



THE SENATE OF CANADA

Task Force on the Meech Lake Constitutional Accord and on the Yukon and the Northwest Territories



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Report of the Task Force to the
Committee of the Whole

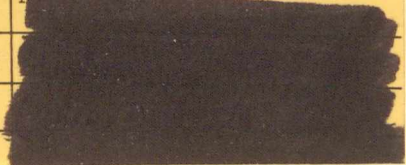
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Scenic view of Mont Asgard, Pagnirtung
Pass from Owl's Nest River Valley on
Baffin Island, Northwest Territories.

Photo by: Alan Todd, 1975

**REPORT OF THE TASK FORCE
TO THE COMMITTEE OF THE WHOLE**

The Senate Task Force on the Meech Lake Constitutional Accord and on the Yukon and the Northwest Territories has the honour to present its

FIRST AND FINAL REPORT

Your Task Force, which was authorized to hear representations on the Meech Lake Constitutional Accord and texts subsequently agreed to, has, in obedience to the Orders of Reference of Thursday, August 13, 1987, Monday, September 14, 1987, Tuesday, November 17, 1987, Tuesday, December 8, 1987 and Tuesday, February 2, 1988, proceeded to that inquiry and now presents its final report.

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**MEMBERS OF THE SENATE TASK FORCE ON THE
MEECH LAKE CONSTITUTIONAL ACCORD
AND ON THE YUKON AND THE NORTHWEST TERRITORIES**

Chairman



**Honourable Gildas L. Molgat
Liberal
Ste. Rose (Manitoba)**



**Honourable Martha P. Bielish
Progressive Conservative
Lakeland (Alberta)**



**Honourable Rhéal Bélisle
Progressive Conservative
Sudbury (Ontario)**



**Honourable Anne C. Cools
Liberal
Toronto Centre (Ontario)**



**Honourable Joyce Fairbairn
Liberal
Lethbridge (Alberta)**



Honourable Jean Le Moynes
Liberal
Rigaud (Québec)

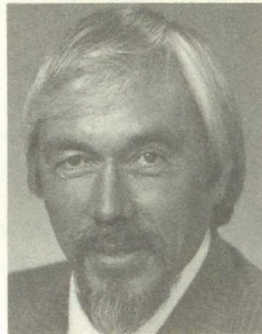


Honourable Heath Macquarrie
Progressive Conservative
Hillsborough (P.E.I.)



Honourable Len Marchand
Liberal
Kamloops-Cariboo (B.C.)

ex officio members



Honourable Willie Adams
Liberal
Northwest Territories



Honourable Paul Lucier
Liberal
Yukon

OTHER SENATORS WHO SERVED ON THE SENATE TASK FORCE

- Honourable Ernest G. Cottreau
- Honourable C. William Doody
- Honourable Jerahmiel S. Grafstein
- Honourable Michael J.L. Kirby
- Honourable Finlay MacDonald (*Halifax*)
- Honourable Orville Phillips
- Honourable Yvette Rousseau

ORDERS OF REFERENCE

Extract from the *Minutes of the Proceedings of the Senate*, Thursday, August 13, 1987:

"The sitting of the Senate resumed.

The Chairman of the Committee presented the following Report:-

The Committee of the Whole to which was referred the Meech Lake Constitutional Accord and texts subsequently agreed to, recommends that a Task Force on the Meech Lake Constitutional Accord and on the Yukon and the Northwest Territories, be established to hear representations thereon;

That the Task Force be composed of eight Senators, three of whom shall be nominated by the Leader of the Government in the Senate and five of whom shall be nominated by the Leader of the Opposition in the Senate;

That the Task Force be authorized to send for persons, papers and records; to examine witnesses; to report from time to time, and to print such papers and evidence from day to day as may be ordered by it;

That the Task Force be authorized to engage the services of such clerical, technical and other personnel as it deems necessary;

That the rules of procedures applicable in committees apply to the Task Force;

That changes in the membership of the Task Force shall be made pursuant to Rule 66(4) of the *Rules of the Senate*;

That the Task Force be empowered to adjourn from place to place in the Yukon and Northwest Territories; and

That the Task Force be instructed to present its report to the Committee of the Whole no later than October 15, 1987.

The Chairman of the Committee reported that it had made some progress and asked leave to sit again.

The Honourable Senator Frith moved, seconded by the Honourable Senator Denis, P.C.:

That the Committee have leave to sit again at the next sitting of the Senate.

The question being put on the motion, it was—
Resolved in the affirmative.”

The Honourable Senator Molgat moved, seconded by the Honourable Senator Neiman, that the Report be adopted.

The question being put on the motion, it was—
Resolved in the affirmative.”

Extract from the *Minutes of the Proceedings of the Senate*, Monday, September 14, 1987:

“With leave of the Senate,
The Honourable Senator Molgat moved, seconded by the Honourable Senator Riel, P.C.:

That, notwithstanding the Order of the Senate adopted on Thursday, 13th August, 1987, the Senate Task Force on the Meech Lake Constitutional Accord and on the Yukon and the Northwest Territories be empowered to present its final report to the Committee of the Whole no later than Tuesday, 1st December, 1987.

The question being put on the motion, it was—
Resolved in the affirmative.”

Extract from the *Minutes of the Proceedings of the Senate*, Tuesday, November 17, 1987:

“With leave of the Senate,
The Honourable Senator Molgat moved, seconded by the Honourable Senator Hicks:

That, notwithstanding the Order of the Senate adopted on Monday, 14th September, 1987, the Senate Task Force on the Meech Lake Constitutional Accord and on the Yukon and the Northwest Territories be empowered to present its final report to the Committee of the Whole no later than Tuesday, 8th December, 1987.

After debate, and-
The question being put on the motion, it was—
Resolved in the affirmative.”

Extract from the *Minutes of the Proceedings of the Senate*, Tuesday, December 8, 1987:

“Pursuant to the Order of the Day, the Senate resumed the debate on the motion of the Honourable Senator Molgat, seconded by the Honourable Senator Hicks:

That, notwithstanding the Order of the Senate adopted on Tuesday, 17th November, 1987, the Senate Task Force on the Meech Lake Constitutional Accord and on the Yukon and the Northwest Territories be empowered to present an interim report to the Committee of the Whole no later than Thursday, 17th December, 1987, and

After debate, and-

With leave of the Senate and pursuant to Rule 23, the motion was modified to read as follows:—

That, notwithstanding the Order of the Senate adopted on Tuesday, 17th November, 1987, the Senate Task Force on the Meech Lake Constitutional Accord and on the Yukon and the Northwest Territories be empowered to present its final report to the Committee of the Whole no later than Monday, 8th February, 1988.

