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Territories (addresss To The Nwt Legislative
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CONSTITUTIONAL FUTURE OF THE
NORTHWEST TERRITORIES (ADDRESS TO
THE NWT LEGISLATIVE ASSEMBLY

Sector: Reference Material

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Policy Material/Related Library

ADDRESS TO THE
LEGISLATIVE ASSEMBLY

BY THE
INUVIAT FEDERATION OF NUNAVUT
ON THE TOPIC OF THE
CONSTITUTIONAL FUTURE OF THE
NORTHWEST TERRITORIES

NORMAN WELLS, NWT

OCTOBER 31, 1989

ADDRESS TO THE
NWT LEGISLATIVE ASSEMBLY,

BY THE
TUNGAVIK FEDERATION OF NUNAWT,

ON THE TOPIC OF THE
CONSTITUTIONAL FUTURE OF THE
NORTHWEST TERRITORIES

NORMAN WELLS, NWT
OCTOBER 31, 1989

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ON BEHALF OF THE **TUNGA**VIK FEDERATION OF NUNAWT -- BETTER **KNOWN** TO EVERYONE AS TFN -- I WOULD LIKE TO BEGIN **BY** THANKING MEMBERS OF THE ASSEMBLY FOR THEIR INVITATION **TO APPEAR** TODAY .

OUR TOPIC TODAY IS THE CONSTITUTIONAL FUTURE **OF** THE NORTHWEST TERRITORIES (**NWT**) . A FORMIDABLE AND CRUCIAL TOPIC. MY COLLEAGUES AND I WILL SUMMARIZE **TFN'S** KEY POSITIONS WITH RESPECT TO THIS MATTER. WE WILL THEN OFFER SEVERAL RECOMMENDATIONS AS TO HOW MEMBERS OF THE ASSEMBLY CAN HELP BRING ABOUT ORDERLY AND SATISFACTORY POLITICAL CHANGE **IN THE NORTH**.

TFN HAS THREE KEY POSITIONS.

FIRST, THE **INUIT** OF NUNAVUT REMAIN FIRMLY COMMITTED TO THE CREATION OF A NEW NUNAWT TERRITORY IN THE EASTERN ARCTIC CO-EXTENSIVE WITH THE TFN LAND CLAIM SETTLEMENT AREA; HENCE, DIVISION OF THE EXISTING NWT INTO TWO NEW TERRITORIES MUST BE THE CENTRAL FEATURE-OF FUTURE CONSTITUTION MAKING. TFN TABLED ITS POSITION ON DIVISION OF THE NWT WITH THE FEDERAL GOVERNMENT EARLIER THIS YEAR. THIS POSITION IS INCLUDED AS APPENDIX ONE TO THIS ADDRESS.

SECOND , **INUIT** HAVE BEEN, AND WILL CONTINUE TO BE, FLEXIBLE AND PRAGMATIC ABOUT THE PROCESS TO CREATE **NUNAVUT**.

THIRD , JUST AS THE **INUIT OF** NUNAWT **ARE** CONSCIOUS OF THE DIFFERENCES BETWEEN THEMSELVES **AND** THE OTHER PEOPLES OF THE NWT, THEY ARE ALSO MINDFUL OF ENDURING SIMILARITIES. IN ACCOMMODATING

THE DISTINCTIVE IDENTITIES OF ITS EASTERN AND WESTERN HALVES, -WE ARE OPTIMISTIC THAT DIVISION WILL MAKE US CLOSER FRIENDS AND BETTER NEIGHBORS.

ALLOW ME TO EXPAND A LITTLE ON EACH OF THESE THREE POINTS.

I HAVE SAID THAT THE **INUIT OF NUNAVUT** REMAIN COMMITTED TO THE CREATION OF A NEW NUNAWT TERRITORY. THE STRENGTH AND DURABILITY OF THIS COMMITMENT SHOULD BE **OBVIOUS TO ALL**. SINCE THE APPEARANCE **OF MODERN INUIT POLITICAL ORGANIZATIONS IN THE EARLY 1970s**, INUIT REPRESENTATIVES HAVE CALLED CONSISTENTLY AND REPEATEDLY - FOR THE CREATION OF **NUNAVUT**. THE PLEBISCITE **OF 1982** REVEALED **TO** THE WORLD WHAT THOSE **OF US** WHO LIVE IN **NUNAVUT** HAD LONG REALIZED: THAT THE PEOPLE OF NUNAWT SEEK TO APPLY - THE - PRECEDENTS - AND TRADITIONS OF CANADIAN FEDERALISM IN 'ORDER TO CREATE A NEW TERRITORY WHICH COMBINES BOTH A SECURE "CULTURAL FUTURE FOR ITS ABORIGINAL MAJORITY WITH DEMOCRATIC GUARANTEES FOR ALL. SINCE THE PLEBISCITE, AND THE ENDORSEMENT OF ITS RESULTS BY THIS ASSEMBLY, NOTHING HAS **HAPPENED** TO DENY ITS RESULTS.

SUCCESSIVE MEMBERS OF PARLIAMENT FOR NUNATSIAQ, REPRESENTING DIFFERENT POLITICAL PARTIES , HAVE URGED ACTION ON DIVISION. SUCCESSIVE FEDERAL MINISTERS **OF** INDIAN AFFAIRS **AND** NORTHERN DEVELOPMENT, ALSO **REPRESENTING DIFFERENT POLITICAL PARTIES**, HAVE SOUGHT TO FACILITATE DIVISION. SUCCESSIVE PRIME MINISTERS **OF** DIFFERENT POLITICAL PERSUASIONS HAVE LOCATED THE CREATION OF

NUNAVUT WITHIN THE BROADER ISSUES OF CONSTITUTIONALLY ENTRENCHED ABORIGINAL RIGHTS TO SELF-GOVERNMENT. LEADERS OF STATURE THROUGHOUT CANADA HAVE CONSISTENTLY CITED NUNAVUT AS A CONSTRUCTIVE EXAMPLE OF HOW THE NEEDS OF ABORIGINAL PEOPLES AND OF PUBLIC GOVERNMENT CAN BOTH BE SERVED

MEMBERS OF THIS ASSEMBLY FROM THE **NUNAVUT** AREA HAVE SPOKEN WITH GROWING AWARENESS AS TO **THE** DAY-TO-DAY- IRRITANTS THAT **ARISE FROM** THE FICTION THAT EAST AND **WEST CONSTITUTE A SINGLE, UNIFORM,** UNITED JURISDICTION . THESE MEMBERS HAVE POINTED OUT THAT SUCH IRRITANTS MUST NOT BE LIGHTLY DISMISSED AS THE REGIONAL AND COMMUNITY RIVALRIES THAT **CHARACTERIZE** ANY POLITICAL **SYSTEM;** RATHER, **THEY** REFLECT A FUNDAMENTAL DISHARMONY IN THE BODY POLITIC OF THE NORTHWEST TERRITORIES WHICH MUST EITHER FIND SOME POSITIVE OUTLET OR DETERIORATE INTO EVER-HARSHER-LEVELS OF DISCOMFORT.

