THAT SELF-GOVERNMENT WAS BEING ADDRESSED IN OTHER FORUMS.

1981 SAW THIS ASSEMBLY FIGHTING SIDE BY SIDE WITH ABORIGINAL PEOPLE TO ENSURE THAT CANADA'S ORIGINAL PEOPLES WERE RECOGNIZED IN THE AMENDED CONSTITUTION OF CANADA. IN 1982 THE CONSTITUTIONAL ALLIANCE WAS FORMED INCLUDING ITS PARTNERS THE NUNAWT AND WESTERN CONSTITUTIONAL FORUMS. IN 1983 THE LEADERS **OF** CANADA'S ABORIGINAL NATIONS SAT DOWN WITH THE LEADERS **OF THE FEDERAL** AND PROVINCIAL GOVERNMENTS TO NEGOTIATE A FURTHER AMENDMENT TO THE CONSTITUTION TO RECOGNIZE **AND** ENTRENCH OUR RIGHT TO SELF-**GOVERNMENT** .

UNFORTUNATELY, IN THE SUMMER OF 1988 WHEN IT CAME TIME FOR US TO CONSIDER ACCEPTING AN AGREEMENT IN PRINCIPLE AS A BASIS FOR A FINAL CLAIMS SETTLEMENT, THE FIRST MINISTERS PROCESS WAS DEAD, THE CONSTITUTIONAL ALLIANCE WAS ON HOLD, AND THERE WAS NO PROSPECT FOR ANY SATISFACTORY AGREEMENT ON SELF-GOVERNMENT ANYWHERE **ON** OUR HORIZON.

WE HAVE NOT FORGOTTEN WHY WE FOUGHT SO HARD TO HAVE OUR ABORIGINAL RIGHTS RECOGNIZED AND AFFIRMED. THE OVERRIDING ISSUE CONTINUES TO BE OUR RIGHT TO SELF-DETERMINATION, OUR NEED TO REACH AN ACCEPTABLE AGREEMENT ON ABORIGINAL SELF-GOVERNMENT. IT IS THIS DEMAND THAT BRINGS US BEFORE YOU TODAY.

I HAVE **TRIED** VERY BRIEFLY TO DESCRIBE TO YOU OUR HISTORY AS DENE AND METIS AND OUR RECENT STRUGGLES TO REASSERT OUR INDIVIDUAL AND COLLECTIVE INDEPENDENCE. NOW I WOULD LIKE TO TAKE A LITTLE MORE OF YOUR TIME TO DESCRIBE THE VERY LOCAL AND RECENT HISTORY OF THE PEOPLE OF FORT GOOD HOPE.

THE SOCIAL AND CULTURAL BREAKDOWN REALLY BEGAN IN OUR COMMUNITY WITH THE OPENING OF THE SCHOOL AND HOSTEL IN **INUVIK** IN THE LATE 1950s. MANY OF OUR SCHOOL-AGED CHILDREN WERE SENT TO **INUVIK** FOR MOST OF THE YEAR. **INUVIK** WAS LITTLE MORE THAN A CONSTRUCTION CAMP, AND OFTEN OUR CHILDREN WERE AFFECTED BY THE ATTITUDES AND **BEHAVIOUR** OF PEOPLE ACCUSTOMED TO LIVING IN THAT ENVIRONMENT. FAMILY **STRUCTURES** BEGAN TO BREAK DOWN AND OUR LANGUAGE BEGAN TO SUFFER. AT ABOUT THE SAME TIME THE INDIAN ACT WAS AMENDED TO ALLOW **STATUS** DENE TO DRINK ALCOHOL.

DESPITE ALL THESE NEW PROBLEMS, LIFE AROUND GOOD HOPE STILL WAS NOT TOO BAD. PEOPLE CONTINUED TO SPEND MOST OF THEIR TIME ON THE LAND. THEY WERE STILL BY AND LARGE ECONOMICALLY SELF-SUFFICIENT. LIFE REALLY BEGAN TO CHANGE FOR US IN THE LATE 1960'S. THE INDIAN AGENT HAD BEEN REPLACED BY THE AREA ADMINISTRATOR. THE NORTHERN

RENTAL HOUSING PROGRAM WAS BEING INTRODUCED **TO** REPLACE THE OLD INDIAN AFFAIRS LOG HOUSES. FOR TWO DOLLARS A MONTH PEOPLE GOT A HOUSE WHICH INCLUDED FREE OIL, WATER AND UTILITIES DELIVERED TO THEIR DOOR . THERE WAS NO NEED FOR THE REGULAR FAMILY CHORES OF HAULING WATER AND WOOD . WELFARE AND FAMILY ALLOWANCE REDUCED THE INCENTIVE TO TRAVEL FARTHER AND FARTHER FROM TOWN FOR FOOD AND FUR. LIVING IN TOWN MEANT NO RESPONSIBILITIES AND NOTHING TO DO ASIDE FROM THE OCCASIONAL MAKE-WORK PROJECT . TOWN LIFE BECAME A DESTRUCTIVE ENVIRONMENT .

AREA ADMINISTRATORS WERE DIRECTED BY THE DEPARTMENT OF LOCAL GOVERNMENT TO ESTABLISH SETTLEMENT COUNCILS TO REPLACE THE OLD 'ADVISORY **COUNCILS**' WHICH USUALLY INCLUDED THE LOCAL CONTRACTOR, THE BAY MANAGER, THE PRINCIPAL AND THE PRIEST. THE STATUS OF THE CHIEF AND BAND COUNCIL HAD BEEN REDUCED TO ALMOST NOTHING. THE **BAND** HAD NO MONEY AND **WAS** ONLY RECOGNIZED BY GOVERNMENT AT TREATY WHEN IT WAS TIME TO DISTRIBUTE FIVE DOLLAR BILLS TO EACH STATUS **DENE**. BY THE EARLY 70'S WE HAD COME TO UNDERSTAND MANY OF THE CAUSES OF OUR PROBLEMS AND WE WERE DETERMINED TO DO SOMETHING ABOUT THEM. OUR IMMEDIATE PRIORITIES WERE TO REJUVENATE THE BAND COUNCIL, TO **ENCOURAGE** PEOPLE TO ACCEPT RESPONSIBILITY FOR THEIR SITUATION AND

TO **ACT, TO REBUILD** OUR FAMILIES, AND TO GET PEOPLE OUT OF TOWN AND BACK IN THE BUSH.

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THERE WAS A DEFINITE LINKAGE BETWEEN THE STRUGGLES OF THE **DENE/METIS** TO ASSERT THEIR RIGHTS AT THE TERRITORIAL AND NATIONAL **LEVELS** AND OUR OWN EFFORTS TO REGAIN CONTROL OVER OUR LANDS AND OUR FUTURES IN FORT GOOD HOPE. THE RESURGENCE OF THE CHIEFS, THE RECOGNITION **OF OUR** ABORIGINAL RIGHTS, THE DECISIONS OF THE COURT WITH RESPECT TO OUR APPLICATION TO REGISTER A CAVEAT ON OUR **TRADITIONAL** LANDS, THE BERGER INQUIRY, AND THE PAINSTAKING EFFORTS REQUIRED TO REFINE OUR VISION OF OURSELVES AS A NATION OF PEOPLE AND TO EXPRESS THAT VISION IN THE FORM **OF A** BROAD PROPOSAL FOR THE SETTLEMENT **OF OUR CLAIMS**; ALL THESE EVENTS HELPED US TO CLARIFY WHAT WE HAD BEEN FEELING FOR A **LONG** TIME BUT **WHICH** WE HAD FOUND DIFFICULT TO ARTICULATE AND **ACT** UPON.

GOING INTO **THE 1970'S** WE FELT **WE** HAD NO POWER OR CONTROL, EVEN THOUGH WE KNEW **OUR** HISTORY WAS **BEING** IGNORED AND OUR OWN UNDERSTANDING OF **OUR RIGHTS TRAMPLED** UPON. IT WAS AN IMPORTANT **PSYCHOLOGICAL BREAKTHROUGH** WHEN JUSTICE **MORROW** OF THE SUPREME COURT OF THE NWT - "**THE JUDGE OF JUDGES**" IN **OUR** LANGUAGE - RULED **THAT** BY

HIS LAW, THE **LAW** OF CANADA, OUR ABORIGINAL LAND RIGHTS CONTINUED -
TO EXIST. IT WAS AN EVEN GREATER BREAKTHROUGH WHEN ANOTHER JUDGE,
THE **HONOURABLE** THOMAS BERGER SET OUR SOCIAL AND POLITICAL NEEDS AND
THE PROTECTION OF OUR LAND ABOVE THE INTERESTS OF BIG BUSINESS, BIG
CAPITAL AND BIG GOVERNMENT. MOST IMPORTANT OF ALL PERHAPS, WE
LEARNED THAT WE COULD ACT, THAT **WE** COULD **HAVE** AN IMPACT, THAT **WE**
COULD DARE TO HOPE.

IN 1973 THE BAND COUNCIL BEGAN TO TAKE A SERIOUS **LOOK** AT THE ROLE
OF THE SETTLEMENT COUNCIL. PEOPLE FELT LEFT OUT AND THEY DIDN'T
LIKE HAVING A FEW INDIVIDUALS IN CONTROL. THERE **WERE** TOO MANY
GOVERNMENT **BOARDS**, COMMITTEES AND COUNCILS FOR GOVERNMENT TO
CONSULT IF THEY BOTHERED WITH CONSULTATIONS AT ALL. **GOVERNMENT**
OFTEN TRIED TO PLAY THE BAND COUNCIL, SETTLEMENT COUNCIL **AND METIS**
LOCAL OFF AGAINST EACH OTHER, SIDING WITH THE ONE WHICH MOST
CLOSELY REFLECTED ITS OWN VIEW. THEY WERE CONSULTING A MUNICIPAL
COUNCIL **RATHER** THAN OUR TRADITIONAL LEADERSHIP ABOUT DEVELOPMENTS
OUTSIDE THE MUNICIPALITY ON OUR **TRADITIONAL** LANDS.
MANY OF US FELT THAT IT WAS TIME FOR US TO TAKE RESPONSIBILITY FOR
OUR OWN LIVES, AS INDIVIDUALS, AS FAMILIES AND AS A COMMUNITY. IN

1977 **ONLY 20%** OF ELIGIBLE VOTERS PARTICIPATED IN THE ELECTIONS FOR A SETTLEMENT COUNCIL. THE FOLLOWING YEAR THERE WERE NO NOMINATIONS AND NO ONE SHOWED UP TO VOTE. THE GOVERNMENT ASSUMED THE TASK OF PROVIDING MUNICIPAL SERVICES, BUT THEY NO LONGER HAD THE BODY THEY WANTED TO USE TO REPRESENT THE PUBLIC INTEREST. WE GOT ON WITH THE BUSINESS OF BUILDING OUR OWN COMMUNITY GOVERNMENT.

PEOPLE BEGAN TO WORK WITH THE BAND THROUGH A SERIES OF PUBLIC MEETINGS. IN ORDER TO HELP BRING US CLOSER TOGETHER, WE REDEFINED OUR BAND TO INCLUDE ALL DESCENDANTS **OF THE DENE**, ALTHOUGH WE APPRECIATED THERE WERE REASONS TO RETAIN A METIS **LOCAL** IN OUR COMMUNITY FOR CERTAIN PURPOSES. WE INCREASED THE SIZE OF OUR BAND COUNCIL TO TEN TO ACCOMMODATE THE NEW MEMBERS. REPRESENTATION FOR NON-ABORIGINAL RESIDENTS WAS NOT REALLY AN ISSUE BECAUSE NEARLY ALL WERE IN GOOD HOPE ONLY FOR THE PURPOSES **OF THEIR** CURRENT EMPLOYMENT AND THEY INTENDED **TO** LEAVE AS SOON AS THEIR EMPLOYMENT STATUS CHANGED. **THERE** WERE NO NON-ABORIGINAL CHILDREN **IN** OUR SCHOOL .

IN 1977 WE PASSED A MOTION THAT THERE WOULD BE NO MORE RENTAL HOUSING BUILT IN FORT GOOD HOPE. IN 1978 WE PASSED A PLEBISCITE TO PROHIBIT ALCOHOL IN OUR COMMUNITY.

AT FIRST OUR NEW BAND **COUNCIL OPERATED BY THE SAME** ELECTION SYSTEM AND RULES OF PROCEDURES **AS** THE SETTLEMENT COUNCIL. HOWEVER, OUR OBJECTIVE WAS TO ENSURE THE INVOLVEMENT OF THE WHOLE COMMUNITY IN IMPORTANT DECISIONS . IN 1982 WE CREATED A COMMUNITY ASSEMBLY WHICH INCLUDED ALL ADULT RESIDENTS **OF** GOOD HOPE. THE ASSEMBLY HAD THE AUTHORITY TO MAKE ALL THE IMPORTANT **DECISIONS FOR THE COMMUNITY.** THE ROLE OF THE COMMUNITY COUNCIL WAS TO IMPLEMENT THOSE DECISIONS. EVENTUALLY WE DRAFTED A CHARTER OR CONSTITUTION WHICH DESCRIBED OUR SYSTEM OF COMMUNITY SELF-GOVERNMENT AND REACHED A CONTRACTUAL UNDERSTANDING WITH THE DEPARTMENT OF LOCAL GOVERNMENT WHEREBY WE WOULD ASSUME RESPONSIBILITY FOR THE PROVISION OF MUNICIPAL SERVICES. BUT WE HAD DONE MUCH MORE THAN SIMPLY **PUT** MUNICIPAL SERVICES INTO THE HANDS OF THE GOOD HOPE BAND. WE HAD CREATED, WITH THE THOUGHTFUL PARTICIPATION OF MANY BAND MEMBERS OVER AN **EXTENDED** PERIOD OF TIME, A SYSTEM OF COMMUNITY SELF-GOVERNMENT WE WERE COMFORTABLE WITH. ONE WHICH WE FELT WOULD PROPERLY AND **ACCURATELY** REPRESENT OUR INTERESTS.

WE STILL HAVE OUR PROBLEMS. **WE** WANT TO ENCOURAGE EVEN GREATER PARTICIPATION OF OUR CITIZENRY IN THE COMMUNITY ASSEMBLY WHEN IMPORTANT DECISIONS ARE BEING MADE . WE NEED MORE COMMUNITY

DEVELOPMENT TO HELP INVOLVE MORE PEOPLE IN THE IMPLEMENTATION OF ASSEMBLY DECISIONS.

HOWEVER , OUR SERIOUS PROBLEM CONTINUES TO BE IN THE AREA **OF** JURISDICTION; THE KINDS AND AMOUNT OF AUTHORITY THE COMMUNITY ASSEMBLY AND COUNCIL CAN EXERCISE WITH AND ON BEHALF OF OUR PEOPLE. WHILE THE GOVERNMENT NOW RECOGNIZES OUR COMMUNITY GOVERNMENT AS THE REPRESENTATIVE OF OUR COMMUNITY, IT STILL ONLY RECOGNIZES IT AS HAVING AUTHORITY FOR MUNICIPAL SERVICES AND IT MERELY CONSULTS THE COUNCIL ON OTHER MATTERS.

PERHAPS WE SHOULD HAVE GONE AROUND TO EVERY OTHER DEPARTMENT; EDUCATION, ECONOMIC DEVELOPMENT, HOUSING, JUSTICE, HEALTH AND SOCIAL SERVICES; AND NEGOTIATED CONTRACTUAL AGREEMENTS THE WAY WE DID WITH LOCAL GOVERNMENT. BUT THIS SHOULD NOT BE NECESSARY. WE ARE A COMMUNITY GOVERNMENT, NOT A PRIVATE CORPORATION. WE SHOULD NOT BE RECEIVING OUR AUTHORITY BY CONTRACT. WHAT WE REQUIRE IS **LEGISLATION** WHICH RECOGNIZES OUR AUTHORITY AS PUBLIC AND ABORIGINAL GOVERNING BODIES FOR THE SETTING OF POLICY AND THE DELIVERY OF PROGRAMS AND SERVICES AT **THE COMMUNITY** LEVEL SO WE CAN DO SO IN A MANNER THAT IS **SUITABLE TO OUR PARTICULAR** NEEDS AND ASPIRATIONS.

THESE ARE IMPORTANT ELEMENTS OF **WHAT WE MEAN** WHEN WE TALK ABOUT COMMUNITY SELF-GOVERNMENT ; BEING ALLOWED TO CREATE A STRUCTURE AND SYSTEM OF LOCAL GOVERNMENT WHICH MAKES SENSE TO LOCAL RESIDENTS, AND HAVING THE POWER , AUTHORITY AND RESOURCES TO ADDRESS THE NEEDS **OF OUR** RESIDENTS ON A DAY TO DAY BASIS WITHOUT CONSTANTLY HAVING TO DEPEND ON, PERSUADE AND **ADJUST OUR** PRIORITIES **TO SATISFY** BUREAUCRATS IN YELLOWKNIFE.