The question being put on the motion, it was—
Resolved in the affirmative.”

Extract from the *Minutes of the Proceedings of the Senate*, Tuesday, February 2, 1988:

“With leave of the Senate,

The Honourable Senator Molgat moved, seconded by the Honourable Senator Hicks:

That, notwithstanding the Order of the Senate adopted on Tuesday, 8th December, 1987, the Senate Task Force on the Meech Lake Constitutional Accord and on the Yukon and the Northwest Territories be empowered to present its final report to the Committee of the Whole no later than Monday, 22nd February, 1988.

After debate, and-

The question being put on the motion, it was—
Resolved in the affirmative.”

Charles A. Lussier

Clerk of the Senate

ACKNOWLEDGEMENTS

In the course of its deliberations, the Task Force received valuable assistance from many sources.

We first thank the individuals and organizations who appeared as witnesses in our hearings in Whitehorse, Yellowknife and Iqaluit. Through their evidence we were able to gain a better understanding of the depth of the concerns of the people of the territories regarding the Meech Lake Accord.

We wish to thank those who participated as Clerks of the Task Force, Richard Greene, Paul Bélisle, André Reny and Diane Deschamps, who managed the administrative, financial and logistical aspects of our work.

The drafting of this report was the result of many hours of work by the Committee members ably assisted by our researchers, Bruce Carson and Jacques Rousseau from the Research Branch, Library of Parliament. Gary Levy and Mario Pelletier provided the editorial services for the Report. As well Hélène Bouchard and Janelle Feldstein provided us with excellent support services during the Report-writing process.

As an aid to those reading this Report we should point out that the references in the Report to the 1987 Constitutional Amendment or to the 1987 Accord are in reality references to the Meech Lake Accord.

Gildas L. Molgat
Chairman

CHAPTER 1

A QUESTION OF JUSTICE

The people of Yukon and the Northwest Territories feel that the Constitutional Amendments currently under scrutiny by this Chamber would relegate them to a colonial status from which they would never recover.

The Accord, agreed upon by the Prime Minister and the ten provincial Premiers on April 30, 1987 and signed by them on June 3 stipulates, among other things, that no new provinces shall be created without the unanimous consent of all existing provinces; allows the extension northward of existing provincial boundaries upon unanimous consent of the provinces and Parliament; and establishes Constitutional conferences without territorial representation.

The territories are also denied the opportunity given to the provinces of nominating persons to sit in the Senate to represent the North and to advance names of potential Justices to sit on the Supreme Court of Canada.

All of these decisions were made without prior consultation with the territorial governments. The territorial governments were excluded from participation in the Meech Lake decisions as well as from the meetings in the Langevin Block which occurred immediately prior to the conclusion of the Accord.

On August 13 the Senate established a Task Force to enquire into the special concerns of the territories. As part of its mandate the Task Force travelled to Whitehorse, Yellowknife and Iqaluit. We wanted to give Northerners an opportunity to present their case and in the course of our meetings we heard from many groups and individuals.

We heard witnesses representing all political parties and all aboriginal groups in both territories. They were unanimous in their opposition to those areas of the Accord which directly affect the North.

Northerners expressed to us that their hopes and expectations for full political and constitutional evolution to provincehood had been fundamentally compromised by a group of men who neither understood the North nor bothered to consult with Northerners.

The comments of Northerners who testified before us were not exclusively confined to those provisions of the Accord which most directly affect them. We note that

they overwhelmingly welcome the signature of Quebec on the Canadian constitution. We heard evidence dealing with the possible impact of the distinct society clause on women's rights. Other witnesses commented on the immigration sections of the Accord or expressed concern about how the shared cost program provisions could lead to regional disparities in services offered. We note these concerns but our purpose here is mainly to report on those sections of the Accord which most directly affect the North.

Northerners believe that there is a lack of understanding amongst those living south of the 60th parallel concerning both the people of the North and the methods by which they govern themselves. This led both to the exclusion of the North from the constitutional process and the inclusion of so many provisions repugnant to them in the 1987 Constitutional Accord.

Constitutions are the fundamental way by which individuals agree to live together in society. They must be just and equitable or this society will not survive. With this in mind we set out in this Report the concerns of Northerners and the recommendations of our Task Force. It is our hope that the implementation of these recommendations will contribute to a just Constitutional accommodation for all the people of Canada.

POLITICAL AND HISTORICAL CONTEXT

The deep feelings of resentment among the people of the territories can best be understood when placed in a political and constitutional context. Yukon and the Northwest Territories occupy 40% of the total land area of Canada. The land is rich in resources and the people are tightly knit, and fiercely proud of their land and their institutions.

Yukon

In 1898, Yukon was carved out of the Northwest Territories and given separate territorial status under an appointed Commissioner advised by an appointed six-member Council. Gradually, elected people took their place on the Council and by 1908 all members of the Yukon Council were elected.

After the gold rush boom, and until the practical start of political devolution in the 1970s, Yukon Territorial Council continued to be fully elected, and the Council, the Commissioner, and the Territorial Administrator were located in the Territory, not in Ottawa.

While legally subordinate to Ottawa, the Yukon government enjoys a significant measure of autonomy. The Executive Council, or Cabinet, is composed of ministers elected by the people of Yukon. The leader of the political party with the most seats in the assembly becomes the government leader.

The Commissioner operates much as a Lieutenant Governor, and the parliamentary system is virtually the same as that of the provinces. The government of Yukon is not elected in a less democratic fashion nor is it less representative than provincial governments. The franchise is the same as in the provinces.

The Yukon government is responsible for the delivery of programs in a wide range of matters such as social services, education, small business development, tourism, and in relation to most renewable resource development.

A significant step in the Yukon's political evolution took place in May 1985 with the successful negotiation of a three-year package for financing from the federal government. Many aspects of this agreement parallel the equalization and transfer

payments between the federal government and provinces. The Yukon government is charged with taking this money and spending it without going to Ottawa for approval for each and every decision.