WE EARNESTLY WANT ALL MEMBERS OF THIS HOUSE TO HELP **INUIT** TO ACHIEVE **NUNAVUT,** FOR DIVIDING- THE NWT SHOULD BE CONDUCTED IN AN ATMOSPHERE OF COOPERATION AND FRIENDLINESS. _ HOWEVER, IT IS IMPORTANT THAT POLITICIANS OUTSIDE NUNAVUT WHO HAVE AUTHORITY TO CONTRIBUTE TO DECISIONS ABOUT **NUNAVUT** DEAL WITH THIS ISSUE FAIRLY AND SQUARELY. AFTER ALL, NUNAVUT , AT HEART IS A SIMPLE PROPOSITION. WE WILL **OBJECT STRONGLY** IF-SOME POLITICIANS-IN THE NORTH SOUR THE POLITICAL ATMOSPHERE IN WHICH **NUNAVUT IS** BEING DISCUSSED BY PLAYING **GAMES** IN-ORDER TO **OBSCURE THE** ISSUE **AND** TO DELAY DIVISION. SUCH TACTICS ARE INAPPROPRIATE FOR THE ISSUE IS

NOT GOING TO GO AWAY.

IT IS MY UNDERSTANDING THAT THE RESOLUTIONS OF THIS HOUSE FOLLOWING THE PLEBISCITE ON DIVISION IN 1982 REMAIN IN GOOD STANDING; AND THAT, THEREFORE, THIS HOUSE ACCEPTS THAT ~~CURRENT~~ CONSTITUTIONAL ~~ARRANGEMENTS~~ IN THE NWT WILL GIVE WAY TO TWO NEW CONSTITUTIONS AND TWO NEW TERRITORIES. I ~~CONGRATULATE~~ CURRENT AND PREVIOUS MEMBERS OF THIS HOUSE FOR THEIR FAR-SIGHTEDNESS IN ADOPTING ~~THESE~~ VIEWS AND THEIR TENACITY IN MAINTAINING ~~THEM~~.

AS YOU ARE AWARE, IT IS LIKELY THAT ~~TFN WILL~~ CONCLUDE ~~AN AGREEMENT-~~ IN-PRINCIPLE IN THE ~~WEEKS~~ ~~AHEAD~~ ON THE SETTLEMENT OF INUIT TERRITORIAL RIGHTS IN ~~NUNAVUT~~. UNLIKE SOME AGREEMENTS-IN-PRINCIPLE INITIALED IN THE PAST, THE TFN ~~AGREEMENT-IN-PRINCIPLE~~ WILL BE COMPREHENSIVE AND DETAILED. ACCORDINGLY, BOTH TFN AND THE FEDERAL GOVERNMENT INTEND TO CONVERT ~~IT~~ ~~QUICKLY~~ INTO A ~~FINAL AGREEMENT~~. IN SO DOING, WE DO NOT ~~ENVISAGE ANY~~ ~~NEED TO RENEGOTIATE~~ MATTERS OF PRINCIPLE OR SUBSTANCE. THESE MATTERS HAVE ALREADY ~~BEEN DEALT~~ WITH TO THE SATISFACTION OF BOTH GOVERNMENT AND TFN. FOLLOWING THE SIGNING OF THE AGREEMENT-IN-PRINCIPLE ONLY TWO MAJOR NEGOTIATING TASKS REMAIN: TO NEGOTIATE A PLAN TO IMPLEMENT THE FINAL AGREEMENT, AND TO DECIDE WHICH SPECIFIC ~~TRACTS~~ OF LAND ~~INUIT~~ WILL OWN ,

THE TFN AGREEMENT-IN-PRINCIPLE HAS MAJOR IMPLICATIONS FOR THE COURSE OF CONSTITUTIONAL DEVELOPMENT IN THE ~~NWT~~. CLEARLY, THE MAIN

IMPLICATION WILL BE TO UNDERSCORE THE NECESSITY **AND** URGENCY OF DIVISION .

THE FINAL AGREEMENT WILL SET UP, ON A **NUNAVUT-WIDE** BASIS, A CAREFULLY CONSTRUCTED SET OF BOARDS WITH DECISION-MAKING POWERS TO ENSURE RESOURCE MANAGEMENT IS CONDUCTED WITH SIGNIFICANT PUBLIC INPUT , WITH AN APPRECIATION-OF **SPECIAL ABORIGINAL RIGHTS AND INTERESTS**, AND WITH DUE RECOGNITION OF UNDERLYING. PRINCIPLES OF CONSERVATION AND THE **MAXIMIZATION OF REGIONAL AND LOCAL BENEFITS**. ALL OF THESE BOARDS **WILL HAVE THE SAME** --Geographic **MANDATE: NUNAVUT** . THEIR MEMBERSHIPS WILL REFLECT-THEIR GEOGRAPHIC MANDATES. THEY WILL REGULATE RESOURCE-USE **AND** DEVELOPMENT OVER TWO BROAD CATEGORIES OF LANDS: CROWN-OWNED LANDS AND **INUIT-OWNED** LANDS.

THESE BOARDS WILL OPERATE BEST IN A NEW TERRITORY WHOSE JURISDICTIONAL BOUNDARIES **MATCH WITH THEIR OWN. THAT IS, THEY WILL** OPERATE MOST EFFECTIVELY IN A **NUNAVUT** TERRITORY, AND THEY WILL RELATE BEST TO A **NUNAWT GOVERNMENT**.

IN AN UNDIVIDED NWT, THE STRUCTURES CREATED BY *k* TFN SETTLEMENT COULD EASILY DEVELOP AMBIVALENT, IF NOT OUTRIGHTLY ANTAGONISTIC RELATIONSHIPS WITH A TERRITORIAL GOVERNMENT LOCATED A LONG DISTANCE AWAY . IN ANY EVENT, THE .SOON-TO-BE-CONCLUDED TFN LAND CLAIM SETTLEMENT, IMPOSED ON TOP **OF**THE CONSTITUTIONAL STATUS QUO, COULD LIKELY LEAD TO A SPLINTERING OF INSTITUTIONAL AND BUREAUCRATIC LOYALTIES, AND RETARD COHERENT GOVERNANCE. -

JUST AS IMPORTANT, SUCH A SITUATION WOULD BE CUMBERSOME FOR THE OIL, GAS AND MINERAL INDUSTRIES WHICH ALREADY COMPLAIN OF OVER-REGULATION IN THE NORTH. DIVIDING THE **NWT AT** THE SAME-TIME THAT OUR FINAL AGREEMENT IS IMPLEMENTED WILL SIMPLIFY THE DEVELOPMENTAL RULES OF THE GAME AND, HOPEFULLY, STIMULATE **INVESTMENT** IN THE NORTH .