ONE OF THE MOST IMPORTANT AREAS OF COMMUNITY JURISDICTION WHICH REMAINS UNDEFINED **IS** THE **COMMUNITY' S** INTEREST IN COMMUNITY LANDS BEYOND THE BOUNDARIES SET FOR MUNICIPAL PURPOSES. WHEN THE PEOPLE **OFFORT GOOD HOPE** TALK ABOUT COMMUNITY LANDS, THEY ARE INVARIABLY REFERRING TO ALL THE LANDS IN THE VICINITY OF GOOD HOPE AND **COLVILLE** LAKE WHICH LOCAL RESIDENTS HAVE BEEN UTILIZING **FOR MANY** YEARS FOR TRADITIONAL ECONOMIC PURSUITS. WE HAVE BEEN SEEKING A RECOGNITION OF OUR **JURISDICTION** OVER THESE LANDS FOR ALMOST TWENTY YEARS . OUR GOAL HAS ALWAYS BEEN TO PROTECT OUR LANDS AND ENSURE LOCAL BENEFITS BY CONTROLLING DEVELOPMENT. THE EVENTS OF THE LAST DECADE WILL INDICATE HOW FAR WE HAVE COME, THE DIFFICULTIES WE HAVE ENCOUNTERED, AND THE DISTANCE WE STILL **HAVE** TO GO.

A **NUMBER OF OIL** COMPANIES OBTAINED RIGHTS TO OIL AND GAS, AND LAND USE PERMITS TO DO EXPLORATION WORK ON OUR LANDS IN THE 1970'S. WE WERE CONCERNED THAT GOOD HOPE HAD NO AUTHORITY OVER THE COMPANIES OR THEIR PERMITS, THAT THE COMMUNITY AND RESIDENTS WERE EXPERIENCING VARIOUS NEGATIVE IMPACTS AND VERY LITTLE BENEFIT, AND THAT MUCH OF OUR LAND WAS BEING ALIENATED OR OTHERWISE COMPROMISED BEFORE OUR CLAIMS WERE SETTLED.

IN 1980 THE DENE SUCCEEDED IN OBTAINING FROM THE HONORABLE JOHN **MUNRO** A FREEZE ON ALL FURTHER LEASES FOR OIL AND GAS EXPLORATION IN **DENENDEH**. HOWEVER, COMPANIES WHO OBTAINED THEIR LEASES BEFORE THE FREEZE CAME INTO EFFECT CONTINUED TO WORK IN OUR AREA FOR SOME TIME . OUR COMMUNITY CONTINUED TO NEGOTIATE WITH THE MINISTER OF INDIAN AFFAIRS, AND BY OCTOBER, 1983 WE HAD SUCCEEDED IN SECURING AN INTERIM LAND USE PROCEDURES AGREEMENT WITH THE FEDERAL GOVERNMENT .

WE WERE TRYING TO CREATE A **LAND** USE MANAGEKENT REGIME WHICH INCLUDED COMMUNITY SCREENING AS A REQUIREMENT. WE ALSO WANTED TO HAVE OUR LAND BASE DEFINED SUCH THAT THE AGREEMENT WOULD ACKNOWLEDGE AND APPLY TO ALL OF GOOD HOPE'S AND COLVILLE **LAKE'S** HUNTING, TRAPPING AND FISHING AREAS. WE SUCCEEDED ON BOTH THESE

POINTS AND SECURED ADDITIONAL CLAUSES DEALING WITH **EMPLOYMENT**, CONTRACTS, ENVIRONMENTAL MONITORING AND COMPENSATION TO TRADITIONAL **LAND** USERS FOR DAMAGES OR LOSSES CAUSED BY EXPIRATION WORK.

BY 1983 THE OLD LEASES HAD EXPIRED. IN EARLY 1983 BRITISH PETROLEUM WAS CONDUCTING SOME SPECULATION SURVEYS ON OUR LAND, AN ACTIVITY WHICH DID NOT REQUIRE A LEASE. THE BAND AND BP DEVELOPED A WORKING RELATIONSHIP AND AGREED TO TRY AND DESIGN AN EXPLORATION PROJECT WHICH WOULD INCLUDE THE COMMUNITY OF FORT GOOD HOPE AND **COLVILLE LAKE** AS FULL PARTNERS.

AT FIRST WE CONSIDERED ONLY THE ECONOMIC ISSUES , BUT THE RESULT WAS NOT VERY ATTRACTIVE. THEN WE STARTED TO EXPLORE THE POSSIBILITIES FOR JOINT MANAGEMENT. THIS WAS VERY ATTRACTIVE TO US BECAUSE IT REPRESENTED A OPPORTUNITY TO EXTEND OUR AUTHORITY OVER OUR LANDS. EVENTUALLY WE WORKED OUT A COMPREHENSIVE **AGREEMENT WITH** BRITISH PETROLEUM WHICH INCLUDED EMPLOYMENT, **TRAINING**, JOINT OWNERSHIP, A MANAGEMENT REGIME AND A DEFINITION OF THE RELATIONSHIP BETWEEN BP AND THE COMMUNITY OF GOOD HOPE. THE AGREEMENT WOULD OPERATE WITHIN GOOD HOPE'S DEFINITION OF ITS TRADITIONAL LAND BASE. AS FAR AS WE WERE CONCERNED, WE WERE SIMPLY EXERCISING OUR RIGHTFUL JURISDICTION OVER LANDS WHICH ALL **DENE/METIS** RECOGNIZED AS

BELONGING TO GOOD HOPE AND COLVILLE LAKE.

WE **MADE** A **POINT** OF CONSULTING WITH THE DENE AND **METIS** ASSEMBLIES TO ENSURE THAT OUR AGREEMENT WOULD NOT JEOPARDIZE CLAIMS NEGOTIATIONS IN ANY WAY AND TO **MAKE** CLEAR THE RELATIONSHIP BETWEEN THE **DENE/METIS** 'NATIONAL INTEREST' IN A SHARE OF THE REVENUES FROM THE PROJECT AND OUR ABORIGINAL COMMUNITY INTEREST IN OWNERSHIP AND CONTROL OF THE LANDS IN QUESTION, AND THE EMPLOYMENT, CONTRACT AND REVENUE BENEFITS THAT ACCRUE TO OUR COMMUNITY. THEN WE WENT DIRECTLY TO THE FEDERAL GOVERNMENT AND REQUESTED THEM TO ISSUE A LAND USE PERMIT TO BP ON THE BASIS OF OUR AGREEMENT AND THE COMMUNITY'S **OVERALL** APPROVAL OF THE PROJECT.

THIS WAS A **RADICAL** DEPARTURE FROM THE USUAL WAY IN WHICH GOVERNMENT GRANTED LAND USE PERMITS TO OIL COMPANIES. USUALLY THE COMMUNITY WAS THE LAST **AND** THE LEAST IMPORTANT STEP IN THE ISSUANCE OF A PERMIT. AT BEST A COMMUNITY WOULD BE CONSULTED, THOUGH ITS OPINIONS SELDOM WERE REFLECTED IN THE FINAL PLAN.

OFFICIALS OF CANADA OIL AND GAS LANDS **ADMINISTRATION (COGLA)** WERE UPSET . THEY SAW THE EVALUATION OF PROPOSALS AND THE ISSUANCE OF LEASES AS THEIR PRIVATE **PRESERVE. THEY HATED** THE IDEA OF A COMMUNITY **AND AN** OIL **COMPANY** REACHING A SATISFACTORY ARRANGEMENT

WITHOUT THEM . THEIR **PROCEDURES** CALLED FOR THE USE OF PUBLIC TENDERS WITH EXPLORATION RIGHTS GENERALLY BEING GRANTED TO THE HIGHEST BIDDER.

THE CANADIAN PETROLEUM ASSOCIATION WAS UPSET TOO. THEY DEMANDED THE CONVENTIONAL PUBLIC TENDER TO SOLICIT BIDS AND THEY WERE STRONGLY OPPOSED TO THE **DIRECT** ISSUANCE **OFA** LEASE.

OFFICIALS OF THE GOVERNMENT **OF THE NORTHWEST** TERRITORIES WERE ALSO UNHAPPY. THEY WANTED TO BE THE ONES NEGOTIATING WITH OIL COMPANIES AND THE FEDERAL GOVERNMENT.

THE MINISTER WAS PREPARED TO APPROVE OUR DEAL, BUT **COGLA** AND THE CANADIAN PETROLEUM ASSOCIATION SUCCEEDED IN CHANGING HIS MIND. WE FINALLY ACCEPTED THE TENDER APPROACH, BUT ONLY ON THE CONDITION THAT OUR COMPREHENSIVE CRITERIA BE USED TO ASSESS EACH APPLICATION. THE HONORABLE PAT **CARNEY**, MINISTER OF ENERGY, MINES AND **RESOURCES**, ACCEPTED OUR PROPOSAL. **"TRUST ME."** SHE **TOLD US** AT OUR MEETING IN **INUVIK**. **"IT WILL ALL WORK OUT."**

THE TENDERS WENT OUT BASED ON OUR COMMUNITY CRITERIA, BUT THE HIGHEST BIDDER CRITERIA WAS INCLUDED. FORT GOOD HOPE WANTED TO HAVE THE **DENE/METIS** INCLUDED ON THE SELECTION TEAM, BUT THIS NEVER HAPPENED. INSTEAD, WE MET WITH THE SELECTION TEAM; **COGLA** PLUS ONE

DIAND AND **ONE GNWT** OFFICIAL; AND CAREFULLY EXPLAINED OUR NEEDS AND INTERESTS. THE TEAM THEN PROCEEDED TO SELECT CHEVRON OVER BP AND THE OTHER APPLICANTS.

WE WERE ENRAGED. WE COULDN'T BELIEVE IT. CHEVRON HAD NEVER **SPOKEN** TO US AND COULD NOT POSSIBLY HAVE MATCHED BP'S OFFER WHICH WAS BASED ON THE NEGOTIATED RECOGNITION OF OUR NEEDS AND INTERESTS. WE WERE CONVINCED THAT THE ONLY FACTOR THE SELECTION TEAM HAD TAKEN SERIOUSLY WAS THE HIGHEST BID.

FORT GOOD HOPE AND BP OBJECTED. IN IMPLEMENTING HIS PREDECESSOR'S FREEZE ON NEW LEASES, THE HONORABLE DAVID **CROMBIE** HAD PROMISED US THAT GOOD HOPE COULD VETO ANY APPLICANT APPROVED BY THE SELECTION TEAM FOR THIS PERMIT. WHILE THIS **GAVE** US CONSIDERABLE INFLUENCE OVER THE PROCESS, IT WAS A POWER WE WANTED TO EXERCISE ONLY **AS** A LAST RESORT.

A NUMBER **OF** PUBLIC AND PRIVATE **OFFICIALS** HAD ARGUED THAT THE **DENE/METIS** WERE **ANTI-DEVELOPMENT** AND THAT GOVERNMENT AND THE PUBLIC COULD NOT TRUST POWER IN THE HANDS OF ABORIGINAL PEOPLE. A PREMATURE VETO BY GOOD HOPE ON THIS PROJECT MIGHT HAVE GIVEN THEM MORE AMMUNITION FOR THE **NEXT ROUND**. HOWEVER, ASIDE FROM THIS EXTERNAL PRESSURE, IT IS **IMPORTANT** TO REMEMBER WE HAD VOLUNTARILY

ENTERED INTO THE ORIGINAL AGREEMENT WITH **BP** BECAUSE WE SUPPORTED DEVELOPMENT **IN** OUR REGION SO LONG AS OUR RIGHTS WERE RESPECTED, OUR LAND WAS PROTECTED , AND THE PEOPLE OF OUR REGION WOULD GAIN POSITIVE BENEFITS .

WE WERE DETERMINED TO TRY AND SALVAGE A FAIR DEAL FROM WHAT APPEARED TO BE ANOTHER CLASSIC EXAMPLE OF BAD FAITH ON THE PART OF BIG GOVERNMENT TOWARDS SMALL COMMUNITIES AND ABORIGINAL PEOPLE . ONCE IT BECAME OBVIOUS THAT WE COULD NOT REINSTATE **BP'S** P R O P O S A L , WE **OFFERED** TO NEGOTIATE A SIMILAR DEAL WITH CHEVRON. THE THEN MINISTER OF INDIAN AFFAIRS, BILL **MCKNIGHT** AGREED TO THIS APPROACH . THIS WAS LATE 1986; THREE YEARS HAD PASSED SINCE WE HAD NEGOTIATED THE **INTERIM LAND** USE PROCEDURES AGREEMENT, THREE AND A HALF YEARS SINCE NEGOTIATIONS BEGAN WITH BP, AND SIX YEARS SINCE WE HAD SECURED A FREEZE ON ALL NEW LEASES. WHAT AN INCREDIBLE **WASTE** OF TIME AND MONEY. SO MUCH COULD **HAVE** BEEN ACCOMPLISHED IN A MUCH SHORTER TIMEFRAME IF GOVERNMENT HAD SIMPLY ACKNOWLEDGED OUR SHARED JURISDICTION OVER OUR TRADITIONAL LANDS AND NEGOTIATED ACCORDINGLY .

THE FIRST SIX MONTHS OF DISCUSSIONS WITH CHEVRON WERE A REPEAT OF THE NEGOTIATIONS WITH BP; A **FORM OF CROSS-CULTURAL WORKSHOP** AS ^{ACH}

PARTY GRADUALLY CAME TO APPRECIATE THE OTHER'S NEEDS AND ASPIRATIONS . ONCE THIS WAS ACCOMPLISHED, **IT** TOOK US A MERE TWO MONTHS , UNTIL JUNE 1987, TO REACH A JOINT VENTURE AGREEMENT WITH CHEVRON VERY SIMILAR TO THE ONE WE HAD ORIGINALLY NEGOTIATED WITH BP. THE ONLY SIGNIFICANT DIFFERENCE WAS THE REDUCED SIZE OF THE COMMUNITY'S EQUITY IN THE PROJECT.

OUR JOINT **VENTURE** HAS WORKED OUT VERY WELL FOR BOTH CHEVRON AND THE COMMUNITY. WHENEVER PROBLEMS ARISE, WE WORK THEM OUT WITHIN THE CONTEXT OF OUR AGREEMENT. THE WORK IS PROCEEDING UNDER OUR JOINT MANAGEMENT, MANY OF OUR RESIDENTS HAVE RECEIVED TRAINING AND EMPLOYMENT, THE ENVIRONMENT HAS BEEN MONITORED AND PROTECTED, AND THE **COMMUNITY'S EQUITY IN THE** PROJECT GROWS EACH YEAR. CHEVRON, FOR ITS PART, HAS BEEN ABLE TO ACCOMPLISH ITS OBJECTIVES CONFIDENT **THAT** IT HAS THE SUPPORT OF THE PEOPLE. GOVERNMENT HAS HAD NOTHING TO COMPLAIN ABOUT EITHER.

HOWEVER, IT IS IMPORTANT NOT TO FORGET THAT OUR AGREEMENT WITH CHEVRON , DESPITE ITS COMPREHENSIVE AND PUBLIC NATURE, TAKES THE FORM OF A CONTRACT BETWEEN PRIVATE PARTIES. EVEN THOUGH IT RECOGNIZES OUR TRADITIONAL LAND BASE AND INVOLVES US IN ALL DECISION-MAKING, IT IS LIMITED TO THIS ONE PROJECT, AND IT IS NOT

FORMULATED ON THE BASIS OF FORT GOOD HOPE AND **COLVILLE** LAKE HAVING A UNIVERSALLY RECOGNIZED, FORMAL **JURISDICTION** OVER OUR **TRADITIONAL** LANDS .

THE INTERIM LAND USE PROCEDURES AGREEMENT OF 1983 WHICH RECOGNIZES OUR LAND BASE AND INCLUDES US IN DECISION-WING IS STILL IN EFFECT, BUT ITS SURVIVAL IS DEPENDENT UPON THE CONTINUED GOOD WILL AND GOOD FAITH OF THE MINISTER. WE WERE **UNSUCCESSFUL** IN ATTEMPTS TO RENEGOTIATE CERTAIN TERMS OF THIS AGREEMENT. THE FEDERAL RESPONSE WAS THAT THIS WAS AN ISSUE FOR CLAIMS, AN ISSUE FOR THE VARIOUS BOARDS DESCRIBED IN THE CLAIMS AGREEMENT IN PRINCIPLE. THIS SIMPLY IS NOT THE CASE. WHAT WE ARE TALKING ABOUT **IS** POLITICAL RIGHTS AND JURISDICTION, NOT PRIVATE LAND RIGHTS OR COMPENSATION. THIS IS CLEARLY AN OUTSTANDING ISSUE OF **COMMUNITY** AND ABORIGINAL SELF-GOVE-NT AND IT IS A MAJOR ELEMENT IN THE CONSTITUTIONAL PROPOSALS WHICH FOLLOW .