The move toward provincial status has been slow but steady. For most younger residents it was certainly something they expected in their lifetime. The people of Yukon believe that suddenly and almost without warning the logical end of the devolution process seems to have been taken from them.

Northwest Territories

The situation in the Northwest Territories differs in some respects but the principle is identical. Residents see the ultimate goal of provincehood being placed beyond their reach and they are angry.

When the provinces of Alberta and Saskatchewan were created in 1905, the remaining lands in the Northwest Territories, and the people who lived there, were left under the jurisdiction of Ottawa.

In 1921 a Council was appointed to advise the Commissioner but all six of the Councillors, as well as the Commissioner himself, were federal government employees located in Ottawa. This situation continued until 1951 when the first elected members were allowed to sit on the Council and the first session of the Council was actually held in the North.

In the early 1970s the Territorial Council was composed of ten elected members from the Territories and four appointed by Ottawa. It was very much an advisory body to the Commissioner and the Administration. The Executive, or Cabinet, had no elected people sitting on it. Later, the Council was increased to fifteen and all were elected. The Speaker was chosen from among those elected and by the end of the 1978-79 session several junior ministerial portfolios were held by elected people.

Since then other changes have taken place which provide political responsibility for local residents. The Government Leader is now elected and has taken over from the Commissioner as Chairman of the Cabinet, or Executive Council.

Today the Cabinet is fully in the hands of elected representatives and people of the North. The Commissioner plays no role in the day-to-day functioning of government. His role is becoming more like that of a Lieutenant Governor.

In terms of authority the Northwest Territories has responsibility for many provincial-type matters such as taxation, municipal bodies, education, wildlife, housing, social services, health, and economic development. It has also developed its own distinctive form of government based on consensus. There are no political parties. The twenty-four elected members meet to choose the Cabinet and Government Leader. The residents are

fiercely proud of their form of government and believe it superior to the system that has developed south of the 60th Parallel.

These democratic initiatives may be enhanced in the next few years with settlement of the question of division of the Territories into eastern and western parts.

We understand there are ongoing discussions in the territory regarding this division. While these new jurisdictions which may be created will not be looking at provincial status tomorrow, it would be the ultimate goal.

Thus like their Yukon neighbours, the people of the Northwest Territories are convinced that a constitutional agreement made in the south may have taken away the possibility of complete devolution to provincial status.

PARTICIPATION IN THE FEDERATION

Canada is a federal state and central to the life of any federation is the way various regions are represented in the central institutions.

The Senate

The expansion of the Senate in 1975 to include representation from both Yukon and the Northwest Territories is looked upon as one of great importance for the North. It gave the North a direct voice in the chamber of the central Parliament which was designed to protect and represent regional interests. Continued representation in the Senate is important to Northerners.

A number of proposals for Senate reform were discussed with us. All would continue to recognize the need for an institution in the central Parliament which represents the interests of the less populous jurisdictions.

The 1987 Accord provides that amendments to the powers of the Senate and the method of selecting Senators must have the unanimous support of the House of Commons, the Senate and the legislative assembly of each of the provinces.

Another provision puts the matter of Senate reform on the entrenched agenda for future First Ministers' Conferences from which the territories are excluded.

The Accord also provides a transitional appointment procedure by which a person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted by the government of *the province to which the vacancy relates* and is acceptable to the Queen's Privy Council for Canada.

Some witnesses opposed the transitional appointment procedure on the basis that it placed too much power in the hands of the premiers. They felt that the Senate will eventually become the instrument of the premiers and lose credibility as an institution with national responsibilities. However, should the transitional formula be implemented, it is the express desire of the territories that they be given the right to present a list of nominees to the federal government for appointment to the Senate.

There is considerable confusion in the territories as to what will happen when their present Senators retire. Some believe that the present system of appointment will continue. Some think the only way a vacancy can be filled is by a person being placed on a provincial list. Others argue that because of the 1987 Accord future northern representation in the Senate has been lost. The very existence of this confusion is an eloquent example of the results which occur when there is no involvement or consultation with those directly affected.

If the transitional system is implemented and the federal government appoints northern Senators without reference to the duly democratically elected governments in the North, this process will be perceived by the people of that region as offensive. In any event uncertainty about the appointment process is obviously a matter which needs clarification.

We recommend that the transitional procedure proposed under the Constitution Amendment, 1987 (Meech Lake Accord) for the appointment of Senators from provinces be applicable to Yukon and the Northwest Territories.

Therefore, we recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended to give the power to the governments of Yukon and the Northwest Territories to submit names to the Queen's Privy Council for Canada of persons who may be summoned to the Senate when a vacancy occurs in the Senate in relation to Yukon or the Northwest Territories. The person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted and that person must be acceptable to the Queen's Privy Council for Canada.

The Supreme Court of Canada

Territorial concerns about the way they will be treated in the Senate are repeated in relation to provisions dealing with the Supreme Court.

The Accord deals with the Court in a number of ways. One potential change, the method of appointing judges to the Court, is most offensive to Northerners.

When a vacancy occurs, the premier of each province is to have the opportunity to submit names of persons who are members of the bar of that province and are otherwise qualified to sit on the court to the federal Minister of Justice. Territorial governments do not have the right to submit such lists. Furthermore, a qualified member of a territorial bar can only be placed on a province's list if that person is also a member of the bar of that particular province.

The people of the territories find it intolerable that in a country which prides itself on fairness and equality of treatment for minorities, Northerners, simply through residence in a certain part of the country are virtually excluded from becoming a member of the highest court in the country.

Appointments of qualified lawyers and judges from the territories would have to be included on provincial lists. Northerners believe that it is both naive and unrealistic to

think that provincial governments will nominate those living in the territories over their own residents.

Time after time we heard people of the North tell us that the only practical way to have qualified Northerners considered for appointment to the Supreme Court is to have their names submitted for consideration by the territorial governments. They believe that failure to do so constitutes unfairness and inequality visited on Northerners simply because of their place of residence.

We recommend that the provisions proposed by the Constitution Amendment, 1987 (Meech Lake Accord) by which provincial governments may participate in the appointment of judges to the Supreme Court of Canada be applicable to the governments of Yukon and the Northwest Territories.