LET ME TURN TO WHAT I DESCRIBED EARLIER AS AS THE SECOND OF **TFN'S** KEY POSITIONS; NAMELY, THAT **INUIT** HAVE BEEN, AND WILL CONTINUE TO BE, FLEXIBLE AND **PRAGMATIC** ABOUT THE PROCESS THAT CREATES **NUNAVUT**.

SINCE **INUIT** FIRST ASSERTED THEMSELVES IN CONTEMPORARY CANADIAN POLITICAL LIFE, WE HAVE ARGUED FOR A NEW TERRITORY **IN WHICH INUIT** AND THE NEWCOMERS TO OUR HOMELAND **COULD**; TOGETHER, WRITE A BRAVE CHAPTER IN CANADA'S HISTORY. IN 1979, **INUIT** ORGANIZATIONS TOOK THE FIRST STEP IN BRIDGING LONG-ESTABLISHED HOSTILITY BETWEEN THE ABORIGINAL ASSOCIATIONS AND THE GOVERNMENT OF THE NWT BY APPEARING BEFORE THIS HOUSE TO SEEK SOME COMMON UNDERSTANDING AND COMMON PURPOSE . LATER, WHEN LEADERS FROM THE **WEST** URGED **THAT** THE PEOPLES OF ALL PARTS OF THE NWT BE ALLOWED TO **VOTE** IN PLEBISCITE ON DIVISION, WE AGREED. WHEN IT WAS FURTHER SUGGESTED THAT THE LEGISLATIVE ASSEMBLY AND **THE ABORIGINAL ASSOCIATIONS WORK TOGETHER** IN DEVELOPING TWO **NEW** CONSTITUTIONS, WE AGREED TO JOIN THE CONSTITUTIONAL ALLIANCE WITH THE PROVISIO THAT A-- **NUNAVUT**

CONSTITUTIONAL FORUM BE CREATED SO AS TO FOCUS THE EFFORTS OF NUNAWT RESIDENTS ON DEVELOPING **A NUNAVUT** CONSTITUTION.

WE HAVE MADE EVERY EFFORT TO NEGOTIATE A REASONABLE BOUNDARY LINE FOR DIVISION WITH BOTH ABORIGINAL AND NON-ABORIGINAL RESIDENTS OF THE WEST. WHEN WESTERN POLITICIANS CATEGORICALLY REJECTED A TREELINE BOUNDARY WE AGREED, AFTER MUCH THOUGHT AND DISCUSSION, TO CONFINE **NUNAVUT** TO OUR LAND CLAIM SETTLEMENT AREA.

IN MAY 1986, FOLLOWING TWO-AND-A-HALF YEARS **OF** DISCUSSION, NEGOTIATORS FROM TFN AND THE **DENE/MÉTIS** NEGOTIATIONS SECRETARIAT INITIALLED A BOUNDARY AND OVERLAP AGREEMENT TO DEMARCATÉ OUR RESPECTIVE LAND CLAIM SETTLEMENT AREAS AND TO PROVIDE FOR COOPERATIVE MANAGEMENT OF NATURAL RESOURCES IN OUR ZONE OF OVERLAPPING LAND USE.

IN JANUARY, 1987, WE COMMITTED OURSELVES SOLEMNLY TO THE **IQALUIT** AGREEMENT, AN AGREEMENT WHICH WE UNDERSTOOD TO BIND ALL ITS SIGNATORIES AND SUPPORTERS TO WORK ACTIVELY AND SINCERELY TO ACCOMPLISH ITS AGENDA FOR CREATING TWO NEW TERRITORIES. IN PARTICULAR, THIS AGREEMENT ENDORSED A LAND CLAIMS BOUNDARY BETWEEN THE **INUIT** AND **DENE/MÉTIS** LAND CLAIM SETTLEMENT AREAS AS THE BOUNDARY TO SEPARATE THE TWO NEW TERRITORIES, AND PROMISED A-SECOND TERRITORIAL-WIDE ~~PLEBISCITE ON THE~~ **ACCEPTABILITY** OR OTHERWISE **OF** THIS BOUNDARY. WE REMAIN FAITHFUL STILL TO THE **IQALUIT** AGREEMENT.

DESPITE OUR INITIAL AND ABIDING PREFERENCE THAT **THE MAJOR** ELEMENTS OF POLITICAL DEVELOPMENT BE NEGOTIATED **AT A SINGLE** "LAND CLAIMS" TABLE, ALONG WITH PROPERTY AND OTHER RIGHTS, **WE HAVE BEEN** WILLING TO RISK SCHIZOPHRENIA BY PURSUING OUR AGENDA IN **NUMEROUS FORUMS**. WHILE FIRM ON MATTERS OF **PRINCIPLE AND** OBJECTIVE, WE HAVE BEEN WILLING TO DISCUSS AND ADOPT **VERY CAUTIOUS** -TIMETABLES FOR **IMPLEMENTATI ON**.

FOR MORE THAN A DECADE-AND-A-HALF, WE HAVE BEEN--FLEXIBLE -AND PRAGMATIC. WE HAVE BEEN CONCILIATORY , **PATIENT**, AND FAIR. MOREOVER, WE HAVE MADE **EVERY EFFORT** TO UNDERSTAND THE FEARS **AND** ACCOMMODATE THE ASPIRATIONS OF OTHERS.

THE LENGTH OF OUR STRUGGLE **HAS** TESTED OUR PATIENCE. BUT **IT** HAS ALSO TAUGHT US A NUMBER **OF THINGS**.

WE HAVE LEARNED THAT SOME PEOPLE ARE **FAR**MORE COMFORTABLE STUDYING ISSUES THAN RESOLVING **THEM**. **THE FIRST LAW OF** constitutioⁿ **CHANGE** IN THE NORTH SEEMS TO BE THAT **THE AVAILABILITY** OF RESEARCH AND CONSULTATION MONEYS IS INVERSELY RELATED **TO THE** LIKELIHOOD THAT THE WORK PRODUCED WILL ACHIEVE ANYTHING.

WE HAVE ALSO LEARNED THAT A DOUBLE **STANDARD IS** OFTEN APPLIED TO VARIOUS ASPECTS OF CONSTITUTIONAL CHANGE. THOSE PEOPLE WHO ARE OPPOSED TO DIVISION INSIST THAT THERE BE VIRTUAL UNANIMITY OF SUPPORT FOR DIVISION, **ALMOST-DOWN TO** EVERY LAST **MAN, WOMAN, CHILD,**

AND CARIBOU, PRIOR TO MOVING FORWARD ON THE ISSUE. YET, ON OTHER KEY TOPICS OF POLITICAL DEVELOPMENT -- RANGING FROM **DEVOLUTION**, TO NORTHERN ENERGY ACCORD DISCUSSIONS, TO **RE-DRAWING** ELECTORAL BOUNDARIES -- DIFFERENT STANDARDS OF CONSENSUS APPLY. .