6. COMMUNITY SELF-GOVERNMENT

THE PROPOSALS WHICH FOLLOW ARE BASED UPON THE PRINCIPLES WE SET FORTH AT THE BEGINNING OF THIS PRESENTATION AND ON THE PERCEPTIONS AND EXPERIENCES WE HAVE TRIED TO CONVEY. WE ARE NOT GOING TO GO

INTO **GREAT** AND ELABORATE DETAIL. WHAT IS REQUIRED IS A BASIC UNDERSTANDING AND ACCEPTANCE **OF** THE OVERALL OBJECTIVES AND **FRAMEWORK** . IF AN AGREEMENT CAN BE REACHED ON THESE, **THE** DETAILS SHOULD FALL INTO PLACE QUITE READILY .

BEFORE PROCEEDING I WOULD LIKE TO POINT OUT WE HAVE NOT INCLUDED IN THIS PRESENTATION PROPOSALS FOR THE **REFORM** OF THE NORTHWEST TERRITORIES JUSTICE SYSTEM. THE COURTS AND THE SERVICES WHICH SUPPORT THEM HAVE A MAJOR IMPACT ON OUR LIVES. ABORIGINAL PEOPLE, ESPECIALLY AT THE COMMUNITY LEVEL, NEED TO HAVE A DIRECT SAY IN REFORMING THIS INSTITUTION AND IN PARTICIPATING IN THEIR FUNCTIONS. HOWEVER, THE COURT SYSTEM IS SUCH A UNIQUE TOPIC THAT OUR INTERESTS IN THIS **AREA** REQUIRE A SEPARATE ANALYSIS.

A. WITHIN MUNICIPAL BOUNDARIES

STRUCTURE: COMMUNITY GOVERNMENT IS INTENDED TO SERVE ALL **LOCAL** RESIDENTS. THEREFORE IT IS IMPORTANT THAT ALL BONA FIDE RESIDENTS HAVE FULL RIGHTS TO PARTICIPATE IN AND BE REPRESENTED BY THE COMMUNITY GOVERNMENT. WE DO NOT SUPPORT A FORM OF COMMUNITY SELF-GOVERNMENT THAT IS EXCLUSIVELY INTENDED FOR THE **DENE/METIS**. HOWEVER, THERE MAY BE SOME SPECIFIC AREAS OF CONCERN WHICH **ARE** THE EXCEPTION TO THIS RULE. THESE WILL BE DISCUSSED

FURTHER IN THE SECTIONS ON ABORIGINAL SELF-GOVERNMENT.

THE GOVERNMENTAL STRUCTURES AND **PROCEDURES** USED IN ANY NWT COMMUNITY SHOULD MEET THE SPECIFIC NEEDS AND VALUES OF THAT COMMUNITY. EACH **COMMUNITY** SHOULD BE ABLE TO DRAFT AND APPROVE ITS OWN CONSTITUTION OR CHARTER, INCLUDING STRUCTURES AND PROCEDURES. THE PRESENT CHARTER COMMUNITIES ACT GOES A LONG WAY TO PROVIDING FOR THIS POSSIBILITY. HOWEVER, IT IS FUNDAMENTALLY DEFICIENT AT PRESENT BECAUSE IT DOES NOT EXPLICITLY RECOGNIZE ABORIGINAL SELF-GOVERNMENT AND PROVIDE FOR WAYS IN WHICH IT CAN BE EXPRESSED AT THE COMMUNITY LEVEL. IT IS ALSO QUESTIONABLE WHETHER AN ACT BY ITSELF, PASSED IN THE NORMAL FASHION **BY** THE LEGISLATIVE ASSEMBLY IS ENOUGH TO SATISFY THE **DENE/METIS** THAT THEIR RIGHT TO PARTICIPATE IN THE ESTABLISHMENT AND RETENTION **OF** A SUITABLE FORM OF COMMUNITY **SELF-GOVERNMENT** INCLUDING THE **LOCAL** EXPRESSION OF ABORIGINAL SELF-GOVERNMENT IS SECURE. THIS ASPECT WILL BE DISCUSSED IN THE SECTIONS DEALING WITH THE TERRITORIAL LEVEL OF GOVERNMENT.

MANDATE: A COMMUNITY GOVERNMENT OPERATING WITHIN THE CONVENTIONAL MUNICIPAL BOUNDARIES WOULD EXERCISE THE CONVENTIONAL POWERS AND DUTIES OF A MUNICIPAL GOVERNMENT. THESE

WOULD INCLUDE RESPONSIBILITY FOR WATER, SEWAGE, GARBAGE, ROADS, STREETLIGHTS AND THE OTHER STANDARD MUNICIPAL SERVICES. THESE WOULD ALSO INCLUDE THE POWER TO LEVY PROPERTY AND BUSINESS TAXES, THE POWER TO **LICENCE** BUSINESSES AND PROVIDE GRANTS TO NON-PROFIT ORGANIZATIONS , THE POWER TO BORROW MONEY FOR **MUNICIPAL** PURPOSES, AND THE AUTHORITY TO PREPARE AND ENFORCE LAND USE PLANS, ZONING BY-LAWS AND DEVELOPMENT REGULATIONS AND STANDARDS WHICH COMPLEMENT GENERAL STANDARDS SET BY TERRITORIAL OR **FEDERAL** LEGISLATION.

IN ADDITION, THE COMMUNITY GOVERNMENT WOULD RESERVE THE OPTION TO ASSUME RESPONSIBILITY FOR THE DELIVERY **OF** PROGRAMS AND SERVICES **WHICH** ARE PROVIDED BY THE TERRITORIAL GOVERNMENT FOR THE USE OR BENEFIT OF THAT **COMMUNITY'S** RESIDENTS. I STRESS, " RESERVE THE OPTION" BECAUSE AT **ANY** POINT IN TIME A **COMMUNITY** MAY HAVE NEITHER THE DESIRE NOR THE CAPACITY TO HANDLE MANY OF THE SERVICES WHICH COULD BE INCLUDED IN THIS CATEGORY.

THE FULL **RANGE** OF POSSIBLE TRANSFERS ARE TOO NUMEROUS TO MENTION, BUT THEY WOULD CERTAINLY INCLUDE ECONOMIC DEVELOPMENT, EDUCATION, HOUSING, HEALTH AND SOCIAL SERVICES. PLEASE NOTE ONCE AGAIN THAT THE INTERACTION OF ABORIGINAL SELF-GOVERNMENT WITH

THE COMMUNITY GOVERNMENT'S MANDATE WILL BE DISCUSSED LATER.

THE **PRINCIPLE** GUIDING THIS TRANSFER OF RESPONSIBILITY IS THAT -

THE COMMUNITIES MUST HAVE THE AUTHORITY TO EXERCISE CONSIDERABLE

DISCRETION WHEN THEY ADAPT AND APPLY PROGRAMS, SERVICES, **GENERAL**

STANDARDS AND FUNDS TO MEET THE SPECIFIC NEEDS **OF** THEIR

COMMUNITY. THIS SAME PRINCIPLE SHOULD APPLY WHETHER IT IS THE

COMMUNITY GOVERNMENT ITSELF OR SOME OTHER SANCTIONED LOCAL

PUBLIC BODY THAT IS PROVIDING THE SERVICE. SIMILARLY THE

PRINCIPLE SHOULD APPLY WHETHER THE VEHICLE FOR THE TRANSFER IS

DEVOLUTION OR DELEGATION.

MECHANISMS MUST BE FOUND TO GUARANTEE THAT THIS PRINCIPLE MUST

BE ADHERED TO BY ALL **FUTURE** GOVERNMENTS IN THE NORTH.

FINANCES : THE SIMPLE PRINCIPLE HERE **IS** THAT COMMUNITY

GOVERNMENTS MUST BE GUARANTEED REASONABLE **LEVELS** OF FUNDING IN

ORDER TO HAVE THE CAPACITY TO **FULFIL** THEIR MANDATES EFFECTIVELY. '

B. BEYOND MUNICIPAL BOUNDARIES

I THINK WE HAVE MADE IT VERY CLEAR IN THIS PRESENTATION THAT

THE PEOPLE OF FORT GOOD HOPE HOLD STRONGLY TO THE BELIEF THAT

OUR TRADITIONAL LANDS SURROUNDING THE COMMUNITIES OF GOOD HOPE

AND COLVILLE LAKE BELONG TO US AND WILL *CONTINUE* TO BELONG TO US AFTER CLAIMS ARE SETTLED. WE **ARE** ABSOLUTELY CERTAIN THAT ABORIGINAL PEOPLES THROUGHOUT THE **NORTH** HAVE EXACTLY THE SAME ATTITUDE TOWARDS THEIR TRADITIONAL LANDS . THIS BELIEF IS CENTRAL TO OUR CULTURE, TO OUR PERCEPTION OF WHO WE ARE.

WHEN WE SPEAK OF OWNING OUR TRADITIONAL LANDS, WE MEAN THAT **WE** CONTINUE TO HAVE CONTROL OR JURISDICTION OVER WHAT HAPPENS ON OR UNDER IT. THE SELECTION IN CLAIMS OF CERTAIN LANDS FOR PRIVATE TITLE DOES NOT CONSTITUTE A RELINQUISHMENT OF OUR POLITICAL INTERESTS IN THE REGION.

PERHAPS THE MOST CRITICAL ELEMENT OF ALL IN THE SELF-GOVERNMENT PROCESS **IS** TO FIND SATISFACTORY WAYS TO RECOGNIZE OUR RIGHT TO EXERCISE CONTROL OVER OUR LAND **LOCALLY** IN A MANNER **THAT** COMPLEMENTS OUR PARTICIPATION IN A TERRITORIAL JURISDICTION.

THIS ISSUE HIGHLIGHTS THE DISTINCTION BETWEEN ABORIGINAL AND COMMUNITY **SELF-GOVERNMENT**. IN OUR VIEW THESE LANDS ARE ABORIGINAL LANDS, NOT PUBLIC LANDS AND THE CONTROL SHOULD REST WITH ABORIGINAL PEOPLE. IT ALSO HIGHLIGHTS THE DISTINCTION BETWEEN SELF-GOVERNMENT AND CLAIMS.

AFTER CLAIMS THERE WILL BE TWO BROAD CATEGORIES **OF** LANDS OUTSIDE MUNICIPAL BOUNDARIES: THOSE PRIVATELY TITLED TO ABORIGINAL PEOPLE AND THOSE THAT ARE NOT. IN OUR OPINION, THESE LANDS SHOULD BE TREATED AS ONE FOR THE PURPOSES **OF** SELF-GOVERNMENT, THAT BEING, WHATEVER JURISDICTION OVER THESE LANDS RESIDES AT THE LOCAL LEVEL SHOULD REST WITH AN EXCLUSIVE **DENE/METIS SELF-GOVERNMENT** INSTITUTION.

HOWEVER , WE UNDERSTAND THAT NON-ABORIGINAL RESIDENTS WOULD PROBABLY **OBJECT** TO BEING ENTIRELY EXCLUDED FROM PARTICIPATING IN LAND MANAGEMENT AT THE LOCAL LEVEL AND WE ARE OPEN TO **CONSIDERING** OPTIONS.

AT A MINIMUM, THE **DENE/METIS** MUST RETAIN EXCLUSIVE JURISDICTION OVER LANDS OUTSIDE MUNICIPALITIES WHICH ARE TITLED TO US BY CLAIMS. ONE SUGGESTION FOR DEALING WITH THE REMAINING 80% **OF** THE LANDS WOULD SEE **THEM** BE GOVERNED BY A **LOCAL** BODY, ONE **HALF** OF WHOSE MEMBERS WOULD BE APPOINTED BY THE COMMUNITY **GOVERNMENT** AND THE OTHER HALF BY THE LOCAL **DENE/METIS** SELF-GOVERNING INSTITUTION. IN THIS MANNER THE COMMUNITY GOVERNMENT AND THE **DENE/METIS** COULD **SHARE** EQUALLY **IN** DECISIONS REGARDING MOST LANDS IN THEIR AREA IN ACCORDANCE WITH CERTAIN PRE-ESTABLISHED

PRINCIPLES WHICH EMPHASIZED CONSERVATION AND SIGNIFICANT BENEFITS FROM DEVELOPMENT ACCRUING TO THE REGION.

THE NEXT INEVITABLE QUESTIONS ARE, HOW WOULD THE **LOCAL** EXERCISE OF AUTHORITY INTERACT WITH THE TERRITORIAL OR FEDERAL **JURISDICTION**, AND HOW WOULD THEY INTERACT WITH THE MANAGEMENT BOARDS BEING CREATED BY THE CLAIM. TO ANSWER THE SECOND QUESTION FIRST , THE BOARDS BEING ESTABLISHED BY CLAIMS ARE DESIGNED PRIMARILY TO ENSURE SOME PARTICIPATION **OF THE DENE/METIS** IN DECISION-MAKING AT THE TERRITORIAL **LEVEL**. THERE ARE TERRITORIAL LANDS AND WATER BOARDS IN **OPERATION** TODAY. IT IS REASONABLE FOR THE PURPOSES **OF THIS** DISCUSSION TO TREAT THE BOARDS CREATED BY CLAIMS AS ASPECTS OF THE TERRITORIAL AND FEDERAL GOVERNMENT.

WE STATED IN OUR PRINCIPLES AT THE BEGINNING OF **THIS** PRESENTATION THAT WE SUPPORTED THE ENTRENCHMENT OF TWO OVERLAPPING JURISDICTIONS DIVIDED BETWEEN THE COMMUNITY AND THE TERRITORIAL OR, IF NECESSARY, THE FEDERAL GOVERNMENT. WE SAID THAT THE NORMAL, PRACTICAL EXPRESSION OF THIS RELATIONSHIP WOULD BE THAT MOST MAJOR **PLANS** OR PROJECTS WOULD REQUIRE SOME FORM OF APPROVAL FROM BOTH LEVELS OF GOVERNMENT BEFORE THEY COULD BE IMPLEMENTED. THE TERRITORIAL OR THE FEDERAL GOVERNMENT WOULD

REPRESENT THE GENERAL INTEREST WHILE THE COMMUNITY WOULD REPRESENT INTERESTS THAT WERE LOCAL AND MORE SPECIFIC .

THERE IS NOTHING UNUSUAL IN THIS POINT OF VIEW. MUNICIPALITIES **OPERATE** WITHIN CERTAIN GENERAL PARAMETERS SET BY TERRITORIAL, PROVINCIAL OR **FEDERAL** LAWS ALL THE TIME. THE ONLY DIFFERENCE IS THERE WOULD BE SOME RESTRICTIONS ON THE MANNER BY WHICH THE TERRITORIAL GOVERNMENT AND LEGISLATIVE ASSEMBLY COULD AFFECT OR ALTER THE COMMUNITY GOVERNMENTS ' JURISDICTION. MUNICIPAL GOVERNMENTS ARE ALSO ABLE TO MAKE DECISIONS ON MATTERS THAT RELATE TO THE AUTHORITY OF TERRITORIAL BOARDS. MUNICIPALITIES AND THE NWT WATER BOARD, FOR EXAMPLE, SHARE JURISDICTION RELATED TO **WATER WITHIN** MUNICIPAL BOUNDARIES.

OUR RATHER LENGTHY DESCRIPTION OF OUR EFFORTS TO DEAL WITH LAND USE APPLICATIONS IN OUR AREA ILLUSTRATE BOTH THE **PROBLEMS** AND THE SOLUTION. THE PROBLEMS WE FACED WERE LEGION, BUT THEY ALL RESULTED FROM THE RELUCTANCE OF GOVERNMENT AND THE OIL COMPANIES TO **RECOGNIZE** OUR **JURISDICTION** AS **DENE/METIS** OVER OUR TRADITIONAL LANDS . THE SOLUTION WAS **STRAIGHTFORWARD**. ONCE **BOTH PARTIES** ACCEPTED THAT THEY MUST REACH AN AGREEMENT WITH US BEFORE DEVELOPMENT COULD PROCEED, THERE WAS LITTLE DIFFICULTY IN

FINDING ANSWERS THAT WERE SATISFACTORY TO ALL. A **FORMAL** RECOGNITION OF OUR LOCAL JURISDICTION WILL GO A LONG WAY TOWARDS ELIMINATING PROBLEMS AND FACILITATING SOUND, RESPONSIBLE DEVELOPMENT PLANS AND DECISIONS WHICH REALLY DO ADDRESS THE LOCAL, TERRITORIAL AND NATIONAL NEEDS - OBJECTIVES WHICH **WE** ALL AGREE ARE THE ONLY REASONS DEVELOPMENT PROJECTS SHOULD BE INITIATED IN THE FIRST PLACE.