Therefore, we recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that when a vacancy occurs on the Supreme Court, other than a vacancy relating to Quebec, the governments of Yukon and the Northwest Territories be given the power to submit to the Minister of Justice of Canada the names of any persons who have been admitted to the bar of that territory and are qualified under section 101B for appointment to the Supreme Court.

Constitutional Conferences

During the public hearing process leading up to the patriation of the Constitution in 1982, representatives of the territories fought hard for the inclusion of aboriginal rights in the *Charter of Rights and Freedoms* and the elimination of certain sections in the amending formula dealing with the attainment of provincehood and the extension of provincial boundaries into the territories. In fact, the entire Council of the Northwest Territories came to Ottawa during this period to lobby on these matters.

Attendance and participation at federal-provincial constitutional conferences and similar meetings of federal-provincial leaders and cabinet ministers is a goal which the territories have fought hard to achieve in the past few years. Their efforts have been relatively successful.

Under the *Constitution Act, 1982* the governments of Yukon and the Northwest Territories were assured of participation at constitutional conferences when an agenda item directly affected the territories. They were also assured through the 1983 Constitutional Amendment dealing with aboriginal issues of participation in the constitutional conferences called as a result of that amendment. The Constitutional Accord which accompanied the amendment dealt with other matters in addition to the issue of aboriginal rights. (See Appendix A)

In 1983, 1985 and in 1987 the territories were invited to the constitutional bargaining table. During these conferences, which dealt primarily with aboriginal issues, it was the feeling of Northerners that they took a leading role because of their experience in

dealing with these issues. The meetings were for the most part held in public and the people of the territories are extremely proud of this fact.

From 1983 to 1987 there were well over 50 meetings held between officials, Attorneys-General of the provinces and the federal government dealing with these constitutional conferences on aboriginal rights. The officials and government representatives of the territories were full participants at these meetings.

Both the Government of Yukon and the Northwest Territories have been for the last two years invited to the annual meeting of premiers. Yukon and Northwest Territories are signatories to many federal-provincial-territorial agreements.

This involvement with the federal government and other provinces at the constitutional bargaining table as well as the inclusion of Yukon and the Northwest Territories in a section of the Constitution dealing with constitutional conferences created an expectation that when the Prime Minister and Premiers met to deal with constitutional matters, representatives of the territories would be invited. This would especially be the case when the subject matter directly affected the North.

The people of the territories were shocked when they discovered the contents of the Meech Lake Accord. Northerners told us that this feeling was compounded, because at the August, 1986 Edmonton Premier's conference on the economy which dealt with Quebec's Constitutional demands, representatives of the territories were excluded from constitutional deliberations. The premiers agreed at this conference to make Quebec's full and active participation in the Canadian federation their constitutional priority. The territories were excluded from these discussions as they were told that the discussions did not affect the territories.

As the Honourable Nick Sibbeston, the Government Leader of the Northwest Territories at the time of this conference, remarked at our meeting in Yellowknife:

The Quebec position was beginning to be formalized. We were not privy to the private meetings that were held by the Premiers at that conference in Edmonton two years ago. So we were not aware of the discussion the Premiers had about Quebec. (*Hon. Nick Sibbeston 2:27*)

It is the position of the territories that any constitutional agreement which had such negative impact on them should have at least been arrived at with representatives of the territories present. Some Northerners attempted to explain the Accord by saying that their rights were simply neglected. They did not wish to believe the Prime Minister and the Premiers would have deliberately tried to manufacture an arrangement which had such negative effects on the territories. However, a great many felt the exclusion of representatives of the territories from these meetings was clearly intended, particularly in view of the efforts made by the territorial governments to be involved.

This view was explained to us by Mr. Ron Veale, a Whitehorse lawyer and former Leader of the Opposition in the Yukon Assembly when he stated:

I would like at the outset to dispel any suggestion that the 1982 Constitution Act or the Meech Lake accord arises out of benign neglect or simply neglect.

...
You do not get that by having somebody fall asleep at the wrong time or letting his pencil slip. It has to be drafted carefully.
(*Veale 1:179, 188*)

We were told of the efforts made by the government leaders of the Northwest Territories and Yukon to take part in the deliberations both leading up to and subsequent to the signing of the Constitutional Accord. Both the government leaders of Yukon and the Northwest Territories came to Ottawa prior to the signing of the Accord in a final attempt to have their views heard. Their efforts were rebuffed.

People of the territories feel the process by which the 1987 Accord was reached was illegitimate because they were not present. It was said that by having only the federal government representing their interests, the residents of the North became less equal than others. The territories are no longer content to leave the defence of their interests solely to the federal government.

The Accord not only entrenches yearly First Ministers' Conferences on the Constitution, it also entrenches within the constitution an annual conference of the Prime Minister and provincial first ministers to discuss the state of the Canadian economy and such other matters as may be appropriate. The Accord does not include attendance of representatives of the territories at these meetings.

Witnesses were concerned about the effect of entrenching these First Ministers' Conferences in the constitution. They questioned whether it would result in a third level of government which would actually be imposed over the federal and provincial jurisdictions. They felt there is enough outside interference already in the affairs of the territories without the provinces getting directly involved.

We also heard from those who felt there are few agenda items which do not in some way have an impact on the North. If the territories had a voice at these constitutional and economic conferences, their interests would be directly represented.

We recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that the elected representatives of the governments of Yukon and the Northwest Territories will be invited to participate at all future Constitutional Conferences on the Constitution and on the economy.

EXTENSION OF PROVINCIAL BOUNDARIES

Under the *The Constitution Act, 1982* the consent of Parliament and seven provinces representing 50% of the population of the provinces is required to effect territorial boundary changes. There is nothing in either the 1982 or 1987 document which gives a voice to Canadians living in the territories regarding future changes to their borders. Boundaries of existing provinces could be extended into the North without any consultation with the territories. Changes are less likely under the *1987 Constitutional Accord* because of the unanimity provision.

In 1983 the Prime Minister of Canada and nine provincial premiers (Quebec refrained from fully participating in the constitutional process) signed an agreement to discuss, among other things, repeal of provisions of the *Constitution Act, 1982*, relating to the creation of new provinces and the extension of boundaries of existing provinces into the territories. (see Appendix A)

At least two conferences were to be convened to discuss these and other matters. The governments of Yukon and the Northwest Territories were to be invited to participate in the discussions that directly affected the two territories.