WE DO NOT SEEK AN UNQUALIFIED VETO ON ALL MAJOR POLITICAL QUESTIONS FACING THE NORTH; AFTER **ALL DEMOCRACY** PRESUPPOSES MAJORITY AND MINORITY OPINIONS EVEN WHILE SEARCHING FOR AS MUCH MIDDLE GROUND AS POSSIBLE. BUT WE ALSO **REJECT THAT** CORE AND LEGITIMATE **INUIT** ASPIRATIONS BE SUBJECT TO THE PERPETUAL VETOS OF OTHERS. ~~IN THIS~~ REGARD WE NOTE THAT THE UNWILLINGNESS OF THE **DENE/MÉTIS TO RATIFY** THE MAY 1986 BOUNDARY AND OVERLAP AGREEMENT. VIRTUALLY HALTED THE CONSTITUTION BUILDING AND **DIVISION PROCESSES.** -

THE FINAL THING WE HAVE LEARNED IS THAT **PRE-OCCUPATION** WITH ISSUES OF PROCESS IS FAR TOO OFTEN A SUBSTITUTE FOR **TOUGH DECISIONS ABOUT** ISSUES OF SUBSTANCE. THIS IS MANIFEST IN **ALL-TOO-LENGTHY** DISCUSSIONS THAT SKIRT THE FUNDAMENTAL ISSUE AT HANDS ----YET., STRIPPED OF ALL ITS **BAGGAGE,** THE CONCEPT OF A NUNAVUT TERRITORY-IS QUITE SIMPLE. INDEED, STRAIGHT-FORWARDNESS IS ITS MOST DISTINGUISHING FEATURE IN **COMPARISON** WITH MANY PROPOSALS FOR CONSTITUTIONAL CHANGE IN CANADA AND THE NORTH.

I BELIEVE IT IS THE DUTY OF THE MEMBERS OF THIS HOUSE TO COME TO GRIPS WITH THE ISSUE OF DIVISION. TO CONSULT THEIR CONSCIENCES AND CLEARLY STATE THEIR POSITIONS. TO DEMONSTRATE LEADERSHIP, WITH ALL

ITS RISKS AND REWARDS. ABOVE ALL, TO INSIST ON CLARITY AND DIRECTION IN PUBLIC POLICY MAKING. TO PREVENT PROCESS FROM OVERSHADOWING SUBSTANCE. TO RESIST-THE SUPERFICIALLY **ATTRACTIVE** OPTION OF **"BUYING TIME"** THROUGH FURTHER REPORTS, MORE CONFERENCES, NEW TALK FACTORIES. FROM OUR PERSPECTIVE, THE WORK OF-THE NUNAWT CONSTITUTIONAL FORUM AND OTHER **INUIT** ORGANIZATIONS HAS MAPPED OUT AS CLEARLY AND SUCCINCTLY AS IS **POSSIBLE WHAT IS MEANT BY** A NUNAVUT TERRITORY. SURELY THE PEOPLES OF THE **NWT** DO NOT NEED ANOTHER FIFTEEN YEARS OF DEBATE. CERTAINLY, THE **INUIT** DO NOT.

THE THIRD TFN POSITION THAT--I WISH **TO** TALK TOYOU- ABOUT IS OUR BELIEF THAT DIVISION OF THE NWT CAN MAKE US-CLOSER FRIENDS, AND BETTER NEIGHBORS, AND ENABLE US TO DEAL MORE EFFECTIVELY WITH OTTAWA, THE PROVINCES, AND SOUTHERN-BASED INDUSTRY.

WE DO NOT SEE THE CREATION OF A NUNAWT TERRITORY AS A NEGATIVE OR DESTRUCTIVE ACT. WE SEE IT AS A REFLECTION OF THE DISTINCT IDENTITY AND COMMON BONDS OF THE PEOPLE OF NUNAWT. SO, TOO, WE SEE THE REDEFINITION OF CONSTITUTIONAL ARGUMENTS IN THE WEST AS A NECESSARY STEP IN THE EVOLUTION-OF ITS POLITICAL PROCESS.

NOR DO WE SEE THE CREATION OF A NUNAWT TERRITORY AS THE END OF OUR DEALINGS WITH THE PEOPLE OF THE **WEST**. AT THE MOMENT EAST AND WEST ARE LIKE TWO GROWN UP SIBLINGS CRAMMED INTO A SINGLE ROOM OF A COMMON CANADIAN HOME. **CANADA'S** CONSTITUTION HAS ENOUGH SPACE **TO** ALLOW BOTH EAST AND WEST A MEASURE OF DISTANCE WHILE STILL LIVING

UNDER A COMMON ROOF. BY GROWING UP, -WE DON'T HAVE TO GROW APART.

AS NUNAWT LEADERS HAVE SAID ON MANY OCCASIONS AND IN MANY VENUES, WE SEEK A TIMETABLE FOR THE IMPLEMENTATION OF DIVISION THAT WILL MINIMIZE, IF NOT ELIMINATE ALTOGETHER, ADMINISTRATIVE, ECONOMIC, OR HUMAN DISRUPTION. ALTHOUGH THE CURRENT BUILDING BOOM IN YELLOWKNIFE AND THE PROSPECT OF A NEW GAS PIPELINE IN THE MCKENZIE VALLEY SHOULD SEEM TO MAKE THE WHOLE MATTER ACADEMIC, LET ME GO OUT OF MY WAY TO EMPHASIZE THAT- IN **DIVIDING THE** NWT WE-WILL AGREE TO- ANY REASONABLE MEASURES DESIGNED TO CUSHION ANY ADVERSE IMPACT ON THE CAPITAL CITY, ON THE TERRITORIAL GOVERNMENT WORK FORCE, AND **ON** ALL OTHER ECONOMIC INTERESTS IN THE WEST.

THE DIRECTION OF CONSTITUTIONAL CHANGE IN THE NORTH MUST BE DEFINITELY SET SO WE CAN END OUR INTERMINABLE DEBATES AND GET ON WITH ASSERTING COMMON NORTHERN-INTERESTS IN THE NATIONAL AGENDA AND WITH CONFRONTING THE SERIOUS PROBLEMS FACING THE **ENTIRE CIRCUMPOLAR** WORLD ON TOPICS **RANGING** FROM OZONE DEPLETION TO ARMS CONTROL.