C. REGIONAL GOVERNMENT

WE MADE TWO OBSERVATIONS ABOUT REGIONAL GOVERNMENT IN OUR STATEMENT OF PRINCIPLES. FIRST, WE SEE REGIONAL INSTITUTIONS AS AGENTS OF COMMUNITIES, CREATED BY INTERESTED COMMUNITY GOVERNMENTS TO ADMINISTER SOME ASPECTS OF COMMUNITY AUTHORITY.

SECOND WE OBSERVED THAT, WHILE REGIONAL INSTITUTIONS WOULD CLEARLY BE SUBSERVIENT TO THE NEEDS AND WISHES OF THE COMMUNITIES WHICH CREATE THEM, THIS DOES NOT DETRACT FROM THE IMPORTANT ROLE SUCH BODIES MIGHT PLAY IN THE FUTURE.

THERE ARE VERY COMPELLING, PRACTICAL REASONS TO BELIEVE THAT REGIONAL BODIES **WILL HAVE MUCH** TO OFFER, WHETHER IT IS THE MANAGEMENT OF A REGIONAL HIGH SCHOOL OR HEALTH FACILITY, OR WHETHER IT EXTENDS TO POOLING THE MANAGEMENT OF LANDS OUTSIDE

MUNICIPALITIES FOR THE PURPOSE OF APPROVING , MONITORING AND PARTICIPATING IN MAJOR DEVELOPMENT PROJECTS PASSING THROUGH A REGION .

THE POINT TO **REMEMBER** IS THAT WHILE THE FOCUS OF THE THIS PRESENTATION IS ON COMMUNITY MD ABORIGINAL SELF-GOVERNMENT, ASPECTS OF BOTH MAY WELL BE **EXPRESSED** IN FUTURE BY COMMUNITY AND ABORIGINAL CONTROLLED REGIONAL INSTITUTIONS.

7. ABORIGINAL SELF-GOVERNMENT AT THE TERRITORIAL LEVEL

THE TERRITORIAL LEVEL OF GOVERNMENT IS BY FAR THE MOST DIFFICULT INSTITUTION FOR THE **DENE/METIS** TO COME TO GRIPS WITH. IT IS AN INSTITUTION **WHICH** WAS PLOPPED IN OUR MIDST BY THE **FEDERAL** GOVERNMENT AND PROVIDED WITH AN INCREDIBLE AMOUNT OF POWER OVER OUR LIVES.

WE KNOW IT IS NOT **THE SAME** Government IT **WAS TWENTY-TWO YEARS** AGO.

FOR ONE THING ITS BUDGET MD THE SIZE OF ITS BUREAUCRACY HAVE GROWN ENORMOUSLY. ITS **JURISDICTION** HAS EXPANDED AS WELL. WE ARE ALL AWARE OF THE SHIFT FROM APPOINTED TO ELECTED **MLAs** AND THE TRANSFER OF AUTHORITY FROM THE COMMISSIONER TO AN EXECUTIVE COUNCIL. **WE'VE** ALL BEEN ASSURED THAT THE CURRENT SYSTEM IS THE CULMINATION OF A SERIES

OF MAJOR STEPS TOWARDS THE ESTABLISHMENT OF A LEGITIMATE PUBLIC GOVERNMENT; A HOME GROWN EXPRESSION OF SELF-GOVERNMENT TAILORED TO SERVE THE INTERESTS OF ALL RESIDENTS OF THE NORTH. SOME WOULD HAVE US BELIEVE THAT A FEW MORE MINOR **ADJUSTMENTS** WILL COMPLETE THE TASK .

I AM SORRY TO SAY THAT, FROM OUR VANTAGE POINT, THIS VISION SIMPLY DOES NOT HOLD TRUE . THE **CURRENT** SYSTEM IS PREMISED VERY MUCH ON SOUTHERN VALUES . IT IS PREDICATED ON THE ASSUMPTION THAT THE ROLE OF GOVERNMENT IS TO REPRESENT ONLY INDIVIDUALS; MANY INDIVIDUALS WITH DIVERSE NEEDS AND ASPIRATIONS. IT DOES NOT TAKE INTO ACCOUNT THE EXISTENCE OF ABORIGINAL PEOPLES AS DISTINCT CULTURAL ENTITIES WHICH HAVE **SPECIFIC** INTERESTS AND RIGHTS TO BE REPRESENTED AND PROTECTED. WE HELP SEND **MLAs** TO YELLOWKNIFE BUT THEIR CONSTITUENCY IS DEFINED BY LINES ON A MAP AND THE INDIVIDUALS RESIDING **THEREIN**. THESE **MLAs** ARE NOT CHOSEN TO REPRESENT THE **DENE/METIS** AS A GROUP AND FROM OUR POINT OF VIEW, THEY OFTEN DON'T. WHEN THEY TRY, THEY FIND IT EXCEEDINGLY DIFFICULT. THEY *TOO ARE* OPERATING AS INDIVIDUALS TRYING TO ALTER THE COURSE OF A BILLION DOLLAR **OPERATION** BY THEMSELVES. **THERE** ARE USUALLY TWO **DENE/METIS MLAs** ON THE EXECUTIVE COUNCIL, BUT THEY HAVE NOT BEEN APPOINTED BY US

DIRECTLY AND THEY ARE NOT EXPLICITLY APPOINTED FOR THE PURPOSE OF REPRESENTING OUR INTERESTS. NEITHER ARE THEY ACCOUNTABLE TO US AS A CULTURAL COMMUNITY. TO MAKE MATTERS WORSE, THEY ARE OFTEN AT THE MERCY OF A HUGE BUREAUCRACY UPON WHOM THEY MUST **RELY** AS THEY TRY TO KEEP ABREAST OF ALL THE ISSUES IN THEIR RESPECTIVE DEPARTMENTS. THE BUREAUCRACY IN **YELLOWKNIFE** IS OUR BIGGEST PROBLEM. FROM DAY ONE THEY HAVE HAD TOO MUCH POWER OVER GENERAL POLICY , PROGRAMS AND EXPENDITURES , AND, TO BE FRANK, TOO MUCH POWER OVER HOW WE LIVE OUR LIVES .

WE HAVE TALKED FOR YEARS ABOUT MORE POWER RESIDING WITH THE COMMUNITIES AND WITH ABORIGINAL PEOPLES , BUT THE PROBLEM IS ACTUALLY **GETTING** WORSE. THE GROWTH IN THE SIZE **OF** GOVERNMENT; THE CONTINUED IMPORTATION **OF** SO-CALLED EXPERTS FROM THE SOUTH WHOSE EXPERTISE IS DERIVED FROM NON-ABORIGINAL VALUES, OBJECTIVE: AND MODELS ; THE SECURITY AND SELF-CONFIDENCE THAT GROWS WITHIN THE GNWT BUREAUCRACY AS THE CURRENT SYSTEM **BECOMES** MORE AND MORE ENTRENCHED; THE LACK **OF** ACCOUNTABILITY TO ABORIGINAL COMMUNITIES; ALL THESE FACTORS ARE CONTRIBUTING TO THE ENTRENCHMENT OF A **BUREAUCRACY** THAT FEELS MORE AND MORE COMFORTABLE WHEN IT TELLS US WHAT ' S GOOD FOR US, WHERE WE WANT TO GO, AND WHAT **WE 'RE** GOING TO DO.

FOR MANY OF US, THE TASK OF REMAKING THE CURRENT GOVERNMENT INTO ONE WHICH WE GENUINELY FEEL A PART OF CAN SEEM UTTERLY HOPELESS. IT IS NOT SURPRISING THAT OFTEN WE RESIST EVEN CONTEMPLATING WHAT CHANGES MIGHT BE **REQUIRED** TO TURN THE TERRITORIAL INSTITUTIONS AROUND .

THIS IS A MAJOR REASON WHY MANY OF THE SOLUTIONS THAT ATTRACT US RELY ON THE ASSUMPTION THAT THE TERRITORIAL GOVERNMENT CAN BE BYPASSED ALTOGETHER. SOME OF US TALK ABOUT CREATING COMMUNITY GOVERNMENTS SO POWERFUL THAT A TERRITORIAL GOVERNMENT WOULD BE REDUCED TO LITTLE MORE THAN A BANK OR CLEARING HOUSE - A **SMALL** COLLECTION OF CIVIL SERVANTS DISTRIBUTING CHEQUES AND MAKING TRAVELS ARRANGEMENTS FOR COMMUNITY GOVERNMENTS TO COME TOGETHER TO ADDRESS ISSUES OF COMMON CONCERN. OTHERS OF US HOLD THE SAME ATTITUDE BUT FOCUS MORE ON THE CREATION OF REGIONAL INSTITUTIONS. SOME OF US VIEW THE CREATION OF RESERVES AS A WAY TO ESCAPE COMPLETELY FROM THE CURRENT SITUATION. FIFTEEN YEARS AGO WE WOULD HAVE REJECTED ANY SUCH PROPOSAL OUT OF HAND.

THE **DENE/METIS** ARE NOT ALONE IN THIS ASSESSMENT. THE **INUVIALUIT'S** ORIGINAL PROPOSAL FOR A WESTERN ARCTIC REGIONAL MUNICIPALITY REFLECTS THIS THINKING. THE **INUIT** PROPOSE TO DISPENSE WITH

YELLOWKNIFE ALTOGETHER BY CREATING **NUNAVUT**. THEY HOPE THEY CAN BUILD A NEW TERRITORIAL **ADMINISTRATION** WHICH TRULY DOES REFLECT THE NEEDS AND ASPIRATIONS OF THE **INUIT**.

WE KNOW OUR ASSESSMENT OF THE TERRITORIAL GOVERNMENT WILL OFFEND A NUMBER **OF** PEOPLE, SOME OF WHOM **HAVE** MADE A COMMITMENT TO LIVE IN THE NORTH INDEFINITELY, WHO TAKE THEIR JOBS VERY SERIOUSLY **AND** WHO WORK VERY HARD. ALL WE CAN SAY TO YOU IS, "DON'T INTERPRET WHAT WE ARE SAYING AS A PERSONAL ATTACK." THE CURRENT SITUATION IS A PRODUCT **OF** PAST AND PRESENT ATTITUDES, MISPLACED OBJECTIVES AND INAPPROPRIATE INSTITUTIONS. IT HAS BEEN OUR COLLECTIVE INABILITY TO AGREE UPON AND BUILD INSTITUTIONS OF GOVERNMENT **FOR** THE NORTH WHICH GENUINELY REFLECT THE UNIQUE CHARACTER OF OUR NORTHERN SOCIETY. WE HOPE YOU CAN RESIST THE **NATURAL** TEMPTATION TO BECOME DEFENSIVE, AND TRY TO UNDERSTAND HOW **WE** EXPERIENCE AND FEEL **ABOUT** GOVERNMENT IN THE NORTH. IT IS OUR HOPE THAT, IF YOU **CAN** COME TO UNDERSTAND AND APPRECIATE OUR POINT OF VIEW, YOU MAY BE WILLING TO JOIN WITH US TO EXPLORE OTHER AVENUES WHEREBY OUR COMMUNITY OF CULTURES CAN LIVE AND WORK TOGETHER FOR THE BETTERMENT OF US ALL. IT IS WITH THIS PERSPECTIVE IN MIND THAT WE OFFER THE FOLLOWING PROPOSALS FOR THE REFORM OF THE TERRITORIAL GOVERNMENT.

A. COMMUNITY GOVERNMENT AND TERRITORIAL GOVERNMENT

THE COMMUNITY GOVERNMENTS AND THE TERRITORIAL GOVERNMENT SHOULD TOGETHER CONSTITUTE EQUAL PILLARS UPON WHICH A NORTHERN STRUCTURE OF GOVERNMENT IS BUILT. CONNECTING THE TWO PILLARS AND GIVING THEM STRENGTH WOULD BE THE DEFINITION OF ABORIGINAL SELF-GOVERNMENT AND ITS VARIED APPLICATIONS THROUGHOUT THE **STRUCTURE**.

THIS VIEW RUNS COUNTER TO THE COMMON PERCEPTION OF GOVERNMENT BY WHICH A PROVINCIAL OR TERRITORIAL GOVERNMENT IS SEEN AS A SENIOR OR HIGHER ORDER OF GOVERNMENT THAN INSTITUTIONS OF LOCAL GOVERNMENT. IT WOULD ALSO BE DISTINCTIVE BECAUSE IT WOULD RECOGNIZE THE COLLECTIVE RIGHTS OF ABORIGINAL PEOPLE AND PROVIDE WAYS IN WHICH WE WOULD BE ABLE TO EXERT A COLLECTIVE INFLUENCE ON THE DECISIONS OF GOVERNMENT. HOWEVER, IT WOULD EXTEND THE SIMILAR OPPORTUNITY TO NON-ABORIGINAL PEOPLE AND IT WOULD PROTECT THE RIGHTS OF THE INDIVIDUAL AS WELL.

PERHAPS A QUOTE FROM THE **IQALUIT** AGREEMENT WILL HELP TO EXPLAIN OUR POINT OF VIEW;

"a) THE OVERRIDING **OBJECTIVE** OF A NEW CONSTITUTION IS TO
 BUILD A SYSTEM OF PUBLIC GOVERNMENT WHICH WILL PROTECT
 THE INDIVIDUAL RIGHTS OF ALL 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:

i) 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

ii) THE PROTECTION OF THE DENE, METIS AND **INUVIALUIT** IN THAT EACH ABORIGINAL COMMUNITY IN THE WESTERN JURISDICTION SHALL BE ENTRENCHED TO ENABLE EACH COMMUNITY TO FLOURISH AS A DISTINCT **CULTURAL ENTITY REGARDLESS** OF ITS PrOpOrtiOn **OF** THE **TOTAL POPULATION.**"

OBVIOUSLY THIS QUOTE WAS DRAFTED ON *THE* ASSUMPTION THAT THE NORTH WOULD BE DIVIDED. THE **SAME** PRINCIPLES COULD APPLY EQUALLY WELL TO AN UNDIVIDED TERRITORY SHOULD THE **INUIT** DECIDE THAT SUCH AN AVENUE WAS WORTH PURSUING.

% **GUARANTEED REPRESENTATION IN THE LEGISLATIVE ASSEMBLY**

AS I LOOK AROUND THIS ROOM, IT IS OBVIOUS THAT THE PRESENT SYSTEM HAS RESULTED IN THE ELECTION OF **MLAs** FROM ALL OUR CULTURAL COMMUNITIES ; **DENE/METIS** , **INUIT** , **INUVIALUIT** AND NON-ABORIGINAL NORTHERNERS . **SOME** OBSERVERS MIGHT CALL THIS A FORM OF INDIRECT GUARANTEED REPRESENTATION OF CULTURAL COMMUNITIES BECAUSE, WHEN WE **LOOK** AT HOW THE TERRITORIAL CONSTITUENCIES ARE DRAWN, IT IS FAIRLY EASY TO PREDICT THAT MEMBERS FROM EACH **CULTURAL** COMMUNITY WILL BE NOMINATED AND PROBABLY ELECTED .

HOWEVER , WHEN WE EXAMINE THE SYSTEM A BIT MORE CLOSELY, **IT** BECOMES OBVIOUS THAT WE REALLY DON ' T HAVE A SYSTEM WHICH GUARANTEES THAT EACH **CULTURAL** COMMUNITY HAS REPRESENTATION AT ALL. CURRENT **MLAs** ARE NOT ELECTED BY MEMBERS OF A CULTURAL COMMUNITY TO REPRESENT CULTURAL COMMUNITIES PER SE. THIS EFFECTS THE POSITIONS ADOPTED BY **MLAs** IN DEBATES IN THIS HOUSE.

WE SUPPORT A SYSTEM WHICH PROVIDES FOR THE DIRECT REPRESENTATION OF **CULTURAL** COMMUNITIES IN THE LEGISLATIVE ASSEMBLY . WE STRONGLY **ENCOURAGE** THIS APPROACH FOR THE FOLLOWING REASONS ;

- a) **MLAs** MUST BE ELECTED FOR THE EXPRESS PURPOSE OF REPRESENTING CULTURAL COMMUNITIES AS WELL AS TO PERFORM THE NORMAL DUTIES OF

REPRESENTING THE **GENERAL INTERESTS** OF THE WHOLE POPULATION AND DEFENDING THE RIGHTS AND MEETING THE NEEDS OF INDIVIDUAL CONSTITUENTS . THE ONLY PRACTICAL WAY TO ENSURE THAT CULTURAL COMMUNITIES ARE REPRESENTED IS TO HAVE EACH MLA ELECTED BY MEMBERS OF ONE CULTURAL COMMUNITY. IN THIS WAY, THE **MLA** WILL KNOW EXACTLY WHO HE OR SHE REPRESENTS AND WHO HE OR SHE IS ACCOUNTABLE TO. FOR THEIR PART , HIS OR HER CONSTITUENTS WILL HAVE GREATER CONFIDENCE THAT THEIR MLA WILL IN FACT REPRESENT THEIR COLLECTIVE INTERESTS .