These conferences, to which the aboriginal organizations and the territorial governments were invited, were held in 1985 and 1987. However, by agreement among the participants the issue of aboriginal self-government became the primary matter for discussion at these conferences.

Representatives of the North agreed to this as they felt that the creation of provinces and the extension of boundaries would be the topics for future conferences. The second and last conference was held in March 1987, less than two months prior to the conclusion of the Meech Lake Accord.

The 1983 agreement was perceived by the governments of the two territories as recognition of their concerns with regard to extension of provincial boundaries into the territories and a guarantee of their involvement in any future discussions affecting them. What happened instead is that the real discussion about extension of provincial boundaries into the territories took place during negotiations leading to the Meech Lake meeting and at the meeting itself. The elected territorial representatives were totally excluded from these

deliberations. In their view both the process and the result departed from elementary principles of fair play.

Northerners are very conscious of the sharp contrast between the process required to alter boundaries between provinces and that necessary to extend boundaries of existing provinces into the territories. In the former case, the *Constitution Act, 1982* requires the consent of the Parliament of Canada and of the legislative assembly of each province affected by the proposed alteration. In the latter neither the *Constitution Act, 1982* nor the 1987 Accord require the consent of the legislative assemblies of Yukon or the Northwest Territories before a proposed extension of provincial boundaries into the territories may proceed.

Witnesses stated that the extension of provincial boundaries is a real possibility. It is an immediate and grave concern. The Government of British Columbia, for example, has publicly expressed a continuing interest from the late 1930s and again as recently as the early 1970s.

The fact that boundary matters have been given so much attention by the provinces in recent constitutional negotiations is, for the territories, clear evidence that this interest is still very much alive.

Until 1982, the federal government had the sole authority to change territorial boundaries. In 1982, at the insistence of the provinces the constitutional amending formula was changed to include the extension of existing provinces into the territories. This could be accomplished on the agreement of the federal parliament and seven provinces having more than fifty percent of the population, without consultation with the territories.

In 1987 this matter was dealt with again, but this time it was made subject to the unanimity rule. The territories fear the provinces have a "hidden agenda" for the North. They believe some provinces consider them as little more than a resource to be tapped at an appropriate moment.

The federal government has a policy of devolution of powers to both territories. Negotiations are ongoing with Yukon concerning devolution of control over natural resources. Control over forestry was transferred to the Northwest Territories in April 1987. Witnesses said the continued presence in the Constitution of a provision dealing with extension of provincial boundaries into the territories indicates that the federal government's and the provinces's priority is to protect northern Canada as an inheritance for the South.

At the very least Northerners want this aspect of the Accord amended before it is adopted. They recommend that their consent be required constitutionally before any changes to their boundaries can take place. One particular recommendation is that section 43 of the *Constitution Act, 1982* be amended to apply not only to alterations to boundaries between existing provinces, but also to boundary changes between provinces and territories. Thus any amendment to the boundaries between the provinces and the territories could only be accomplished with the approval of the Parliament of Canada and the legislatures of the

provinces and territories directly affected. Others would make it constitutionally impossible for provinces to extend their boundaries into the territories.

While there may be some differences in the methodology, both the governments of Yukon and the Northwest Territories want any extension of provincial boundaries into the territories to be subject to their approval.

We recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that any change in the boundaries between the provinces and the territories would occur only with the consent of the territory concerned.

CHAPTER 5

CREATION OF NEW PROVINCES

At the heart of northern concerns about the *1987 Constitutional Accord* is the question of provincial status.

It is difficult for southern Canadians, secure in their provinces, to appreciate how much the people of Yukon and the Northwest Territories fear the prospect of absorption by some of the existing provinces. But anyone familiar with post confederation history should appreciate the desire of people to be masters of their own destiny through the attainment of provincial status.

Prior to 1982 the federal government alone had responsibility for the creation of new provinces. In 1982, the formula became seven out of ten provinces with 50 per cent of the provincial population giving their approval for a territory to become a province. The territories vehemently opposed this change.

The 1987 Accord would require unanimity among the provinces before a territory can become a province. While the territories viewed the 1982 process as making it very difficult for them to attain provincial status, they believe the 1987 Accord renders this future goal virtually impossible. The territories want to return to the pre-1982 process.

The Constitutional Conferences on Aboriginal rights held between 1983 and March 1987 did not deal with the concerns of the territories over this issue.

If the 1987 Accord is adopted witnesses are convinced it will be impossible for Yukon and the Northwest Territories eventually to achieve provincial status.

The inclusion of the provision in the Accord requiring unanimous consent of the provinces and federal government to create new provinces has led some to conclude that this is a clear indication that certain provinces have already made the decision that the territories will never become provinces.

Numerous witnesses suggested there is no reason the provinces would welcome new partners. Witnesses said the provinces will not want to share federal revenues or deal with a new economic force and a new equal vote in the Canadian federation. The argument was that they will not want a new participant in federal cost-sharing programs.

The recognition of the territories as provinces would affect the working of the general formula for constitutional amendment provided by the *Constitution Act, 1982* which now allows the four western provinces or the four Atlantic provinces to block a proposal they consider contrary to their regional interest.

Both territorial governments emphasized that it is unfair that provinces be allowed to have a say as to whether Yukon and the Northwest Territories will become provinces. None of the existing provinces had to submit to such a process.

Since 1871, negotiations in relation to this matter have been the sole responsibility of the federal government. Thus, the *Constitution Act, 1982* and the *1987 Constitutional Accord* are in their opinion contrary to the Canadian constitutional tradition. They fear this new pattern for creation of provinces will lead to decisions made in the interests of each province instead of the interest of Canada as a whole.

We were reminded of the words of Senator Lowell Murray, the Minister of Federal-Provincial Relations, quoted in the Report of the Special Joint Committee on the *1987 Constitutional Accord*, that "at least some of the provinces are extremely jealous of the trappings of provincehood". In his evidence he stated: "The First Ministers maintain the distinction, and wish to maintain the distinction between the governments of provinces and the governments of territories."