I WILL CONCLUDE MY ADDRESS BY INVITING YOU TO TAKE A NUMBER OF CONCRETE STEPS. THE **INUIT** OF NUNAVUT URGE YOU TO DO THE FOLLOWING:

1. RE-STATE, IN CLEAR WORDS, YOUR **COMMITMENT TO THE CREATION OF** A **NUNAVUT** TERRITORY AND A **WESTERN TERRITORY** THROUGH THE DIVISION OF THE **NWT**.

2. COMMIT YOURSELVES TO A CLEAR TARGET DATE FOR DIVISION. FOR ITS PART, TFN BELIEVES THAT THE OCTOBER 1991--TARGET DATE LAID OUT IN THE IQUALUIT AGREEMENT CAN STILL BE MET. HOWEVER, TFN **WOULD ALSO SUPPORT** A SOMEWHAT. **LATER DATE**, AS INDICATED IN APPENDIX ONE, PROVIDED **EVERYONE** IS PREPARED TO STICK TO IT.

3. HELP BREAK THE IMPASSE--OVER THE BOUNDARY TO DIVIDE THE NWT. WE SUGGEST THAT YOU DO THIS **BY SUPPORTING** THE BOUNDARY AND OVERLAP PROPOSAL, INCLUDED ~~AS APPENDIX TWO TO THIS~~ ADDRESS, THAT TFN RECENTLY MADE TO THE **DENE/MÉTIS**. WE FEEL THAT ALL PARTIES SHOULD LIVE BY AND LIVE UP TO THE MAY 1986 BOUNDARY AND OVERLAP AGREEMENT. NEVERTHELESS, OUR BOUNDARY PROPOSAL CONCEDES TO THE **DENE/MÉTIS** APPROXIMATELY 11,000 SQUARE MILES OF LAND IN THE SOUTHERN PORTION--OF THE **THELON** GAME SANCTUARY SOUTH TO THE BORDER BETWEEN-~~THE NWT AND THE PROVINCES~~, AND APPROXIMATELY 550 SQUARE MILES-OF--LAND **IMMEDIATELY TO** THE WEST OF THE THELON GAME SANCTUARY- --- **IN ADDITION**, OUR **PROPOSAL** PROVIDES FOR **DENE/MÉTIS** AS WELL AS **INUIT TO HUNT, FISH AND TRAP** THROUGHOUT THE **THELON GAME SANCTUARY**. WE HOPE THIS PROPOSAL WILL BE ACCEPTED, AND WILL RESULT **IN A-LASTING** AGREEMENT.

4. MANDATE YOUR GOVERNMENT LEADER AND YOUR MINISTER OF ABORIGINAL RIGHTS AND CONSTITUTIONAL DEVELOPMENT TO JOIN WITH **INUIT** LEADERS TO NEGOTIATE WITH-OTTAWA THE **FINAL STEPS** TO THE CREATION OF NUNAVUT .

5. ASK THE GOVERNMENT LEADER TO ESTABLISH A "DIVISION SECRETARIAT" WITHIN THE TERRITORIAL GOVERNMENT IN ORDER TO PREPARE NOW FOR DIVISION NEGOTIATIONS. THIS SECRETARIAT SHOULD BE DIRECTED TO DEVELOP A DETAILED PLAN SPECIFYING HOW THE TERRITORY WILL BE DIVIDED.

INUIT OF NUNAVUT AND, I BELIEVE, THE OTHER PEOPLES OF THE NORTHWEST TERRITORIES, SEEK CHANGE AND SEEK LEADERSHIP TO EFFECT CHANGE. IT IS A TIME TO MOVE ON, A TIME **TO** CONVERT DEBATES INTO EVENTS. LET US MOVE FORWARD TOGETHER WITH CLEAR OBJECTIVES IN SIGHT AND ACCEPT NOTHING LESS THAN THE FULFILLMENT OF OUR GOALS. LET US BE BOLD IN OUR PRAGMATISM AND PRAGMATIC IN OUR BOLDNESS.

LADIES AND GENTLEMEN, I URGE YOU TO TAKE ACTION. CONSTITUTIONAL PROGRESS DELAYED IS CONSTITUTIONAL PROGRESS DENIED.

THANK YOU FOR YOUR ATTENTION -----

Without Prejudice

NUNAVUT TERRITORY PROVISIONS OF AN
AGREEMENT-IN-PRINCIPLE

Tungavik Federation of Nunavut
June 2, 1989

1. The government of Canada undertakes to, on or before the fifth anniversary of the ratification of the Final Agreement, cause legislation to be enacted amending the Northwest Territories Act by dividing the Territories **into** two parts and erecting the Northeast segment thereof including the communities listed in Schedule 'A' into a separate **Territory** to be **called** "Nunavut Territory".

2. The constitution of **Nunavut** Territory shall be in all respects the same as the constitution of the Northwest Territories as erected under the Northwest Territories Act, save that the legislation referred to in paragraph 1 hereof shall provide:
 - (a) The English, the French, or the **Inuktitut** language **may** be used by any person in the debates of the legislature of **Nunavut**; and those languages shall be used in the respective records and journals of the legislature; and any of those languages may **be** used by any person or in any pleading or process in or issuing from any court of Canada established under the authority of the Constitution Act, 1871.- - **The** ordinances of **the** legislature of **Nunavut Territory** shall **be** printed and **published in** Inuktitut.

 - (b) Notwithstanding anything contained in ss. 13 and 14. of **the**

Northwest Territories Act, residents of **Nunavut** Territory whose first language learned and still understood is Inuktitut have the right to have their children receive primary and secondary school instruction in Inuktitut in Nunavut.



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Nunavut Land Claims
Suite 1200
130 Slater Street
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(613) 238-1096

File No. 50.504

October 17, 1989

Bill Erasmus, Pres., Dene Nation--
& Gary Bohnet, Pres., Métis Assoc.
c/o Dene/Métis Negotiating Secretariat
Box 1417
Yellowknife, N.W.T.
XIA 2P1

Gentlemen:

This letter and the attached **position paper** represent TFN's "final offer" to you on the long standing **issue of the boundary** to separate our respective **land claim settlement areas**, and joint management of the zone of land on either side of the boundary used both by Inuit and **Dene/Métis**.