- b) A MAJOR **OBJECTIVE** OF THE LEGISLATIVE ASSEMBLY SHOULD BE TO BRING THE REPRESENTATIVES OF EACH CULTURAL COMMUNITY TOGETHER IN A FORMAL SETTING FOR THE EXPRESS PURPOSE OF ALLOWING THE CULTURAL COMMUNITIES TO REACH A CONSENSUS ON ISSUES WHICH ARE OF FUNDAMENTAL IMPORTANCE . IN THIS FASHION A MORE GENUINE VERSION **OF** CONSENSUS GOVERNMENT WILL EMERGE, UNLIKE **THE** PRESENT SO-CALLED CONSENSUS ASSEMBLY WHICH IN OUR VIEW WOULD MORE **ACCURATELY** BE DESCRIBED AS A NON-PARTISAN ASSEMBLY. THE ABSENCE OF POLITICAL PARTIES DOES NOT BY ITSELF CONSTITUTE CONSENSUS GOVERNMENT .

THE **OBJECTIVE** IS CONSENSUS BETWEEN CULTURAL **COMMUNITIES**, AND THE ONLY WAY **THAT** CAN BE ADDRESSED IS TO HAVE AN IDENTIFIABLE **CULTURAL** CAUCUS IN THE LEGISLATIVE ASSEMBLY REPRESENTING EACH **CULTURAL** COMMUNITY .THESE CULTURAL CAUCUSES, TO BE GENUINE, MUST BE COMPRISED OF **MLAs** ELECTED **DIRECTLY** BY MEMBERS OF A CULTURAL COMMUNITY TO, AMONG OTHER THINGS , REPRESENT THEIR COLLECTIVE INTERESTS AS A CULTURAL GROUP .

- c) USING THE DIRECT ELECTION METHOD WILL PROVE TO BE A SIMPLER TOOL IN THE LONG RUN FOR ENSURING THAT FAIR REPRESENTATION OF EACH **CULTURAL** COMMUNITY CONTINUES INDEFINITELY . THIS ASSEMBLY RECENTLY ACTIVATED A BOUNDARY COMMISSION TO EXAMINE THE CURRENT BOUNDARIES FOR **CONSTITUENCIES** AND TO RECOMMEND CHANGES. IN ADDITION TO APPLYING THE TWO STANDARD BUT COMPETING PRINCIPLES OF REPRESENTATION - A STRICT APPLICATION OF REPRESENTATION BY POPULATION VERSUS THE NEED TO COMPENSATE RESIDENTS LIVING IN MANY SMALL COMMUNITIES SPREAD OVER LARGE AREAS WHO CONSEQUENTLY ARE VERY DIFFICULT TO REPRESENT - THE COMMISSION WILL PROBABLY TRY TO RECOMMEND BOUNDARIES WHICH WOULD **ENSURE** THAT MEMBERS OF EACH CULTURAL **COMMUNITY** WILL PROBABLY BE ELECTED. THIS OBJECTIVE WILL BECOME MORE AND **MORE** DIFFICULT TO ACCOMPLISH IN THE FUTURE

AS THE **RELATIVE** SIZE OF THE CULTURAL COMMUNITIES AND THEIR GEOGRAPHIC DISTRIBUTION CHANGE OVER TIME.

THE DIRECT METHOD WOULD REQUIRE THE MAINTENANCE OF A VOTERS LIST AND A SET OF GEOGRAPHIC CONSTITUENCIES FOR **EACH CULTURAL** COMMUNITY . THE NUMBERS OF SEATS EACH **CULTURAL** COMMUNITY WOULD BE ENTITLED TO WOULD BE BASED UPON THEIR PROPORTION **OF** THE TOTAL POPULATION , ALTHOUGH **THERE** WOULD PROBABLY NEED TO BE A GUARANTEED MINIMUM NUMBER EACH GROUP REQUIRES TO PARTICIPATE EFFECTIVELY IN THE ASSEMBLY. THE ORIGINAL LISTS FOR ABORIGINAL COMMUNITIES COULD BE DRAWN DIRECTLY FROM THEIR LISTS OF CLAIMS BENEFICIARIES . THE REMAINING BONA FIDE RESIDENTS OF THE NWT WOULD AUTOMATICALLY BE ENTERED ONTO A LIST FOR NON-ABORIGINAL RESIDENTS, A **CULTURAL** COMMUNITY WHICH I SHALL HEREAFTER REFER TO SIMPLY AS "NORTHERNERS." PEOPLE WHO MOVE TO THE NWT **ONCE** THE SYSTEM IS IN PLACE WOULD AUTOMATICALLY BECOME MEMBERS OF THE **"NORTHERNERS" CULTURAL COMMUNITY** ONCE THEY HAD MET THE NORMAL RESIDENCY REQUIREMENT.

THE RESULT WOULD BE A LEGISLATIVE ASSEMBLY COMPRISED OF A SET OF **CULTURAL** CAUCUSES ELECTED PARTLY FOR THE **EXPRESS** PURPOSE OF REPRESENTING THAT **CULTURAL** COMMUNITY ON ISSUES OF FUNDAMENTAL

IMPORTANCE TO THEIR CONSTITUENCY. THESE "CULTURAL CAUCUSES " WOULD OPERATE AS SUCH ONLY WHEN ADDRESSING THESE BASIC CONCERNS . OTHERWISE THEY WOULD REPRESENT THE CONVENTIONAL INTERESTS , BE THEY INDIVIDUAL, REGIONAL OR TERRITORIAL.

WHILE THE ORIGINAL VOTERS LISTS WOULD APPEAR TO BE BASED PRIMARILY ON RACE, ITS SUBSEQUENT MAKE-UP NEED NOT REMAIN SO. CULTURE IS A MINDSET, A SET OF COMMON VALUES AND INTERESTS, A COLLECTIVE EXPRESSION THAT INDIVIDUALS CAN IDENTIFY WITH. THERE IS NO REASON WHY THERE COULD NOT BE A FORMAL PROCESS WHEREBY INDIVIDUALS COULD APPLY TO JOIN A DIFFERENT CULTURAL COMMUNITY.

FOR EXAMPLE, IF A NON-ABORIGINAL PERSON MARRIED A DENE FROM FORT GOOD HOPE, IF THE FAMILY DECIDED TO MAKE GOOD HOPE THEIR HOME, AND IF HE OR SHE FELT COMFORTABLE AMONG THE DENE/METIS AND SHARED OUR GENERAL INTERESTS, SUCH A PERSON MAY PREFER-AND SHOULD BE ABLE TO APPLY TO JOIN OUR CULTURAL COMMUNITY. THE SAME PRINCIPLE COULD HOLD TRUE IN ANY OTHER COMMUNITY.

SIMILARLY, THERE IS NO REASON WHY A PERSON SHOULD HAVE TO BE A MEMBER OF A SPECIFIC CULTURAL COMMUNITY IN ORDER TO BE ELECTED TO REPRESENT THEM IN THE ASSEMBLY. THE POINT OF THIS ARRANGEMENT IS TO GUARANTEE EACH CULTURAL COMMUNITY THE OPPORTUNITY TO

SELECT THEIR OWN REPRESENTATIVES FOR THE LEGISLATIVE ASSEMBLY .
WHO THEY ULTIMATELY DECIDE CAN BEST REPRESENT THEM IS THEIR
BUSINESS .

THE ADVANTAGES OF THIS SYSTEM ARE THAT EACH CULTURAL COMMUNITY
WILL BE GUARANTEED MEANINGFUL REPRESENTATION REGARDLESS OF
DEMOGRAPHIC CHANGES IN THE FUTURE, WHILE AT THE SAME TIME, NO
INDIVIDUAL'S POLITICAL RIGHTS TO PARTICIPATE OR TO BE FAIRLY
REPRESENTED WILL HAVE BEEN TAMPERED WITH OR COMPROMISED. IT
WOULD ALSO FREE THE CONCEPT OF CULTURE FROM A STRICTLY RACIAL
DEFINITION . THE APPARENT DISADVANTAGES OF REQUIRING SEPARATE
VOTERS LISTS AND CONSTITUENCIES FOR **CULTURAL** COMMUNITIES WOULD
ACTUALLY.. NOT BE DISADVANTAGES AT ALL WHEN COMPARED TO THE
NIGHTMARE IN FUTURE OF TRYING INFORMALLY TO GUARANTEE CULTURAL
REPRESENTATION BY THE CONTRIVED PLACING OF LINES ON A **MAP**.

- d) ANOTHER IMPORTANT REASON FOR USING THE DIRECT ELECTION METHOD
FOR SELECTING **MLAs** IS CONSTITUTIONAL. THE ONLY WAY THAT
ABORIGINAL PEOPLES CAN HAVE ANY CONFIDENCE THAT THEIR RIGHT TO
REPRESENTATION IN THE ASSEMBLY WILL BE **GUARANTEED** IS IF THAT
RIGHT IS SPECIFICALLY SPELLED OUT AND GUARANTEED IN A
CONSTITUTIONAL DOCUMENT. THE DIRECT APPROACH WOULD BE FAR EASIER

TO DEFINE AND PROTECT IN A CONSTITUTION THAN AN INDIRECT METHOD WHICH TRIES TO GUARANTEE THE OBJECTIVE IN A MORE CIRCUITOUS FASHION .

C. GUARANTEED REPRESENTATION IN THE GNWT

THE PRINCIPLE OF GUARANTEEING CULTURAL REPRESENTATION CAN **ALSO** BE **CONSIDERED** IN OTHER AREAS WITHIN THE **GNWT**; ON THE EXECUTIVE COUNCIL, ON TERRITORIAL BOARDS AND AGENCIES, AND WITHIN THE **BUREAUCRACY** .

a) EXECUTIVE COUNCIL: IN OUR VIEW THE PRINCIPLE OF GUARANTEED REPRESENTATION IS ESSENTIAL TO THE RECOGNITION OF ABORIGINAL RIGHTS TO SELF-GOVERNMENT AND TO ITS PRACTICE. **THE** EXECUTIVE COUNCIL IS THE SOURCE OF A GREAT MANY DECISIONS OF CRITICAL **IMPORTANCE** TO ALL NORTHERN RESIDENTS . THEREFORE EACH CULTURAL COMMUNITY MUST BE **GUARANTEED** REPRESENTATION ON THE EXECUTIVE COUNCIL .

EACH **CULTURAL** CAUCUS IN THE ASSEMBLY MUST HAVE EITHER THE RIGHT TO APPOINT, OR AT A MINIMUM, THE RIGHT TO APPROVE THE APPOINTMENT OF ITS REPRESENTATIVES ON THE EXECUTIVE COUNCIL. THERE MUST ALSO BE A MECHANISM WHEREBY THE CULTURAL CAUCUS CAN CENSURE OR REMOVE THEIR REPRESENTATIVES IF THEY ARE NOT

SATISFIED WITH THEIR PERFORMANCE ON CRITICAL ISSUES WHICH IMPACT DIRECTLY ON THE CULTURAL COMMUNITY. THE DESIGN OF SUITABLE MECHANISMS FOR APPOINTMENTS TO THE EXECUTIVE COUNCIL WOULD NECESSARILY NEED TO DOVETAIL CLOSELY WITH THE MANNER IN WHICH THE GOVERNMENT LEADER IS SELECTED AS WELL AS THE ROLE HE OR SHE WILL PLAY AS LEADER **OF** THE MEMBERS OF THE EXECUTIVE COUNCIL.

- b) TERRITORIAL BOARDS AND AGENCIES: ALL THREE ABORIGINAL CLAIMS IN THE NWT INCLUDE PROVISIONS FOR GUARANTEED ABORIGINAL REPRESENTATION ON SPECIFIC MANAGEMENT BOARDS. THESE BOARDS FOCUS ON CLAIMS TYPE ISSUES; LAND AND WATER MANAGEMENT AND WILDLIFE. THE PRINCIPLE **OF** GUARANTEED REPRESENTATION SHOULD **BE** APPLIED TO OTHER AREAS IN WHICH TERRITORIAL BOARDS OR AGENCIES ARE REQUIRED WITH ONE SIGNIFICANT DIFFERENCE.

ABORIGINAL CLAIMS ARE ESSENTIALLY LANDS AND RESOURCES **AGREEMENTS** BETWEEN THE ABORIGINAL GROUP AND THE GOVERNMENT OF CANADA. ACCORDINGLY THE BOARDS CREATED IN CLAIMS INCLUDE REPRESENTATIVES OF THE ABORIGINAL GROUP AND OF GOVERNMENT. WHILE THIS ARRANGEMENT IS UNDERSTANDABLE GIVEN THE PARTIES TO THE CLAIM, IT CREATES THE PECULIAR PERCEPTION THAT THE GOVERNMENT DOES NOT REPRESENT THE ABORIGINAL GROUP AND THAT THE ABORIGINAL GROUP IS

SOMEHOW SEPARATE FROM THE INSTITUTION **OF GOVERNMENT.**

TO ILLUSTRATE THE POINT, THE CONSTITUTION OF CANADA CLEARLY **RECOGNIZES** ENGLISH AND FRENCH AS CULTURAL COMMUNITIES WITHIN CANADA. YET NO ONE BUT A QUEBEC SEPARATIST WOULD ARGUE THAT THE FEDERAL GOVERNMENT IS AND OUGHT TO BE THE GOVERNMENT OF ENGLISH CANADA WHILE THE ONLY GOVERNMENT FOR FRENCH CANADIANS RESIDES IN QUEBEC.

YET THIS SAME ATTITUDE IS OFTEN APPLIED TO AND BY ABORIGINAL PEOPLE IN THE NUT. WE OFTEN SEE OURSELVES BUILDING SEPARATE, POWERFUL INSTITUTIONS OUTSIDE GOVERNMENT TO COUNTERACT GOVERNMENT INITIATIVES AND TO TRY AND SUBSTITUTE OUR OWN. SURELY THE PROJECT IS TO **REMAKE** THIS GOVERNMENT IN SUCH A WAY THAT IT IS IN FACT OUR GOVERNMENT; THAT OUR PLACE AND OUR INFLUENCE ARE GUMTEED IN SUCH A WAY THAT WE NO LONGER FEEL THE NEED TO PROTECT OURSELVES FROM AN INSTITUTION THAT ON PAPER AT LEAST IS SUPPOSED TO INCLUDE US.

THIS SUBTLE DIFFERENCE IN ATTITUDE ORIGINATED IN THE EARLY 1970'S WHEN ABORIGINAL GROUPS EARNESTLY AND EXPLICITLY STATED THAT THE LEGISLATIVE ASSEMBLY AND THE GNWT WERE IN FACT THE GOVERNMENT FOR NON-ABORIGINAL RESIDENTS. THIS ATTITUDE WAS

ESSENTIAL IN A PERIOD WHEN GOVERNMENT WAS COMMITTED TO A **POLICY** OF ASSIMILATION, TO THE TERMINATION OF ABORIGINAL COMMUNITIES AS POLITICAL ENTITIES IN **FAVOUR** OF A STRICT APPLICATION OF THE PRINCIPLES OF INDIVIDUALISM AND THE STATE.

WE WILL KNOW THAT WE HAVE BEEN SUCCESSFUL IN RESHAPING THE GNWT TO CONFORM TO THE SOCIAL, ECONOMIC AND POLITICAL REALITIES OF THE NWT THE DAY WE REACH THE CONCLUSION THAT ABORIGINAL POLITICAL INSTITUTIONS OPERATING OUTSIDE **OF** GOVERNMENT ARE ESSENTIALLY REDUNDANT. WE ALSO KNOW WE WILL NEVER COME TO THIS CONCLUSION UNLESS THE GNWT IS SUBSTANTIALLY MODIFIED ALONG THE LINES WE ARE PROPOSING TODAY.

- c) THE BUREAUCRACY: WE HAVE ALREADY INDICATED THAT WE BELIEVE THAT THE **BUREAUCRACY** IN YELLOWKNIFE EXERCISES AN ILLEGITIMATE AND FAR TOO GREAT AN INFLUENCE OVER OUR LIVES. WE BELIEVE THAT **THERE** OUGHT TO BE FAR MORE ABORIGINAL PEOPLE EMPLOYED IN THE BUREAUCRACY, BOTH FOR THEIR PERSONAL BENEFIT AND FOR THE PERSPECTIVES, THE SPECIAL KNOWLEDGE AND SKILLS, AND INFLUENCE OVER POLICY THEY COULD PROVIDE. WE ALSO BELIEVE THAT MANY OF THE JOB DESCRIPTIONS IN GOVERNMENT ARE **CULTURALLY** BIASED; THAT IS THEY DEFINE WHAT TYPE OF **WORK** IS IMPORTANT AND WHAT SKILLS

ARE NECESSARY BASED UPON ONLY A NON-ABORIGINAL PERSPECTIVE.