This attitude reveals a different spirit than that which characterized every other territory's entry into Confederation since 1871. In 1949, for example, when Newfoundland joined Canada, it was given special financial treatment for a 20-year phase-in period.

Some witnesses, while admitting that the economy of the North has to improve before it can go ahead insofar as becoming a province is concerned, said the situation is much better than generally believed. But Northerners say economic self-sufficiency has never been a criterion to become or remain a province.

The Constitution does not set out the criteria by which the provinces would be bound to make their decisions. The result Northerners believe is that they will be deprived of benefits other Canadians have enjoyed throughout the constitutional history of Canada.

As Canadians, Northerners consider they have the right to become full partners in the Canadian federation under the same conditions which governed the admission of other parts of Canada.

The witnesses we heard welcomed the signature of Quebec on the Canadian Constitution.

People of the territories are concerned that the existing provinces may take advantage of territorial resources or negotiate the transfer of federal powers when dictating the terms of provincial status for the North.

As for a takeover of the northern resources, some witnesses suggested that some premiers may want to annex a portion of the territories in exchange for their vote in favour of the creation of new provinces in what would be left of the territories.

As for negotiating the transfer of federal powers, many witnesses are of the opinion that unanimity was possible at Meech Lake because all the provinces won new powers.

If the price tag attached by the provinces to their consent is the transfer of federal powers, the interest of Canada as a whole will then be split among many provincial interests with Northerners the only non-participants in the process.

Both the governments of Yukon and the Northwest Territories want Canada to return to the pre-1982 process. The territories want to negotiate their entry as full partners in the Canadian federation with the federal government alone.

We recommend that the Constitution Amendment, 1987 (Meech Lake Accord) be amended so that the attainment of provincial status by Yukon and the Northwest Territories be accomplished solely through negotiations with the federal government, subject only to the approval of the federal government and the particular territory concerned.

ANOTHER DISTINCT SOCIETY?

Aboriginal peoples make up approximately one-third the population of Yukon and form the majority in the Northwest Territories. They are fully involved in the governments of both territories and, in fact, form the majority of members in the legislature of the Northwest Territories. While some specific concerns of aboriginal peoples in Yukon and the Northwest Territories are different, they share a common concern about the potential effect of the 1987 Accord on aboriginal rights.

The Council of Yukon Indians expressed its pleasure that Quebec has signed the Constitutional Accord, but questioned why only Quebec was classified as the distinct society. The Council maintains that there has to be recognition by the government of Canada that the aboriginal peoples were the first people to settle in what is now known as Canada; that they have the right to their own system of government, their lands and resources and the right to maintain their own language and culture.

It pointed out that the failure of the Accord to recognize the distinctiveness of aboriginal peoples was one of the most negative features of the agreement.

In the Northwest Territories we heard representatives of many aboriginal groups: the Dene Nation, Métis Association, Inuvialuit Regional Corporation, Committee for Aboriginal Peoples Entitlement, Inuit Committee on National Issues, Baffin Region Inuit Association and the Nunavut Constitutional Forum.

These aboriginal leaders argued that the Accord should refer to the distinctiveness of aboriginal society. It was the aboriginal people who occupied the land first and without whose help Europeans would not have been able to settle.

We were told that aboriginal people have a serious problem with the Accord, not because it acknowledges the undeniable fact that Quebec is home to a distinct society but because it implies that only Quebec deserves such special consideration. Canada, they told us, stretches not only from the Atlantic to the Pacific but to the Arctic Ocean as well.

Aboriginal Canadians in the territories feel that their place in Canada was forgotten or ignored by the Prime Minister and Premiers. The fact that unanimous agreement was reached on various aspects of constitutional development so soon after the

failure of the conferences on aboriginal self-government is viewed as an act of hypocrisy on the part of the First Ministers.

The settlement of land claims in Yukon is looked upon as an important vehicle for the of confirmation aboriginal rights. It is also a method by which the government of Yukon can define its roles and responsibilities. The settlement of land claims deals with the management and control of lands, and the relationship between aboriginal people, the Yukon government and the federal government.

The Council wishes to continue to deal solely with the federal and territorial governments on the settlement of land claims. It fears that under the 1987 Accord any such settlement will have to be approved by each province in addition to the federal government. It is unclear as to whether these matters can be settled expeditiously with the government of Yukon and the federal government, or if more complicated, time consuming negotiations will have to take place with each province.

It is also worried that with the Accord there is the possibility of greater participation of the provinces in the determination and delivery of federal programs. Aboriginal people feel they are in a precarious position as they are left with no voice, and therefore no participation in the decision-making as to the effect of these programs or how they will be delivered.

They want flexibility to develop their own institutions. The potential extension of provincial boundaries into the North is worrying to them. Such a development would considerably reduce the possibility of reaching settlements regarding land claims and self-government.

While a province may have a constitutional right to put in a claim to extend its boundaries, the aboriginal people have no constitutional right to insist upon the negotiation of a land claim.

In the Northwest Territories aboriginal leaders feel the settlement of land claims is part of the road to provincehood.

The aboriginal people feel that the 1987 Accord could prevent the division of the Northwest Territories into two parts with each part working toward provincial status. There is concern that the Meech Lake agreement requires unanimous consent of the federal government and the provinces for such a division to occur.

Aboriginal witnesses stressed that the aboriginal people should participate in the First Ministers' Conferences. Aboriginal issues cannot be put on the back burner while other matters are discussed. Constitutional conferences must deal with the recognition and status of aboriginal people, especially through the recognition and implementation of self-government.

The aboriginal people told us that in their opinion the 1987 Accord has killed the possibility of aboriginal self-government. It is not on the permanent agenda for future constitutional conferences and in their opinion the recognition of self-government would

require such a change in the structure of government in Canada that it would probably require unanimity amongst all the provinces and the federal government.

In summary, the aboriginal people feel they are a distinct society and believe the Accord ought to be amended to add aboriginal and treaty rights, including self-government, to the agenda of constitutional conferences convened under the Accord. Their representatives and those of the governments of Yukon and Northwest Territories should be present at such conferences as full participants.

Aboriginal witnesses stated that until aboriginal people are recognized as a distinct society and the rights attached to their distinctiveness entrenched in the Canadian constitution the circle of Confederation will remain incomplete.