We understand fully that **you cannot** now **accept the boundary** agreed to by our negotiators in May 1986 -- so we shall not ask you to do so. Instead, we are prepared to **alter the boundary and to concede** approximately 11,000 square miles of land **to you in the** southern portion of the **Thelon Game Sanctuary, south to the border between** the Northwest Territories (NWT) and the provinces, and 550 square miles of land immediately **to the west of the Thelon Game Sanctuary**. These changes mean that the boundary **in and adjacent** to the **Thelon Game Sanctuary** is either congruent with or beyond **the line of Dene/Métis maximum land use given** to TFN by your negotiators in **1985**. I want you to appreciate that we are making these concessions solely to make it **politically easier for you** to ratify a boundary between our settlement **areas**, **and not** because you have made a case based on land use within **"living memory"** that land in the southern portion of the **Thelon Game Sanctuary** "south to the provinces is better placed within your settlement. area than ours.

please note from the **attached sketch map and the geographical coordinates** in the schedules to our **position paper**, that the zone to be subject to joint management reflects actual overlapping land use as documented in the **report of the Inuit Land Use and Occupancy Project**, the update of this work performed a couple of years ago by Dr. Rick Riewe, and that documented **land use information** that you have, on occasion, provided to us **including the line of maximum extent of Dene/Métis land use** you gave to TFN in 1985. Please note

also that we have added about 1,100 square miles in the vicinity of Aylmer and McKay lakes to the area of overlapping land use. Inuit use of this land is well-documented in the Inuit Land Use and Occupancy Project and its exclusion to date has been an oversight on our part.

Our actual overlapping land use, then, is confined to the north and west of the Thelon Game Sanctuary. Having pointed this out to you, I want to assure you that Inuit fully support the Dene/Métis position regarding continuation of the conservation status of the Thelon Game Sanctuary. Moreover, "we have provided in section 6.4 of our position paper for Dene/Métis to harvest wildlife throughout the Thelon Game Sanctuary. This is a significant concession on our part which gives you most of what you have asked for in the last couple of years. In addition, section 6.3 of our position paper makes it absolutely clear that Dene/Métis have full and free access to the Contwoyto Lake area to hunt, fish and trap.

Since we met in Yellowknife in early September, we have consulted closely with those communities - in the Kitikmeot and Keewatin regions most directly affected by the boundary and overlap issues. Our "final offer" to you reflects that consultation, for Inuit in the communities were not prepared to accept the boundary you put forward during our meeting in Yellowknife. In addition, I want to note that representatives of the Dene/Métis assured the TFN Board in Inuvik in late August that adjusting the boundary south of the Thelon Game Sanctuary, as we have now done, would be sufficient to resolve the Inuit - Dene/Métis land claims boundary issue once and for all.

My letter to you of September 28 noted that the management arrangements in our zone of overlapping land use would have to be acceptable to government. We feel it would serve no useful purpose to conclude an agreement with you on resource management in the overlap zone that would be rejected by government. In light of this, we have retained our approach to joint management of the overlap zone. Recently we have amended the wildlife management provisions of our agreement-in-principle to provide for representation by adjacent aboriginal peoples on the Nunavut Wildlife Management Board. This amendment, which is reflected in our position paper, will also provide for cooperative management of caribou herds upon which we both rely.

Inuit and Dene/Métis have been discussing boundary and overlap issues for over six years. The process has consumed far too much time and energy, and has been inordinately expensive. It is our impression that all parties with an interest in this matter, including the territorial and federal governments, want the issue resolved quickly. Indeed, governments currently see this issue as a test of the seriousness and realism with which we and you approach the negotiation of our land claims. We think it is

important that the boundary issue be **resolved now** so that we can provide both the federal and territorial governments with evidence that we are committed to completing our land **claim** negotiations and implementing our land claim settlements.

I know that the boundary and overlap question is very difficult for you, as it is also for us. Nevertheless, now **is** the time for political courage and leadership. We await your decision, and **look** forward to meeting you in Norman **Wells** on **October** 23 and 24. All the best.

Yours sincerely,



Donat Milortok
President

cc : TFN Executive

BOUNDARY , OVERLAP AND WILDLIFE AND ENVIRONMENTAL
RESOURCE MANAGEMENT AGREEMENT
BETWEEN THE INUIT OF NUNAVUT-AND
THE DENE/MÉTIS OF DENENDEH

BETWEEN Inuit of Nunavut as represented by the Tungavik
Federation of Nunavut (TFN),

AND Dene/Métis of Denendeh, as represented by the
Dene/Métis Negotiations Secretariat.

THE PARTIES AGREE AS FOLLOWSr-

1. General Provisions

1.1 The objects and purposes of this Agreement are:

- (a) to identify and agree upon a **continuous** single line that will delineate the boundary between the **Inuit** Land Claims Settlement Area. and **the Dene/Métis** Land Claims Settlement Area;
- (b) to identify and agree upon the zone of overlapping land use of the **Inuit** and **Dene/Métis** based on land use within the living memory. of the **Inuit** and the **Dene/Métis**;
- (c) **to commit** the parties to protect the interests of the **Inuit** and the **Dene/Métis** in relation to wildlife and environmental management in **the overlap** area;
- (d) to commit the parties **to support the work of** existing management boards, and new management institutions created for their settlement areas, in protecting and conserving **shared caribou herds; and**

- (e) to provide for the mutual protection of rights regarding the quantity, quality and flow of fresh water.

2. **Definitions**

2.1 In this agreement,

"Dene/Métis" means those **Dene or Métis** who are **enroled** or--who **will be enroled in a Dene/Métis** Final Land--Claims Agreement:

"Harvesting" means harvesting within the meaning of the land claims agreement which applies **to** the settlement area in question and, for greater certainty, **includes** trapping;

"Inuit" means those **Inuit** who are **enroled or** who-will be enroled in the Inuit Final Land **Claims** Agreement;

The phrase "the single line boundary" means the line marked as the single line boundary in Schedule A;

The phrase "the **Dene/Métis** area of overlapping **use"** means the entire extent of **Dene/Métis** land use and occupancy in the Inuit Land **Claim** Settlement **Area** depicted **as the** hatched area in Schedule B;

The phrase "the **Inuit** area of overlapping **use"** means the entire extent of **Inuit** land use and occupancy in the **Dene/Métis** Land Claim Settlement Area depicted **as the** cross-hatched area in Schedule B;

"Wildlife" means all flora and fauna ferae naturae including all terrestrial, aquatic, ~~avian~~ and amphibian ferae naturae, and all parts and products thereof; flora excludes trees suitable for the **commercial** production of lumber or other building materials, but includes materials required by the **Inuit** or the **Dene/Métis** for local use, land-based activities and handicraft production.

The phrase "map co-ordinates of boundaries **means** those geographic co-ordinates ~~set out in Schedule C.~~

3. A Single Line Boundary Agreed Upon

3.1 The single line boundary depicted in Schedule A forms the boundary delineating the **Inuit** final land claims settlement area and the **Dene/Métis** final land claims settlement area from the southeastern corner of ~~the~~ **Inuvialuit** Settlement Area to the intersection of 60°00'N latitude with 102°00'W longitude.

4. Area of overlap

4.1 Notwithstanding the single line boundary identified in Schedule A, the **Inuit** may continue to harvest wildlife in the **Inuit** area of overlapping use to the same extent and in the same manner as the **Dene/Métis**.