DESPITE ALL THESE CONCERNS, HOWEVER, WE **DO NOT RECOMMEND** THAT A **GUARANTEED** QUOTA SYSTEM FOR ABORIGINAL REPRESENTATION IN THE **BUREAUCRACY** BE INSTITUTIONALIZED. HOWEVER, WE DO SUPPORT A SOUND PROGRAM OF AFFIRMATIVE ACTION FOR ABORIGINAL RESIDENTS WHICH INCLUDES A REVIEW OF JOB DESCRIPTIONS IN LIGHT OF PRIORITIES TO BE SET BY A LEGISLATIVE ASSEMBLY ELECTED BY **CULTURAL** COMMUNITIES.

WE BELIEVE THAT GUARANTEED REPRESENTATION IN THE ASSEMBLY AND ON THE EXECUTIVE COUNCIL, THE ENTRENCHMENT OF CERTAIN POLITICAL AND CULTURAL RIGHTS IN A CONSTITUTION, AND THE TRANSFER **OF CONSIDERABLE** POWERS AND AUTHORITIES TO COMMUNITY GOVERNMENTS AND ABORIGINAL SELF-GOVERNMENT INSTITUTIONS TOGETHER WILL PLACE ENOUGH POWER DIRECTLY IN THE HANDS OF POLITICIANS CHOSEN TO EFFECTIVELY REPRESENT EACH **CULTURAL** AND **LOCAL** COMMUNITY, THAT THE **BUREAUCRACY** WILL BE **FAR** MORE LIKELY TO PERFORM THE FUNCTIONS OF CIVIL SERVANTS RATHER **THAN** EXERCISE POLITICAL POWERS WHICH IT WAS NEVER INTENDED TO WIELD AND FOR WHICH IT IS NOT ACCOUNTABLE .

D. GUARANTEED REPRESENTATION AND POLITICAL PARTIES

THE **DENE/METIS** DO NOT SUPPORT THE INTRODUCTION OF PARTY POLITICS INTO THE LEGISLATIVE ASSEMBLY. FROM OUR POINT OF VIEW THE PRIMARY POLITICAL UNITS **REFLECTING** VALUES AND OBJECTIVES IN THE **NWT ARE** THE **CULTURAL** COMMUNITIES AND THE PRIMARY TASK OF THE **CULTURAL** CAUCUSES IN THE LEGISLATIVE ASSEMBLY SHOULD BE TO RECONCILE THE INTERESTS OF THE CULTURAL COMMUNITIES AND TO REACH A CONSENSUS ON A COMMON SET OF **GOALS** AND OBJECTIVES. A SYSTEM OF POLITICAL PARTIES WOULD SIMPLY CONFUSE AND OBSCURE THE **ESSENTIAL** PURPOSE OF THE ASSEMBLY AND ON THESE GROUNDS WE OPPOSE ITS CREATION.

IN A SENSE A POLITICAL PARTY IS SIMPLY A COLLECTION OF INDIVIDUALS WHO SHARE A COMMON SET OF OBJECTIVES AND WHO DECIDE TO WORK TOGETHER **TO** FURTHER THOSE OBJECTIVES. IN THAT CONTEXT IT IS PROBABLY IMPOSSIBLE TO STOP POLITICAL PARTIES FROM BEING **FORMED**. HOWEVER, IT IS POSSIBLE TO DEVELOP A CONSTITUTION FOR THE NWT WHICH IS DESIGNED TO **SERVE** THE OBJECTIVES I HAVE BEEN DISCUSSING THROUGHOUT THIS PRESENTATION WITHOUT PAYING PARTICULAR ATTENTION TO PARTY POLITICS. IF CERTAIN GROUPS SUBSEQUENTLY DECIDE TO SEEK POLITICAL POWER VIA POLITICAL PARTIES, THOSE PARTIES SHOULD BE OBLIGED TO SHAPE THEIR **STRUCTURE** AND **BEHAVIOUR** TO ACCOMMODATE THE

NWT FORM **OF** GOVERNMENT RATHER THAN OURSELVES BEING **DISTRACTED** FROM OUR OBJECTIVES **JUST** TO ACCOMMODATE PARTY POLITICS.

POLITICAL PARTIES COULD NOMINATE AND ELECT MEMBERS TO AN ASSEMBLY USING THE DIRECT ELECTION OF **CULTURAL** COMMUNITIES SYSTEM SIMPLY BY ENSURING THAT A MEMBER OF THEIR PARTY IS NOMINATED IN EACH CONSTITUENCY . THE GOVERNMENT LEADER COULD BE SELECTED IN THE CONVENTIONAL FASHION AS WELL. THERE WOULD BE SOME LIMITATIONS, HOWEVER, ON A GOVERNMENT **LEADER'S** CAPACITY TO SELECT MEMBERS TO THE EXECUTIVE COUNCIL.

E. CONSTITUTIONAL ENTRENCHMENT

WE HAVE ALWAYS CONSIDERED IT ESSENTIAL THAT OUR RIGHTS TO ABORIGINAL SELF-GOVERNMENT AND THE STRUCTURES AND POWERS OF THE GOVERNMENT SYSTEM **WE** PARTICIPATE IN AS FULL PARTNERS BE SOMEHOW ENTRENCHED IN LEGISLATION WHICH CANNOT BE AMENDED OR RESCINDED SUBSEQUENTLY WITHOUT THE FORMAL CONSENT **OF** THE **DENE/METIS**.

THE IDEAL WOULD BE THE ENTRENCHMENT OF A GENERAL STATEMENT IN THE CONSTITUTION OF CANADA AFFIRMING OUR RIGHT TO ABORIGINAL SELF-GOVERNMENT. THIS WOULD BE FOLLOWED UP BY A NEGOTIATED AGREEMENT WHICH DEFINED THE SPECIFIC EXPRESSION OF ABORIGINAL SELF-GOVERNMENT IN THE NWT. GIVEN THE CURRENT POLITICAL CLIMATE, IT IS UNLIKELY

THAT A FIRST MINISTERS CONFERENCE CONVENED FOR THIS PURPOSE WILL ENTRENCH SUCH A GENERAL RIGHT IN THE NEAR FUTURE. REGARDLESS , EVENTS IN THAT FORUM ARE BEYOND THE CONTROL OF THE **DENE/METIS** AND THIS ASSEMBLY AND WE WOULD BE WISER TO FOCUS ON WHAT WE CAN DO TOGETHER TO BUILD A NEW CONSTITUTION FOR THE NORTH.

HOWEVER, WE WANT TO MAKE OUR POSITION ON ENTRENCHMENT VERY CLEAR FROM THE BEGINNING. WHATEVER DEFINITIONS OF ABORIGINAL SELF-GOVERNMENT WE MIGHT ARRIVE AT, WHATEVER MODEL OF GOVERNMENT WE MIGHT DESIGN, HOWEVER WE MIGHT DISTRIBUTE POWERS AMONG TERRITORIAL, LOCAL AND ABORIGINAL INSTITUTIONS - THE MAJOR RESULTS **OF** THESE NEGOTIATIONS MUST BE LEGISLATED IN SUCH A **FASHION** THAT NO AMENDMENTS **ARE** POSSIBLE WITHOUT THE FORMAL APPROVAL OF THE **DENE/METIS** AND OTHER ABORIGINAL GROUPS WHO MIGHT BE CO-PARTICIPANTS TO ANY SUCH AGREEMENT. WE ARE PREPARED, IN THE NAME OF EQUALITY, TO OFFER THIS **SAME** AUTHORITY TO THE NON-ABORIGINAL **CULTURAL** COMMUNITY, BUT OUR OWN AUTHORITY IN THIS REGARD MUST BE ASSURED. THIS IS THE ONLY WAY IN WHICH WE CAN HAVE ANY CONFIDENCE THAT A FAIR AND MUTUALLY SATISFACTORY DEAL STRUCK TODAY WILL REMAIN INTACT TOMORROW.

WE SUGGEST THE FOLLOWING ELEMENTS. AT THE FEDERAL LEVEL THE **CULTURAL** COMMUNITIES OF THE **NWT** TOGETHER PURSUE PROVINCIAL OR QUASI-PROVINCIAL STATUS. THE PURPOSE OF THIS APPROACH IS TWOFOLD. FIRST, WE NEED TO MAXIMIZE OUR JURISDICTION IN THE NWT, PARTICULARLY WITH REGARDS TO LANDS AND RESOURCES. THE MORE POWER WE HAVE TO EXERCISE WITHIN THE **NWT**, THE GREATER OUR ABILITY TO PRACTICE SELF-GOVERNMENT. SECOND, PROVINCIAL OR QUASI-PROVINCIAL STATUS WOULD COME UNDER THE PROTECTION OF THE CONSTITUTION OF CANADA THEREBY MAKING IT IMPOSSIBLE FOR THE GOVERNMENT OF CANADA TO UNILATERALLY AMEND **OUR** JURISDICTION WITHOUT OUR CONSENT. HAVING MADE THIS PROPOSAL, **HOWEVER**, PLEASE BEAR IN **MIND** THAT OUR SUPPORT FOR THIS CONSTITUTIONAL ADVANCE TO PROVINCIAL OR QUASI-PROVINCIAL STATUS IS CONTINGENT UPON OUR CULTURAL COMMUNITIES HAVING REACHED AN AGREEMENT WITHIN THE NORTH ON A **CONSTITUTION** FOR THE NWT WHICH INCLUDES THE FOLLOWING ELEMENTS.

- A STATEMENT THAT THIS CONSTITUTION SUPERCEDES ALL OTHER LEGISLATION PASSED BY THE LEGISLATIVE ASSEMBLY OR ANY OTHER LEVEL OF GOVERNMENT IN THE NWT,
- A STATEMENT THAT THE PEOPLE OF THE NORTH RECOGNIZE ABORIGINAL PEOPLES' RIGHT TO SELF-GOVERNMENT, EACH CULTURAL COMMUNITY'S

COLLECTIVE RIGHTS INCLUDING THE COLLECTIVE RIGHTS OF NON-ABORIGINAL NORTHERNERS , AND THE INDIVIDUAL RIGHTS OF ALL NORTHERN **RESIDENTS**,

- **GENERAL** DEFINITIONS OF THE ABORIGINAL OR CULTURAL RIGHTS OF EACH CULTURAL COMMUNITY INCLUDING BUT NOT LIMITED TO LANGUAGE, EDUCATION, COMMUNICATION AND OTHER CULTURE RELATED MATTERS,
- A DESCRIPTION OF THE VARIOUS SYSTEMS , **STRUCTURES** AND INSTITUTIONS OF GOVERNMENT AND THE JURISDICTIONS OF EACH INCLUDING SUCH FEATURES AS; GUARANTEED REPRESENTATION AT THE **LOCAL** AND REGIONAL **LEVEL, IN** THE ASSEMBLY, ON BOARDS AND AGENCIES, AND ON THE EXECUTIVE COUNCIL; THE ROLES **OF CULTURAL** CAUCUSES **.IN** THE ASSEMBLY; AND THE STRUCTURES **AND** POWERS OF INSTITUTIONS OF EXCLUSIVE ABORIGINAL SELF-GOVERNMENT INCLUDING A FORM OF JURISDICTION OVER LANDS SELECTED IN CLAIMS **SITUATED** OUTSIDE MUNICIPAL BOUNDARIES,
- A FORMULA FOR AMENDING THE CONSTITUTION WHICH INCLUDES THE PROVISION THAT ALL AMENDMENTS REQUIRE THE FORMAL APPROVAL OF EACH **CULTURAL** CAUCUS, AND ALSO PROVIDES FOR SOME FORM OF PUBLIC CONSULTATION, AND

- A **GENERAL** STATEMENT RECOGNIZING AND ENTRENCHING THE **PRINCIPLE** THAT THE TERRITORIAL AND COMMUNITY GOVERNMENTS TOGETHER CONSTITUTE THE TWO EQUAL PILLARS OF NORTHERN GOVERNMENT, A GENERAL STATEMENT OF INTENTION REGARDING THE DIVISION OF POWERS BETWEEN THE TWO LEVELS, AND DIRECTIONS TO THE LEGISLATIVE ASSEMBLY ON THE PROCESS TO BE FOLLOWED TO EMPOWER COMMUNITY GOVERNMENTS. A DETAILED DESCRIPTION OF THE POWERS OF COMMUNITY GOVERNMENT WOULD NOT NEED TO BE ENTRENCHED IN THIS CONSTITUTION.

F. MAJOR LEGISLATION AND THE ROLE OF THE CULTURAL CAUCUSES IN THE LEGISLATIVE ASSEMBLY

WE HAVE ALREADY OUTLINED HOW THE **MLAs** ELECTED BY EACH **CULTURAL** COMMUNITY WOULD CONSTITUTE A **CULTURAL** CAUCUS IN THE LEGISLATIVE ASSEMBLY. TO THIS POINT WE HAVE IDENTIFIED FOUR MAJOR ROLES THEY WOULD PERFORM;

- REPRESENT THE INTERESTS OF THEIR RESPECTIVE **CULTURAL COMMUNITIES** WHEN A **GENERAL** CONSENSUS ON IMPORTANT ISSUES FACING THE NORTH IS REQUIRED,
- APPOINT **MLAs** TO REPRESENT THEIR CULTURAL COMMUNITY ON THE EXECUTIVE COUNCIL,
- GIVE CAUCUS APPROVAL TO AMENDMENTS TO THE CONSTITUTION, AND

- GIVE CAUCUS APPROVAL TO LEGISLATION OF FUNDAMENTAL IMPORTANCE TO THEIR **CULTURAL** COMMUNITY.

THIS LAST REQUIREMENT RAISES THE QUESTION OF JUST WHAT KINDS OF LEGISLATION MIGHT FALL INTO THIS CATEGORY. THIS CATEGORY WOULD NEED TO BE DEFINED AS CLEARLY AS POSSIBLE WITHIN THE CONSTITUTION IN ORDER TO MINIMIZE PROCEDURAL PROBLEMS IN THE LEGISLATIVE ASSEMBLY. HOWEVER , WE CAN PROVIDE SEVERAL EXAMPLES TO ILLUSTRATE THE INTENTION.

WE HAVE ALREADY IDENTIFIED HOW IMPORTANT THE STRUCTURES AND POWERS **OF** COMMUNITY GOVERNMENT WOULD BE TO A NEW SYSTEM OF GOVERNMENT. HOWEVER , WE **ALSO** NOTED EARLIER THAT A **PRINCIPLE** SUPPORTING **SUBSTANTIAL POWER** AND AUTONOMY FOR COMMUNITY GOVERNMENTS HAD TO BE TEMPERED WITH THE NEED FOR FLEXIBILITY WHEN DECIDING AT ANY POINT IN TIME WHAT POWERS OR AUTHORITIES WOULD BE AVAILABLE TO A COMMUNITY GOVERNMENT AND WHICH POWERS AND AUTHORITIES A PARTICULAR COMMUNITY WAS INCLINED AND PREPARED TO ASSUME.

A CONSTITUTION IS NOT INTENDED TO BE AMENDED REGULARLY OR EASILY, SO IT WOULD **PROBABLY NOT** BE WISE TO INCLUDE TOO MUCH DETAIL REGARDING COMMUNITY **GOVERNMENTS** STRUCTURES AND JURISDICTIONS.

THIS IS THE PRIMARY REASON WHY WE SUGGEST THAT THE CONSTITUTION SHOULD **LIMIT** ITSELF TO AFFIRMING THE EQUAL PILLAR CONCEPT BETWEEN TERRITORIAL AND COMMUNITY GOVERNMENT, DEFINING THE DIVISION OF POWERS IN GENERAL TERMS, AND DIRECTING THE ASSEMBLY TO ENACT SUITABLE LEGISLATION IN APPROPRIATE AREAS WITH REGARDS TO TRANSFERS OF AUTHORITY TO COMMUNITY GOVERNMENTS.