We recommend that aboriginal and treaty rights and the question of self-government be added as continuing items to the agenda of constitutional conferences convened under the proposed Constitution Amendment, 1987 (Meech Lake Accord). Elected representatives of the governments of Yukon and the Northwest Territories, as well as representatives of the aboriginal people, are to be invited as participants in relation to these issues.

We further recommend that as the proposed Constitution Amendment, 1987 (Meech Lake Accord) recognizes Quebec as a distinct society it should also recognize that the aboriginal peoples of Canada constitute distinct societies.

CHAPTER 7

LET THERE BE JUSTICE

The people of Yukon and the Northwest Territories seek justice. Witness after witness told us that the result of this Accord was to make them second class citizens by reason of their place of residence within this country. Constitutional documents must not place legal handicaps on people's rights based solely on their place of residence.

Northerners find it strange that a constitutional accord intended to unite Canadians threatens to bring to an end the political evolution of the territories by excluding its people from full participation in the federation. They are not content with vague promises of changes in a second round of constitutional talks to be held at a time and in a manner determined solely by other governments. As a result of the unanimity clause, the people of the territories do not believe that the changes which they deem necessary will be made. They want the changes now.

As a result of suggestions made to us by the people of the territories we make recommendations which if accepted we believe will ensure that the North remains, in the eyes of its people, a land of promise whose inhabitants are proud to call themselves Canadian.

CHAPTER 8

RECOMMENDATIONS

1. We recommend that the transitional procedure proposed under the Constitution Amendment, 1987 (Meech Lake Accord) for the appointment of Senators from provinces be applicable to Yukon and the Northwest Territories.

Therefore, we recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended to give the power to the governments of Yukon and the Northwest Territories to submit names to the Queen's Privy Council for Canada of persons who may be summoned to the Senate when a vacancy occurs in the Senate in relation to Yukon or the Northwest Territories. The person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted and that person must be acceptable to the Queen's Privy Council for Canada.

2. We recommend that the provisions proposed by the Constitution Amendment, 1987 (Meech Lake Accord) by which provincial governments may participate in the appointment of judges to the Supreme Court of Canada be applicable to the governments of Yukon and the Northwest Territories.

Therefore, we recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that when a vacancy occurs on the Supreme Court, other than a vacancy relating to Quebec, the governments of Yukon and the Northwest Territories be given the power to submit to the Minister of Justice of Canada the names of any persons who have been admitted to the bar of that territory and are qualified under section 101B for appointment to the Supreme Court.

3. We recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that the elected representatives of the governments of Yukon and the Northwest Territories will be invited to participate at all future Constitutional Conferences on the Constitution and on the economy.

4. We recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that any change in the boundaries between the provinces and the territories would occur only with the consent of the territory concerned.

5. We recommend that the Constitution Amendment, 1987 (Meech Lake Accord) be amended so that the attainment of provincial status by Yukon and the Northwest Territories be accomplished solely through negotiations with the federal government, subject only to the approval of the federal government and the particular territory concerned.

6. We recommend that aboriginal and treaty rights and the question of self-government be added as continuing items to the agenda of constitutional conferences convened under the proposed Constitution Amendment, 1987 (Meech Lake Accord). Elected representatives of the governments of Yukon and the Northwest Territories, as well as representatives of the aboriginal people, are to be invited as participants in relation to these issues.

7. We further recommend that as the proposed Constitution Amendment, 1987 (Meech Lake Accord) recognizes Quebec as a distinct society it should also recognize that the aboriginal peoples of Canada constitute distinct societies.

Dissenting Opinion

This represents the views of a majority of the Task Force. The members who support the Government - Senators Bielish, Doody and Macquarrie - are in disagreement with any recommendations that the Accord be amended at this time.

THE PEOPLE OF THE TERRITORIES SPEAK

A Question of Justice

"What the Meech Lake accord will do to the Yukon people, if signed, at least in the present form, is one that I feel very strongly about, as the other parties in the legislature do as well. I think it is very much an issue that has united people in the territories, very much an issue that we feel very strongly about." (*Mr. Jim McLachlan, Acting Leader, Yukon Liberal Party, p. 1:41*)

"Our organization, the Yukon Status of Women, has received assurances from Barbara McDougall, the Minister responsible for the Status of Women, that the intention of the present government is not in any way to jeopardize women's equality by this accord. The problem we have with this is that intentions do not count. We cannot take intentions to the court when the courts are interpreting the wording of the legislation. Our question is what is possibly lost by safeguarding the rights that have now been enshrined in the Charter." (*Mrs. Lynn Gaudet, Yukon Status of Women Council, p. 1:52*)

"We have elected a government in Yukon, and we have been trying to get representation on all the different boards. The leaders of our parties were down there and we never had a say. Now they say this is an accord for all of Canada. But how can it be all of Canada when we in the Yukon were not even represented at the Conference? We had no input into it. If we had had input and this was the result, we would have had to keep quiet, because our leader was there." (*Mr. Patrick Olsen, p. 1:119*)

"Today, we are frustrated and concerned because we do not understand why the Prime Minister and the Premiers want to treat us differently. Why should we be treated differently from other regions of Canada in the way in which we will acquire provincial status? Most southerners have no idea what our land is like here in the north, or how we live, or how we have learned to live together, or how we have learned to live under Ottawa's administration. Why then do they now wish to interfere in our political development? And why do they wish to prejudice the chance for the Yukon to determine who should be appointed to the Senate, or who should be nominated to be a Supreme Court judge? We do

not understand why the Government of Canada seems to be forcing northerners to have to use the Charter of Rights to assert our rightful place in Canada. We do not understand why we cannot participate, as other Canadians do, at First Ministers' conferences through elected officials." (*Mr. D. Hogan, Mayor, Village of Teslin, p. 1:151*)

"One of the motivating features of the land claims process in Yukon was that we wanted the aboriginal people to be full partners in Yukon's future and of course were holding that out as a goal. The goal becomes somewhat hollow if Yukon itself does not really have much future because of these roadblocks that are placed in the way of eventual provincehood and a full voice in such things as Senate appointments, and so on. It is less attractive to the aboriginal people in determining how they want to be part of partnership. A partnership in what? It is like saying that you will be given 50p. 100 of the stock in a company. If the company is going to go bankrupt tomorrow because of Black Friday of Black Monday, then it is not a very attractive offer. So that is one thing that is negative." (*Mr. Willard Phelps, Leader of the Opposition, Yukon, p. 1:171*)

"Subsections 41. (h) and 41. (i) of the proposed amendments would require the consent of all the provinces and the federal government for the creation of new provinces or extension of existing provinces into the territories. These amendments would require an accountable decision from people representing all areas of Canada except the residents most affected, those living in the territories. Surely this is an untenable principle in our democracy. Representatives of our territorial government have been excluded and apparently will continue to be excluded from the discussion of constitutional amendments that affect us.

