

*The Address—Mr. Ittinuar*

The federal government is a major employer in the north and retains control over mineral and fossil fuel resources and, this, over the nature and pace of any development which takes place. The federal government has a trust responsibility for native northerners as administered under the Department of Indian Affairs and Northern Development. Yet the north is not mentioned in the Speech from the Throne. No province in Canada is controlled federally in the way that the Yukon and particularly the Northwest Territories are controlled, and yet no province is ignored as the Territories are.

This could be because the federal government still retains its patriarchal mentality in relation of the Territories. I sincerely hope that more progressive attitudes prevail in the 1980s. The pace of northern political and economic development is accelerating and the decisions which will be made during the next few years will have long-standing and far-reaching effects. One hopes that the representatives of the Government of Canada will take the time to orient themselves to northern issues and thereby enter into future negotiations and processes which will effect change in the north with an informed and conciliatory attitude.

In the Speech from the Throne the Prime Minister (Mr. Trudeau) made a commitment to a renewed Canadian federalism, and he went on to say that Canada should remain "a country that regards diversity as an asset, not a liability". In the context of constitutional revisions, I hope that the Prime Minister will adhere to the spirit of that statement by including Canada's first inhabitants, the native people, as full participants in any process which will effect constitutional change.

At this point I will digress for a few moments, Mr. Speaker, to put things into their historical perspective. Three hundred and ten years ago, on May 2, 1670, King Charles II issued a royal charter which granted the area which we now call the Northwest Territories to his German cousin Rupert and Rupert's friends in the Hudson's Bay Company. The royal charter granted the Hudson's Bay Company the sole trade and commerce of Rupert's land, and the company was empowered to make "peace or war with any prince or people whatsoever that are not Christians".

Two hundred years later, in 1870, Rupert's land was sold to Canada. In the recent Baker Lake court decision, Justice Mahoney ruled that property rights in the Northwest Territories belonged to the federal government. His reasoning was based on the process just outlined—King Charles II granting Rupert's land to the Hudson's Bay Company, which in turn handed it over to the federal government of Canada. This judgment apparently eliminates all Inuit property rights, and I should say northern residents rather than Inuit because there are many permanent residents of all ethnic groups in the north.

From the point of view of the original inhabitants of the land who have occupied and used the land since time immemorial, it is absurd that someone in England could initiate a process by which all property rights to that land are lost. Mr. Speaker, to put this in the present context, Justice Mahoney ruled that the Baker Lake area is "subject to the aboriginal right and title of the Inuit to hunt and fish there-

on", but that their aboriginal title does not make the Inuit "holders of surface rights". Under section 146 of the BNA Act, aboriginal rights are not protected by Canadian constitutional law and, other than the guarantee to freely move about and hunt and fish, they have never been defined in Canadian law.

The increased pace of development in the north will inevitably lead to a conflict between industrial interests and the permanent inhabitants of the land. Justice Mahoney recognized this contradiction when he said that "the co-existence of an aboriginal title with the estate of the ordinary private land holder is readily recognized as an absurdity".

I would like to turn now to the recently released report of the special representative for constitutional development in the Northwest Territories. As hon. members are aware, Mr. Drury was appointed special representative by the Prime Minister in August, 1977. He was given the task of explaining options for constitutional development in the Northwest Territories and reporting the results of his investigations back to the Prime Minister. Among the options that Mr. Drury was asked to address was the division of the Northwest Territories into two or more political units.

I would like to comment on the Drury report by posing three important questions which are important to northerners: Why was Mr. Drury appointed, what are the principal features of his report, and what should be done with his report?

I would like to look initially at the first question as to why Mr. Drury was appointed. He was appointed at a time when the future of the Northwest Territories and its peoples was causing considerable contention in Ottawa. The Berger inquiry had been revealing to southern Canadians what many people in the north had known for years, that in many ways the Northwest Territories more closely resemble a colony of the south than an integral part of the Canadian political framework.

The popular sentiments expressed before Judge Berger were being stated to the federal government at the time by leaders of the Dene nation and the Inuit of Nunatsiag. Both the Dene and the Inuit peoples had rejected Ottawa's interpretation of land claims negotiations as a process by which the federal government assumed clear title over areas of traditional use by aboriginal peoples in exchange for small strips of land and money—in other words, beads and blankets indexed for inflation. The aboriginal peoples of the Northwest Territories had stated clearly that land claims and negotiations could not be pursued to successful completion if they started on the premise that negotiations constituted some kind of giant real estate transaction.

Northerners wanted to accomplish what had not been attempted up to that point—an accommodation between the needs and aspirations of northern peoples and the concerns of the federal government, a government mandated to speak for Canadian citizens as a whole. I should like to be quite honest and say that statements made by many native citizens before Justice Berger and the ideas articulated by the leaders elected