HOWEVER, THIS GIVES RISE TO THE QUESTION, "HOW CAN THE **DENE/METIS** ALLOW A LEGISLATIVE ASSEMBLY IN WHICH OUR **MLAs** WOULD CONSTITUTE A MINORITY TO ENACT, USING THE STANDARD **PRACTICE** OF MAJORITY RULE, LEGISLATION WE VIEW AS CRITICALLY IMPORTANT TO THE IMPLEMENTATION OF OUR VISION OF COMMUNITY SELF-GOVERNMENT AND STILL FEEL SECURE THAT THE DESIRED RESULTS WILL BE REALIZED?" THE SIMPLE ANSWER IS, "WE **CAN'T.**"

THIS IS AN EXAMPLE WHERE THE MAJORITY OF THE **DENE/METIS CULTURAL** CAUCUS WOULD BE REQUIRED TO APPROVE THE PROPOSED LEGISLATION BEFORE IT BECAME LAW. HOWEVER, THE SAME POWER WOULD BE GRANTED TO EACH OF THE OTHER CULTURAL CAUCUSES; THE RESULT BEING A FORM OF CONSENSUS BEING REACHED BETWEEN **CULTURAL** COMMUNITIES ON THESE CRITICAL PIECES OF LEGISLATION. THE SAME MECHANISM COULD OPERATE FOR LEGISLATION WHICH , IN A SIMILAR FASHION, WOULD DETAIL THE POWERS AND

RESPONSIBILITIES OF THE **CULTURAL** COUNCILS WE DISCUSS IN THE **NEXT** SECTION OF THIS PRESENTATION.

ANOTHER EXAMPLE WHERE APPROVAL **OF** A CULTURAL COUNCIL WOULD BE REQUIRED RELATES TO THE MANAGEMENT BOARDS CREATED BY CLAIMS AND THE POWERS **OF** THE RELEVANT MINISTER TO REJECT A DECISION OF THAT BOARD AND REPLACE IT WITH HIS OR HER OWN DIRECTIVE. WE SUGGEST THAT , WHEN IN HIS OR HER WISDOM, A MINISTER CHOOSES THIS COURSE, HE OR SHE WOULD BE REQUIRED TO OBTAIN THE APPROVAL OF **THE CULTURAL** CAUCUS WHOSE CULTURAL COMMUNITY IS DIRECTLY AFFECTED BY THE DECISION.

THIS IS A BRIEF ATTEMPT TO DESCRIBE WHEN AND HOW **CULTURAL** CAUCUSES WOULD BE CALLED UPON TO REPRESENT DIRECTLY THE INTERESTS OF THEIR CULTURAL COMMUNITY . IT ' S IMPORTANT TO REMEMBER, HOWEVER, **THAT** PROBABLY THE LARGE MAJORITY OF DECISIONS THAT COME BEFORE THE ASSEMBLY WOULD CONTINUE TO BE DECIDED ON THE BASIS OF A SIMPLE MAJORITY VOTE . IN THESE INSTANCES EACH CULTURAL COMMUNITY SHOULD BE ABLE THE RELY UPON THE METHOD BY WHICH THEIR **MLAs** WERE ELECTED TO BE CONFIDENT **THAT** , IN A GENERAL SENSE , THEIR INTERESTS ARE BEING LOOKED AFTER .

G. EXCLUSIVE ABORIGINAL JURISDICTION AND THE CULTURAL COUNCILS

TO THIS POINT THE ONLY EXAMPLE OF EXCLUSIVE ABORIGINAL JURISDICTION WE HAVE ALLUDED TO IS THE ESTABLISHMENT OF AN EXCLUSIVELY ABORIGINAL INSTITUTION WITH MUNICIPAL TYPE POWERS HAVING JURISDICTION OVER LANDS SELECTED IN **CLAIMS** THAT LIE OUTSIDE COMMUNITY MUNICIPAL BOUNDARIES. WE ARE ALSO PROPOSING THAT THERE EXIST AT THE TERRITORIAL LEVEL EXCLUSIVE CULTURAL COUNCILS; ONE EACH FOR THE **DENE/METIS, INUVIALUIT, INUIT** AS WELL AS NORTHERNERS. AS THE NAME CULTURAL COUNCILS SUGGEST, THEIR ACTUAL JURISDICTION WOULD BE LIMITED TO CULTURAL MATTERS; TO ISSUES THAT ARE OF DIRECT AND FUNDAMENTAL IMPORTANCE TO THEIR CULTURAL COMMUNITY AND NOT REALLY THE **DIRECT** CONCERN OR BUSINESS OF ANY OTHER. SOME OF THE AREAS THAT MIGHT BE INCLUDED HERE ARE LANGUAGE, CERTAIN CULTURAL ACTIVITIES, HISTORICAL AND ARCHAEOLOGICAL MATTERS, AND **SOME ASPECTS** OF EDUCATION AND COMMUNICATION.

THE OBJECTIVE HERE IS TO ALLOW THE PEOPLE WHO CARE MOST ABOUT WHAT HAPPENS IN THESE AREAS, WHO HAVE THE KNOWLEDGE, THE SKILLS, AND THE SUBTLE AND PROFOUND APPRECIATION OF THEIR HERITAGE, TO HAVE FULL CONTROL OVER THEIR OWN **CULTURAL** DEVELOPMENT. THE GOAL IS NOT SO MUCH THE CAPACITY TO MAKE LAWS. RATHER IT IS THE ABILITY TO SET

PRIORITIES AND OVERSEE THEIR IMPLEMENTATION WITHOUT UNWARRANTED **INTERFERENCE** FROM OTHERS WHO CANNOT BE EXPECTED TO FULLY APPRECIATE A CULTURAL COMMUNITY'S PRIORITIES. WHILE THESE INSTITUTIONS WOULD EXIST AS SEPARATE ENTITIES, IT IS REASONABLE TO EXPECT THAT, ON SOME ISSUES AT LEAST, CURRICULUM DEVELOPMENT FOR **SCHOOLS** FOR **EXAMPLE**, THEY WOULD FIND IT IN THEIR INTEREST TO COOPERATE AND SHARE RESOURCES.

THESE WOULD BE THE OFFICIAL TASKS OF THE CULTURAL **COUNCILS**. UNOFFICIALLY THEY COULD ALSO **SERVE** AS AN IMPORTANT **RESOURCE** TO THE CULTURAL CAUCUSES IN THE LEGISLATIVE ASSEMBLY AS **MLAs** **ATTEMPT** TO COME TO GRIPS WITH THE ISSUES FACING THEM.

FOR THE ABORIGINAL GROUPS THIS WOULD SIMPLY MEAN FORMALLY ENTRENCHING WITHIN THE **FRAMEWORK** OF GOVERNMENT, INSTITUTIONS WHICH CURRENTLY PARTICIPATE IN THE POLITICAL PROCESS FROM THE OUTSIDE. THE CHIEFS OF THE DENE **COMMUNITIES** AND THE PRESIDENTS OF THE METIS LOCALS WOULD CONSTITUTE THE **DENE/METIS** CULTURAL COUNCIL, **THUS BECOMING A CONSTITUTIONALLY PROTECTED ARM** OF GOVERNMENT WITH ITS OWN POWERS AND RESPONSIBILITIES, AND THE RESOURCES TO CARRY THEM OUT. THE SAME WOULD HOLD TRUE FOR THE **INUVIALUIT** AND **INUIT**. ONLY THE COMMUNITY OF **"NORTHERNERS"** WOULD NEED TO CREATE AN

ENTIRELY **NEW** INSTITUTION.

ANOTHER IMPORTANT OBSERVATION IS THAT, WHILE THE COUNCILS WOULD BE BONA FIDE TERRITORIAL INSTITUTIONS, THERE IS NO COMPELLING REASON WHY THEY SHOULD ESTABLISH THEIR HEADQUARTERS IN YELLOWKNIFE. EACH COUNCIL MIGHT PREFER TO OPERATE FROM COMMUNITIES WHERE THEIR OWN CULTURAL COMMUNITY IS THRIVING.

8. ABORIGINAL SELF-GOVERNMENT AT THE COMMUNITY LEVEL

THE FINAL TOPIC WE WOULD LIKE TO TOUCH ON IN THIS PRESENTATION IS THE ROLE OF ABORIGINAL SELF-GOVERNMENT AT THE COMMUNITY **LEVEL. WE** BEGAN THIS PRESENTATION WITH A DESCRIPTION OF FORT GOOD **HOPE'S** EXPERIENCES WITH THE ISSUES RELATED TO SELF-GOVERNMENT. As You NOTICED, OUR OBSERVATIONS WERE BASED ON A **DENE/METIS** PERSPECTIVE. THIS IS NOT SURPRISING SINCE, AS WE MENTIONED, THERE ARE NOT **VERY** MANY NON-ABORIGINAL PEOPLE LIVING IN GOOD HOPE AND THE ONES WHO ARE THERE NOW CONSIDER THEMSELVES TO BE, BY-AND-LARGE, **TRANSIENT**. BECAUSE OF THIS SITUATION, IT HAS BEEN FAIRLY EASY FOR US AND FOR ABORIGINAL **PEOPLE** IN A GREAT NUMBER OF NWT COMMUNITIES TO BLUR THE DISTINCTION BETWEEN COMMUNITY **SELF-GOVERNMENT** AND ABORIGINAL SELF-GOVERNMENT.

WE KNOW WE CANNOT AFFORD TO IGNORE ABORIGINAL SELF-GOVERNMENT AT THE TERRITORIAL LEVEL. THE FACT IS, HOWEVER, ABORIGINAL SELF-GOVERNMENT IS ALSO AN IMPORTANT ISSUE WITHIN OUR COMMUNITIES. THERE ARE A NUMBER OF COMMUNITIES WHERE THERE ARE SIGNIFICANT NUMBERS OF ABORIGINAL AND NON-ABORIGINAL RESIDENTS, RANGING FROM COMMUNITIES LIKE FORT SIMPSON, RANKIN INLET AND NORMAN **WELLS**, TO COMMUNITIES LIKE YELLOWKNIFE, **INUVIK, IQALUIT** AND HAY RIVER. THERE IS ALSO NO TELLING WHAT THE FUTURE WILL BRING TO ANY ONE **OF THE NWT'S** SMALLER COMMUNITIES.

CONSTITUTIONAL DEVELOPMENT BY DEFINITION IS PLANNING FOR THE VERY LONG TERM. WE MUST BEAR THIS FACT IN MIND AND TAKE **A VARIETY OF** FUTURE POSSIBILITIES INTO ACCOUNT AS WE DESIGN NEW GOVERNMENTS FOR THE PRESENT.

THE SAME MECHANISMS WE DISCUSSED IN RELATION TO THE TERRITORIAL LEVEL OF GOVERNMENT CAN BE APPLIED JUST AS EASILY AT THE COMMUNITY LEVEL. RESIDENTS ON A CULTURAL COMMUNITY'S VOTERS LIST FOR TERRITORIAL ELECTIONS WOULD BE ON THE SAME LIST FOR LOCAL ELECTIONS. GUARANTEED REPRESENTATION WOULD WORK THE SAME WAY EXCEPT IN COMMUNITIES WHERE THE NUMBERS OF A PARTICULAR **CULTURAL** COMMUNITY DO NOT WARRANT THEM BEING PROVIDED SEPARATE SEATS ON A COMMUNITY

COUNCIL. THE CUTOFF POINT MIGHT BE 5 OR 10% OF THE TOTAL POPULATION IN THE COMMUNITY.

HOWEVER , SINCE SUCH PEOPLE STILL HAVE THE RIGHT TO RIGHT TO PARTICIPATE FULLY IN THE POLITICAL LIFE OF A COMMUNITY, THEY WOULD BE ALLOWED TO VOTE OR RUN FOR OFFICE AS IF THEY WERE A MEMBER OF THE NUMERICALLY DOMINANT CULTURAL GROUP IN THAT COMMUNITY. IN OTHER WORDS , THEY WOULD BE ABLE TO PARTICIPATE IN THE SAME WAY THEY DO NOW .

IT IS UNCLEAR AT THIS TIME WHETHER COMMUNITY GOVERNMENTS WOULD NEED TO HAVE **CULTURAL** CAUCUSES SEPARATELY APPROVE CERTAIN DECISIONS. TAKE FOR EXAMPLE THE ISSUE OF EDUCATION. EACH CULTURAL COMMUNITY WOULD BE GUARANTEED REPRESENTATIVES ON THE LOCAL GOVERNING COUNCIL. IN SETTING POLICY FOR THE SCHOOL, THE COUNCIL WOULD BE SUBJECT TO **CULTURAL** , LANGUAGE AND EDUCATIONAL RIGHTS DEFINED IN" THE CONSTITUTION. EACH **CULTURAL** CAUCUS ON THE COUNCIL WOULD HAVE THE EFFORTS **ITS** TERRITORIAL CULTURAL COUNCIL TO BACK IT UP; TO DO CURRICULUM **WORK** IN ABORIGINAL LANGUAGES FOR EXAMPLE. IT IS POSSIBLE THAT THIS COMBINATION **OF** FACTORS WOULD RELIEVE THE **REQUIREMENT** FOR APPROVAL FROM EACH CULTURAL CAUCUS AT THE COMMUNITY LEVEL. HOWEVER, THAT WOULD BE A **PRACTICAL QUESTION FOR FUTURE CONSIDERATION.**

WITH REGARDS TO THE ISSUE OF EXCLUSIVE **ABORIGINAL** OR CULTURAL JURISDICTION, THE ONE EXCLUSIVE ABORIGINAL JURISDICTION AT THE COMMUNITY LEVEL WE HAVE IDENTIFIED IS A MUNICIPAL TYPE JURISDICTION OVER SELECTED COMMUNITY LANDS OUTSIDE MUNICIPAL BOUNDARIES. THIS LOCAL ABORIGINAL BODY WOULD ALSO SHARE A SIMILAR JURISDICTION WITH THE COMMUNITY COUNCIL OVER UNSELECTED COMMUNITY LANDS OUTSIDE THE MUNICIPALITY.

THE LOCAL ABORIGINAL INSTITUTION COULD **ALSO** SHARE THE **WORKLOAD** ON **CULTURAL** MATTERS WITH ITS CULTURAL COUNCIL. IT REMAINS TO BE SEEN WHETHER THE LOCAL BODY ACTUALLY REQUIRES SEPARATE POWERS IN THIS AREA OR IF A COOPERATIVE ARRANGEMENT WITH THE CULTURAL COUNCIL WOULD BE SATISFACTORY.

THE BENEFITS OF THIS APPROACH TO ABORIGINAL OR CULTURAL **SELF-GOVERNMENT** AT THE COMMUNITY LEVEL ARE TWOFOLD. IT IS **FLEXIBLE** ENOUGH TO BE APPLIED TO ALL VARIETIES OF NUT COMMUNITIES. IT SERVES THE OVERALL PURPOSE OF BRINGING ALL THE LOCAL CULTURAL COMMUNITIES TOGETHER TO REACH A MUTUAL UNDERSTANDING ON THE DIRECTION FOR THEIR COMMUNITY. IT IS NOT CUMBERSOME, AND IT DOES ENCOURAGE CONFIDENCE AND TRUST.

9. CONCLUSION

THIS **BRINGS** US TO OUR CONCLUDING **REMARKS**. WE REALIZE **THAT** OUR PRESENTATION HAS BEEN UNUSUALLY LONG AND WE APPRECIATE THE ATTENTION **AND** GOOD WILL YOU HAVE GRANTED US. CONSTITUTIONAL DEVELOPMENT IS AN EXTREMELY COMPLEX AFFAIR. WE CANNOT AFFORD TO CONSIDER ONE ELEMENT OF A CONSTITUTIONAL PACKAGE AT THE EXPENSE OF THE OTHERS. WE ALSO DIDN'T WANT TO PUT SOME PRINCIPLES AND STRUCTURAL PROPOSALS BEFORE YOU WITHOUT DESCRIBING TO YOU WHERE WE ARE COMING FROM AND WITHOUT PUTTING ENOUGH MEAT ON THE BONES OF OUR PROPOSALS TO **DEMONSTRATE** THAT THERE ARE PRACTICAL AND WORKABLE WAYS TO IMPLEMENT OUR OBJECTIVES.

TO **REVIEW**, WE BEGAN WITH A STATEMENT OF PRINCIPLES REGARDING COMMUNITY SELF-GOVERNMENT AND THE DISTINCTLY DIFFERENT CONCEPT OF ABORIGINAL SELF-GOVERNMENT. WE DESCRIBED TO YOU OUR EXPERIENCES AND OUR CONCERNS WITH REGARDS TO BOTH.

WE EXPRESSED OUR CONTINUED SUPPORT FOR THE **IQALUIT** AGREEMENT AND THE WORK IT REPRESENTS. THE ALLIANCE AND ITS TWO FORUMS ACCOMPLISHED A **GREAT** DEAL IN FIVE YEARS. THE RESULTS OF ITS MANY MEETINGS AND NEGOTIATIONS REPRESENT A GENUINE RECOGNITION OF THE SOCIAL REALITIES OF THE NORTH. THE PRINCIPLES THE AGREEMENT OFFERS

AND THE BACKGROUND WORK WHICH LED TO ITS FRUITION MUST SERVE AS OUR POINT OF REFERENCE AS WE CONTINUE TO WORK TOWARDS A FINAL 'CONSTITUTIONAL PACKAGE . A DELAY IN THE RATIFICATION **OF** A CLAIMS BOUNDARY IS NO REASON TO ALTER THE MANDATE OF THE CONSTITUTIONAL ALLIANCE OR TO **SLOW** ITS MOMENTUM.