4.2 Notwithstanding the single-line boundary identified in Schedule A, the **Dene/Métis** may continue to harvest wildlife in the **Dene/Métis** area of overlapping use to ~~the~~ same extent and in the ~~same manner~~ as **Inuit**.

Dene/Métis from concluding cooperative ventures in relation to renewable resource development.

11. Geographic Co-ordinates of Boundaries

11.1 The map co-ordinates of boundaries depicted in Schedules A and B shall be set out in Schedule C.

12. Mutual Protection of Rights

12.1 It is the intention of the parties that this agreement shall form part of the final agreements of both parties.

12.2 The parties undertake to avoid any inconsistency or conflict between this agreement and any other provision of their respective final agreements.

DATED at _____, this _____ day of October, 1989.

For the Tunagivik Federation
of **Nunavut**

For the Dene Nation

For the **Métis** Association
of the Northwest Territories

SCHEDULE 'A' - TO BE SUPPLIED

SCHEDULE 'B' - TO BE SUPPLIED

SCHEDULE 'C', BEING MAP CO-ORDINATES OF THE SINGLE LINE BOUNDARY,

THE DENE/MÉTIS AREA OF OVERLAPPING USE AND

INUIT AREA OF OVERLAPPING USE

part 1: Single Line Boundary

The geographic co-ordinates ~~dividing~~ the settlement areas shall commence at the intersection of 102°00'W longitude and 60°00'N latitude, and

Thence shall proceed due north to the boundary of the Thelon Game Sanctuary at the intersection of 102°00'W longitude and 63°12'N latitude, and

Thence in a straight line northwest to the intersection of 103°20'W longitude and 63°58'N latitude, and .

Thence on a straight line -northwest to-.the. Thelon River at the intersection of 103°45'W longitude and 64°07'N latitude, and

Thence in a straight line generally west and north-- to- the intersection of 105°00'W longitude and 64°22'N latitude, and . .

Thence in a line generally-west-and north to the western boundary of the Thelon Game Sanctuary at the -intersection of 105°38'W longitude and 64°28'N latitude, and .

Thence in a line generally west and north to the intersection of 106°15'W longitude and 64°38'N latitude, and

Thence south and west to the intersection of 107°00'W longitude and 64°35'N latitude, and

Thence generally south and west to the intersection of 107°18'W longitude and 64°28'N latitude, and .

Thence in a straight line generally west and north to the intersection of 110°00'W longitude and 64°56'N latitude, and

Thence in a straight line generally north and west to the intersection of 111°52'W longitude and 65°23'N latitude, and

Thence in a straight line generally north and west to the intersection of 120°40'51"W longitude and 68°00'N latitude at the southeastern corner of the Inuvialuit Settlement Region.

Part 2: Area of Overlapping Dene/Metis Use

The geographic co-ordinates of **Dene/Métis extent** of land use for the purpose of defining the overlap area commences at the intersection of 107°00'W longitude and 64°35'N latitude, and -

Thence **generally** northwest to the intersection of 107°45'W longitude and 64°50'N latitude, and

Thence generally east and north to the intersection of 107°27'W longitude and 64°56'N latitude, and"

Thence generally northwest to the intersection of 107°40'W longitude and 64°59'N latitude, and

Thence south and east to the intersection of 107°58'W longitude and 64°50'N latitude, and

Thence due north to the intersection of 107°58'W longitude and... 65°30'N latitude, and

Thence north and west to the intersection of 108°00'W longitude and 65°33'N latitude, and

Thence **generally** northwest----to- the intersection .-of 108°30'W longitude and 65°44'N latitude, and

Thence north and ~~west~~ to the intersection of 108°45'W longitude and ~~65°47'N latitude, and~~

Thence south and west to the intersection of 109°00'W longitude and 65°40'N latitude, and

Thence north to the intersection of 109°02'W longitude and 65°52'N latitude, and

Thence due west to the intersection of 109°27'W longitude and 65°52'N latitude, and

Thence south to the intersection of 109°30'W longitude and 65°43'N latitude, and

Thence generally south and west to the intersection of 109°53'W longitude and 65°37'N latitude, and

Thence north and west to the intersection of 110°00'W longitude and 65°49'N latitude, and

Thence north and west to the intersection of 110°08'W longitude and 65°51'N latitude, and

Thence due north to the intersection of $110^{\circ}08'W$ longitude and $66^{\circ}02'N$ latitude, and

Thence southwest to the intersection of $111^{\circ}00'W$ longitude and $65^{\circ}48'N$ latitude, and

Thence generally west to the intersection of $111^{\circ}05'W$ longitude and $65^{\circ}48'N$ latitude, and

Thence generally north to the intersection of $111^{\circ}12'W$ longitude and $66^{\circ}02'N$ latitude, and

Thence generally southwest to the intersection of $111^{\circ}45'W$ longitude and $65^{\circ}52'N$ latitude, and

Thence generally north and west to the intersection of $112^{\circ}10'W$ longitude and $66^{\circ}19'N$ latitude, and

Thence south and west to the intersection of $113^{\circ}00'W$ longitude and $65^{\circ}46'N$ latitude, and

Thence generally west and north to the intersection of $113^{\circ}18'W$ longitude and $65^{\circ}47'N$ latitude, and - - -

Thence generally north to the intersection of $113^{\circ}10'W$ longitude and $66^{\circ}00'N$ latitude, and

Thence north following the shore of Takijuk Lake to the intersection of $112^{\circ}56'W$ longitude and $66^{\circ}34'N$ latitude, and

Thence generally north to the southern shore of Inulik Lake at the intersection of $113^{\circ}00'W$ longitude and $66^{\circ}44'N$ latitude, and

Thence north and west to the intersection of $113^{\circ}04'W$ longitude and $66^{\circ}46'N$ latitude, and

Thence south and west to the intersection of $113^{\circ}24'W$ longitude and $66^{\circ}41'N$ latitude, and

Thence generally northwest to the intersection of $113^{\circ}30'W$ longitude and $66^{\circ}45'N$ latitude, and

Thence generally north and west to the intersection of $114^{\circ}00'W$ longitude and $67^{\circ}00'N$ latitude, and

Thence generally northwest to the intersection of $114^{\circ}30'W$ longitude and $67^{\circ}18'N$ latitude, and

Thence northwest in generally a straight line to the intersection of $117^{\circ}00'W$ longitude and $67^{\circ}58'N$ latitude, and

Thence west and north to the intersection of $118^{\circ}00'W$ longitude and $67^{\circ}11'N$ latitude, and

Thence west and north to the **intersection** of **119°00'W** longitude and **67°20'N** latitude, and

Thence north and west to the-northeastern corner of Bluenose Lake at the intersection of **119°30'W** longitude and **67°30'N** latitude, and

Thence northwest to the intersection **of 120°00'W** longitude and **69°00'N** latitude, and

Thence north and west to the **Inuvialuit** Settlement Region Boundary at the intersection of **120°40'51"W** longitude and **69°13'N** latitude.

Part 3* Inuit Area of Overlapping Use

The geographic co-ordinates of the **Inuit extent** of land use for the purpose of defining the overlap area **commences** at the **intersection** of 107°00'W longitude and 64°35'N latitude, and it thence

Proceeds generally south and west to the intersection of 107°18'W longitude and 64°28'N latitude, and-

Thence generally west and north to the intersection of 107°40'W longitude and 64°27'N latitude, and

Thence **generally** northwest --to the --intersection.- of 108°00'W longitude and 64°38'N latitude, and

Thence generally west to **the intersection** of 108°20'W longitude and 64°39'N latitude, and

Thence south to the **intersection** of 108°22'W longitude and 64°30'N latitude, and

Thence south to the **intersection** of 108°18'W longitude and 64°22'N latitude, and

Thence generally south **and west to the** intersection of 108°31'W longitude and 64°11'N latitude, and

Thence generally west following the northern shores of Aylmer River and **Outram** Lakes to the **intersection** of 110°15'W longitude and 64°03'N latitude at the eastern-shore of **MacKay Lake**, and

Thence generally west to **the intersection** of 110°48'W longitude and 64°08'N latitude, and

Thence generally east to the intersection of 110°15'W longitude and 64°10'N latitude, and

Thence generally north and **east to the intersection** of 110°00'W longitude and 64°20'N latitude, and -

Thence generally west to the intersection of 110°30'W longitude and 64°22'N latitude, and _.

Thence generally west and north to the intersection of 111°00'W longitude and 64°28'N latitude, and

Thence generally west **and north to the** intersection of- 111°30'W longitude and 64°35'N latitude, and

Thence northwest to the intersection of- 112°00'W longitude_ and 64°46'N latitude, and

Thence northwest to the intersection of 112° 30'W longitude and 64° 58'N latitude, and

Thence generally west and north following a straight line to the intersection of 114° 30'W longitude and 65° 20'N latitude, and

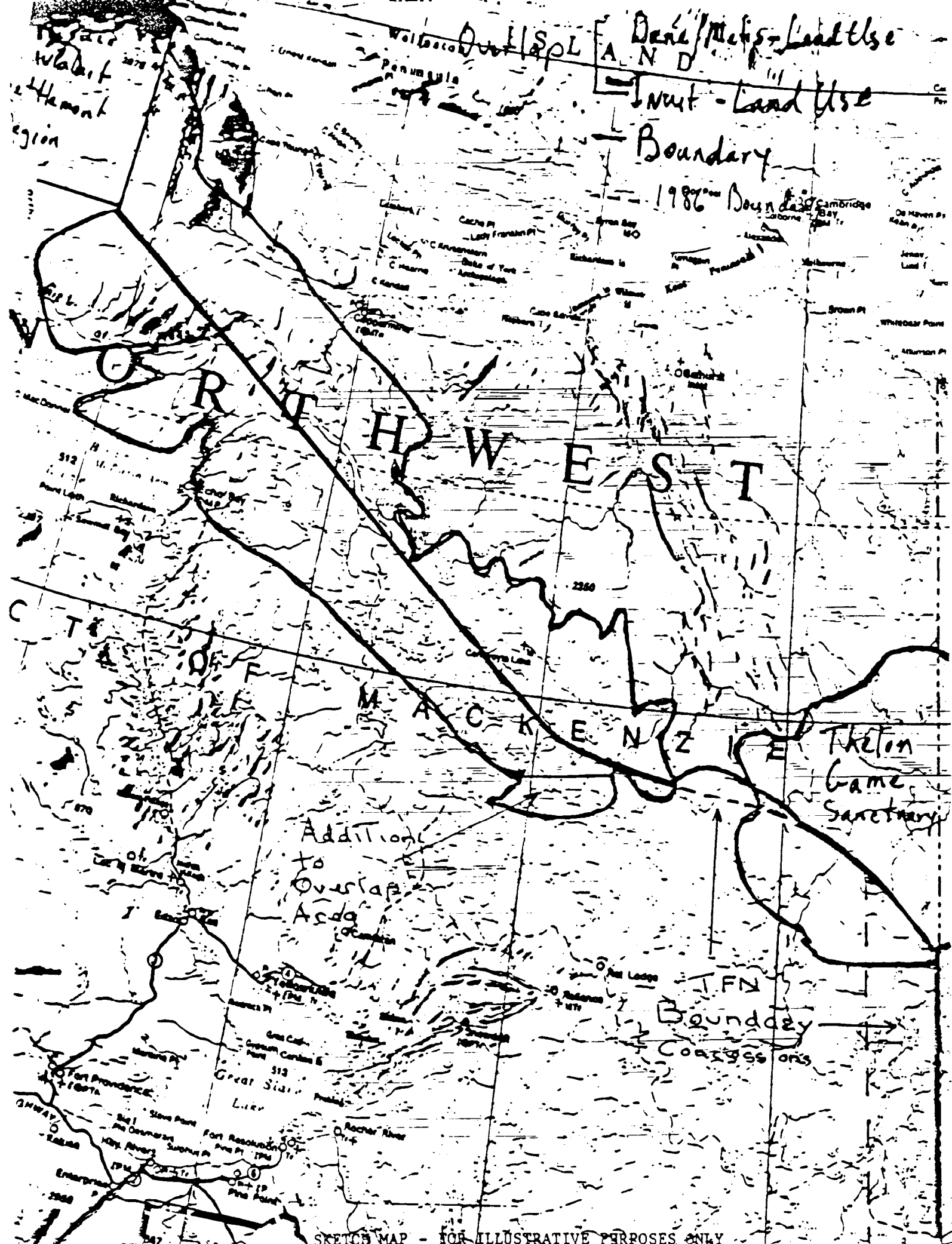
Thence generally west and north following a straight line to the intersection of 116° 00'W longitude and 65° 41'N latitude, and

Thence generally west and north in a straight line to the intersection of 117° 40'W longitude and 66° 00'N latitude, and

Thence north and west following the shores of Great Bear Lake to east of **Clearwater** Bay at the intersection of 121° 25'W longitude and 66° 48'N latitude, and

Thence generally north and west to the eastern **shore** of Horton Lake at the intersection of 122° 16'W longitude and 67° 25'N latitude, and

Thence generally north ~~following the shore~~ of Horton **Lake** and then generally east and north ~~to the southeast~~ corner of the **Inuvialuit** Settlement Boundary at the intersection of 120° 40' 51"W longitude and 68° 00'N latitude.



SKETCH MAP - FOR ILLUSTRATIVE PURPOSES ONLY