WE EXPRESSED OUR DEEPLY FELT CONVICTION THAT COMMUNITIES ARE THE HEART OF CONSTITUTIONAL REFORM AND THAT ANY NEW **PROPOSALS** MUST INCLUDE SIGNIFICANT TRANSFERS OF AUTHORITY TO THE COMMUNITY LEVEL, BOTH WITH REGARDS TO PROGRAMS AND SERVICES WITHIN COMMUNITIES AND TO COMMUNITY LANDS OUTSIDE MUNICIPAL BOUNDARIES.

WE RECOGNIZED THAT THE TERRITORIAL LEVEL OF GOVERNMENT WILL CONTINUE TO . PLAY AN IMPORTANT ROLE IN OUR LIVES AND WE DESCRIBED THE EXTENT **OF OUR** DISSATISFACTION AND ALIENATION FROM THE CURRENT GOVERNMENT OF THE NORTHWEST TERRITORIES. WE ARGUED **THAT THE TWO** LEVELS OF GOVERNMENT SHOULD BE EQUAL PILLARS WITHIN A NEW CONSTITUTIONAL FRAMEWORK, BUT WE HIGHLIGHTED THE DIFFICULTIES OF ENSURING THAT COMMUNITY GOVERNMENTS DO IN FACT GET TREATED AS EQUALS BY THE LEGISLATIVE ASSEMBLY AND THE **GNWT**.

WE PROPOSED THE 'USE OF FOUR MECHANISMS OF ABORIGINAL SELF-GOVERNMENT AT THE TERRITORIAL LEVEL; **ENTRENCHMENT OF SOME RIGHTS**

IN A CONSTITUTION; **GUARANTEED** REPRESENTATION IN THE ASSEMBLY, ON THE EXECUTIVE, AND ON BOARDS AND AGENCIES; THE NEED FOR APPROVAL FROM GROUPS OF **MLAs** REPRESENTING SPECIFIC CULTURAL COMMUNITIES BEFORE A CONSTITUTION OR CERTAIN CRITICAL PIECES OF LEGISLATION ARE PASSED OR AMENDED: AND THE CREATION OF SEPARATE CULTURAL COUNCILS TO ADDRESS CULTURAL ISSUES WHICH ARE REALLY 'ONLY THE CONCERN OF A PARTICULAR CULTURAL GROUP. WE THEN DISCUSSED HOW THESE SAME PRINCIPLES AND MECHANISMS COULD BE APPLIED EQUALLY AT THE COMMUNITY **LEVEL**.

THESE PROPOSALS CONTRIBUTE TO THE PROTECTION OF ABORIGINAL PEOPLES AND TO THE ENHANCEMENT OF COMMUNITY GOVERNMENT. AS SUCH THEY OFFER THE OPPORTUNITY OF ESTABLISHING A TERRITORIAL GOVERNMENT WHICH ABORIGINAL AND NON-ABORIGINAL PEOPLE TOGETHER CAN FINALLY RECOGNIZE AND EMBRACE AS THEIR OWN; AS A LEGITIMATE REFLECTION OF **NORTHERN** SOCIETY. THEY PROVIDE MECHANISMS WHEREBY EACH **CULTURAL COMMUNITY'S** AUTONOMY IS RECOGNIZED AND EACH **FEELS** CONFIDENT THAT ITS INTERESTS WILL BE PROTECTED. AT THE SAME TIME THEY BRING THE CULTURAL COMMUNITIES TOGETHER ON THE BASIS OF MUTUAL RESPECT FOR THE PURPOSE OF BUILDING A **GENUINE** CONSENSUS ON THE GOALS FOR NORTHERN SOCIETY.

TREATIES 8 AND 11 RECOGNIZED THE DENE AS A DISTINCT PEOPLE AND ACKNOWLEDGED OUR CHIEFS AND BAND **COUNCILS** AS OUR SELF-GOVERNING INSTITUTIONS RESPONSIBLE FOR MAINTAINING OUR HALF OF THE RELATIONSHIP WITH THE GOVERNMENT OF CANADA. WE ARE PROPOSING TO BUILD ON THAT RELATIONSHIP - TO REDEFINE AND CLARIFY OUR RELATIONSHIP WITH CANADA AND OUR FELLOW RESIDENTS OF THE NORTH BY THE CREATION OF A NEW CONSTITUTION.

WE HAVE REMAINED TRUE TO THE OBJECTIVES OF THE ORIGINAL **DENENDEH** PUBLIC GOVERNMENT DOCUMENT, A PAPER RELEASED BY THE DENE NATION AND METIS ASSOCIATION OF THE NWT IN 1981 FOR DISCUSSION. THAT PROPOSAL CALLED FOR THE RECOGNITION **AND ENTRENCHMENT** OF THE IMPORTANCE OF STRONG COMMUNITY GOVERNMENT, A DEGREE **OF** ABORIGINAL CONTROL OVER LOCAL ABORIGINAL LANDS, **AN ONGOING GUARANTEE OF** MEANINGFUL PARTICIPATION **OF** ABORIGINAL PEOPLES IN **DECISION-MAKING** AT BOTH LEVELS OF GOVERNMENT WITH EXCLUSIVE CONTROL OVER CERTAIN AREAS OF SPECIAL CONCERN TO EACH CULTURAL GROUP. HOWEVER, **WE HAVE** ATTEMPTED TO EXPRESS THESE PRINCIPLES IN A BROADER, MORE POSITIVE FRAMEWORK , ONE WHICH RECOGNIZES AND APPRECIATES THE POLITICAL RIGHTS **OF** ALL CITIZENS.

WE SPOKE AT SOME LENGTH ABOUT OUR ABORIGINAL RIGHT TO SELF-GOVERNMENT AND WAYS IN WHICH OUR RIGHTS WOULD BE IMPLEMENTED. HOWEVER , IT IS VITALLY IMPORTANT THAT EVERYONE APPRECIATE THE EXTENT TO WHICH WE HAVE TRIED SHARE OUR PERCEPTION OF OUR RIGHT TO SELF-GOVERNMENT WITH NON-ABORIGINAL NORTHERNERS. WHILE INSISTING THAT OUR RIGHT TO ABORIGINAL SELF-GOVERNMENT BE EXPLICITLY STATED IN THE CONSTITUTION, WE HAVE INTENTIONALLY EXPRESSED THOSE RIGHTS AND POWERS AS CULTURAL RIGHTS AND HAVE OFFERED FULL RECOGNITION TO NON-ABORIGINAL RESIDENTS AS A DISTINCT CULTURAL COMMUNITY IN ITS OWN RIGHT WITH THE SAME RIGHTS TO GUARANTEED REPRESENTATION, APPROVAL OF CRITICAL LEGISLATION, CULTURAL RIGHTS IN THE CONSTITUTION, AND EVEN EXCLUSIVE JURISDICTION OVER SOME CULTURAL MATTERS. IN FACT THE ONLY SPECIAL, EXCLUSIVE POWER FOR ABORIGINAL PEOPLES WE PROPOSE IS THE ABORIGINAL MUNICIPAL TYPE JURISDICTION OVER CLAIMS SELECTED LANDS OUTSIDE MUNICIPAL BOUNDARIES.

THIS ONE ISSUE IS SO **CENTRAL** TO WHO WE ARE AS ABORIGINAL PEOPLE, THAT WE BELIEVE THAT AN EXCLUSIVE JURISDICTION IS ESSENTIAL. EVEN so, IT IS IMPORTANT TO NOTE THAT EXCLUSIVE JURISDICTION IS NOT SOVEREIGN JURISDICTION; THE TERRITORIAL AND POSSIBLY FEDERAL LEVELS

OF **GOVERNMENT** WILL ALSO BE EXERCISING A JURISDICTION OVER THESE LANDS .

UNDER THE LABELS OF ABORIGINAL SELF-GOVERNMENT AND COMMUNITY SELF-GOVERNMENT WE HAVE ENDEAVORED TO ACKNOWLEDGE THE FUNDAMENTAL REALITY OF NORTHERN SOCIETY. WE RECOGNIZE THE ORIGINAL PEOPLES OF THE NORTH; THE **DENE, METIS, INUVIALUIT** AND **INUIT**, AS UNIQUE AND DISTINCT PEOPLES POSSESSING RECOGNIZED CONSTITUTIONAL RIGHTS AS WELL AS A COMMON DESIRE TO CONTINUE TO DEVELOP AS SELF-GOVERNING PEOPLES WITHIN THE CONTEXT OF A COMPLEX NORTHERN SOCIETY.

BUT WE HAVE ALSO ACKNOWLEDGED THE PRESENCE OF ANOTHER GROUP OF PEOPLE WHO PLAN TO MAKE THE NORTH THEIR HOME FOR A FEW YEARS OR INDEFINITELY. WE DO NOT PRETEND THAT EACH OF THESE GROUPS HAS THE SAME INTERESTS OR THAT NON-ABORIGINALS HAVE ALL THE RIGHTS OF PEOPLE WHOSE ANCESTORS HAVE KNOWN NO OTHER HOME.

BUT WE DO BELIEVE IT IS POSSIBLE, AND, GIVEN THE RIGHT ENVIRONMENT, EVEN **DESIRABLE** THAT OUR CULTURAL COMMUNITIES CAN COME TOGETHER AND REACH A **GENERAL** CONSENSUS ON THE FUTURE OF THE NORTH AND EACH COMMUNITY'S RESPECTIVE PLACE WITHIN IT. WE BELIEVE OUR **PROPOSALS** BRIDGE THAT GAP, THAT THEIR IMPLEMENTATION **WOULD** BRING OUR RESPECTIVE PEOPLES TOGETHER IN A MANNER THAT ENCOURAGES CONFIDENCE

AND RESPECT; SELF-CONFIDENCE AND SELF-RESPECT, AND CONFIDENCE IN AND RESPECT FOR EACH OTHER. BY FEELING SECURE IN THE KNOWLEDGE THAT EACH **OF US** WILL **PLAY** AN IMPORTANT ROLE IN SHAPING THE NORTH AS WELL AS SHAPING OURSELVES, WE CAN AFFORD TO TRUST EACH OTHER. **WE CAN** AFFORD TO EXPLORE OPTIONS OF MUTUAL INTEREST IN WAYS THAT, TO-DATE, WE HAVE BEEN UNABLE TO ENTERTAIN.

THIS IS WHAT NORTHERN SOCIETY SHOULD BE ABOUT. THIS IS THE ENVIRONMENT WE ARE PROPOSING TO HELP CREATE.

WE EXPECT TO HEAR ARGUMENTS **OF** 'PRACTICALITY' THROWN UP BY SOME IN ORDER TO AVOID HAVING TO SERIOUSLY ENTERTAIN THE ESSENCE OR THE MERIT **OF OUR** PROPOSALS. SOME **OF** THESE ARGUMENTS MIGHT INCLUDE, "**IT** WILL REQUIRE. **THE** CREATION OF TOO MANY INSTITUTIONS - IT WILL COST TOO MUCH - IT WILL RESULT IN TOO MUCH TIME BEING WASTED - IT WILL ENCOURAGE CONFLICT BETWEEN CULTURAL COMMUNITIES AND BETWEEN COMMUNITIES AND THE TERRITORIAL LEVEL. ALL FOUR OF THESE ARGUMENTS ARE INVALID.

DENE , **METIS** AND **INUVIALUIT** ALREADY HAVE FORMAL, LOCAL AND TERRITORIAL INSTITUTIONS OF LEADERSHIP. THE **INUIT** HAVE TERRITORIAL AND REGIONAL BODIES AND WILL LIKELY HAVE LOCAL BODIES AFTER CLAIMS. THEY **HAVE** THEIR OWN STAFF, THEY HOLD REGULAR MEETINGS, AND THEY

INCUR EXPENSES: **MOST** OF WHICH IS FINANCED BY GOVERNMENT. ALL WE ARE -
SUGGESTING IS THAT THESE EXISTING INSTITUTIONS FORMALLY BECOME
INSTITUTIONS OF GOVERNMENT WITH CLEAR **CUT** POWERS AND
RESPONSIBILITIES .

THE ONLY NEW INSTITUTIONS WOULD BE; THE MUNICIPAL TYPE BODY WITH
JURISDICTION OVER COMMUNITY LANDS OUTSIDE THE MUNICIPALITY WHICH
WERE NOT SELECTED IN CLAIMS - AND THESE WOULD BE CREATED SIMPLY BY
TWO BODIES ALREADY IN PLACE EACH APPOINTING A FEW OF ITS MEMBERS -
AND THE CULTURAL COUNCIL FOR NON-ABORIGINAL NORTHERNERS.

LOOKING FURTHER AT TIME, COSTS AND CONFLICT, ONE NEED ONLY LOOK AT
FORT GOOD HOPE'S EXPERIENCE REGARDING THE CREATION **OF A** SUITABLE
FORM OF **COMMUNITY** GOVERNMENT AND THE EXERCISING **OF OUR** RIGHTS WITH
REGARDS TO LANDS OUTSIDE OUR COMMUNITY TO RECOGNIZE THE INCREDIBLE
WASTE **OF** TIME AND MONEY AND THE AMOUNT OF CONFLICT THAT **CAN** BE
GENERATED BY NOT RECOGNIZING THE **LEGITIMATE** POWERS OF COMMUNITY
GOVERNMENT AND THE POLITICAL RIGHTS OF ABORIGINAL PEOPLE.

NOR IS OUR EXPERIENCE UNIQUE. I AM CERTAIN THAT MANY OF THE **MLAs**
PRESENT TODAY HAVE PERSONALLY PARTICIPATED IN VERY SIMILAR
STRUGGLES IN THEIR OWN COMMUNITIES BASED ON SIMILAR **OBJECTIVES** AND

ACCOMPANIED **BY** ALL THE **ROADBLOCKS** AND FRUSTRATIONS **WE** HAD TO ENCOUNTER ALONG THE WAY.

THERE ARE REALLY ONLY TWO ISSUES IN QUESTION HERE. DO **WE** RECOGNIZE THE IMPORTANCE OF COMMUNITY **GOVERNMENT** TO NORTHERN RESIDENTS AND THE NEED TO ENSURE THAT ITS PLACE IN THE NORTHERN SYSTEM OF GOVERNMENT IS SECURE? DO WE RECOGNIZE THE EXISTENCE OF THE ORIGINAL PEOPLES OF THE NORTH INCLUDING OUR **RIGHT** AND OUR DETERMINATION TO CONTINUE TO EXIST AND FLOURISH AS DISTINCT CULTURAL ENTITIES, **AND** ARE WE DETERMINED TO CREATE A GOVERNMENT WHICH CONSCIOUSLY REFLECTS THIS ESSENTIAL **CHARACTERISTIC OF** NORTHERN SOCIETY?

I SUGGEST TO YOU THAT NO PERSON WITH AN OPEN **MIND** AND ANY SIGNIFICANT KNOWLEDGE OF THE NORTH WOULD EVEN ATTEMPT TO DENY EITHER OF THESE ASSERTIONS. THE TASK AT HAND MUST BE TO BUILD A FORM OF GOVERNMENT BASED UPON BOTH THESE PRINCIPLES WHICH WILL-ALSO BY NECESSITY RESPECT THE RIGHTS OF INDIVIDUAL CITIZENS.

WHAT **WE** NEED TO SUCCEED AT THIS PROJECT IS TRUST. TRUST AMONG THE CULTURAL COMMUNITIES, THE ABORIGINAL ORGANIZATIONS, NON-ABORIGINAL NORTHERNERS, AND THE DIFFERENT LEVELS OF GOVERNMENT IN THE NWT. THE TERRITORIAL GOVERNMENT MUST HAVE CONFIDENCE THAT THE LOCAL COMMUNITIES WILL ACT RESPONSIBLY WHEN IT COMES TO SHARING IN

DECISIONS RELATED LAND BASED PROJECTS. THE **COMMUNITY** GOVERNMENTS AND THE ABORIGINAL **PEOPLES** MUST BELIEVE THAT A TERRITORIAL GOVERNMENT CAN BE BUILT WHICH THEY CAN TRUST TO ACCURATELY **REFLECT** THEIR INTERESTS.

THIS IS OUR TASK. THIS IS THE VISION AND THE PROJECT WE ARE ASKING ALL THE PARTICIPATING PARTIES TO COMMIT THEMSELVES TO.

THANK-YOU VERY MUCH FOR LISTENING TO **OUR** VIEWS. **WE ARE EAGER** TO HEAR YOUR RESPONSE.