The Yukon has an identity and a history as an entity that is unique in Canada. Our boundaries are clearly defined. This distinctive environment should be preserved, not seen as a simple chunk of real estate to be carved up according to the requirements of the existing provinces." (*Mrs. Linda Boychuk, Co-ordinator, Victoria Faulkner Women's Center, p. 1:173*)

"The Meech Lake accord would provide or cause a weakened nationhood. By establishing the requirement for unanimous consent by the provinces to all important constitutional amendments, this accord effectively ensures the impossibility of any future amendments, because we cannot get consensus in Canada. Since any one province could nullify the desires of any or all of the others, Canadian unity would dissolve into 12 tribal areas pursuing parochial interests without regard to the general welfare of the nation as a whole." (*Mr. Jacob de Raadt, p. 1:228*)

"It is the opinion of the Dawson City Chamber of Commerce that the Meech Lake Accord as presently formulated creates a situation where the rights and freedoms of northerners are compromised. The citizens of Yukon will not have the opportunity to fully participate in Confederation. Because it is now required that there be unanimous support of the existing provinces before the admission of a new province, we, as Yukoners feel that the

right and privilege of provincehood has effectively been eliminated." (*Mr. Gerry McCully, President, Dawson City Chamber of Commerce, Brief, p. 1*)

"Although we are rightfully proud of our uniquely northern heritage, we are first and foremost Canadians. As such we are pleased that an agreement has been reached among the premiers, which will bring the Province of Quebec into its proper place within the Canadian Confederation." (*Mr. Don Strang, Deputy Mayor, Yellowknife, p. 2:39*)

"Like most organizations of northerners who have appeared before you, I think it is good for the Canadian family to have Quebec in there." (*Mr. Stephen Whipp, Vice President of Yellowknife Western Arctic New Democratic Party Association, p. 2:85*)

"Clearly the Canadian political institutions have failed the north." (*Emerald Murphy, p. 2:90*)

"I think a lot of us are really beginning to feel that we have been betrayed. We feel that we are not being represented properly. We are Canadians. I do not think that southern politicians realize that we live in one-third of Canada." (*Mr. Pat McMahan, p. 2:106*)

"As a matter of record, the chamber associates itself specifically with the position on the accord advanced by the Government of the Northwest Territories and more generally with the concerns of all northern Canadians on this important matter." (*Mr. Len Jason, director, Yellowknife Chamber of Commerce, p. 2:109*)

"If we are denied our rightful place in the Constitution, government will continue to ride roughshod over native people and northern groups, and northern individuals as well." (*Mr. Fred Turner, p. 2:128*)

"If we are not considered of equal status with the fellow who lives in Alberta or Prince Edward Island, we will never have the right to make our own decisions about the things which affect us internally." (*Mr. Eric Watt, p. 2:174*)

"Personally, I am against any accord that empowers other people or provinces or governments to say what we as northerners...that gives the right to say to us northerners: You cannot grow up, you cannot grow to your full potential." (*Mr. Lawrence Norbert, p. 2:175*)

"We have had our people from the north fight for this country; let us not treat them as second-class citizens. In my book, as far as I am concerned - I do not care what anybody says - those people have fought for our country; they are first-class citizens and should be treated as such." (*Mr. Larry Tourangeau, p. 2:179*)

"Rather than an iniquitous plot, I think the Meech Lake accord betrays Canadian ignorance of the north and its potential to enrich our cultural heritage and our national

economy. Until this terrible injustice is undone, Canada will be incomplete, Canada will not be the great northern country celebrated in our national anthem, in paintings of the Group of Seven, in the novels of Jack London and the poems of Robert Service. Canada will be a modern country harbouring the shame of a colony within." (Mr. Dennis Patterson, *Minister of Education, Aboriginal Rights and Constitutional Development, Northwest Territories*, p. 3:18)

"The Prime Minister of Canada has stated this government, his government, has actively promoted the steady expansion of responsible government in the Yukon and the Northwest Territories, and will continue to give to both territories the support they need for the next stage in their constitutional development. You will appreciate that it becomes difficult to develop great expectations in territorial constitutional development on the one hand, while being left out of national constitutional development on the other. A foul ball is still a strike, and that is certainly one against us." (Mr. Andy Thériault, *Mayor of Iqaluit*, p.3:52)

"I now proceed to say many of the things that the people who have preceded me are saying. In British Columbia, Tumuk had no rights to appoint Supreme Court judges, to appoint senators or to input to the political future of British Columbia. In Iqaluit, Tumuk still has no rights to appoint members of the Senate, to appoint Supreme Court justices or to input to the political future of his country.

However, in Toronto, I had each of these rights and more. By moving to Iqaluit I no longer have maintained these same rights. This draws into question the premise that Canada has a system that makes all people equal. The dogs are equal in that their rights remain the same, but my rights change as I move about the country in which I was born." (Mr. Al Woodhouse, p.3:57)

"The other thing that bothers me is dealing with sovereignty. How in heaven's name can a country exercise sovereignty when the people who are there to represent that country do not possess the rights and privileges of the majority of people they are representing. When you take away certain rights and privileges of people in the north, it is very difficult for us to truly represent sovereignty in the north. We are not equal in all respects." (Mr. Frank Pearce, p.3:59)

"As a native, I watched on the outer porch of this land, the results of a life - time's work going down the drain with the hand shakes and rhetoric of Meech Lake Accord." (Mr. Peter Ernerk, *President, Keewatin Inuit Association, Brief*, p. 1)

"There have been no land claims, no Nunavut, no accord at the Meech Lake gathering." (Mr. A. Okpik, *O.C., Brief*, p. 2)

Political and Historical Context

"Yukon has been a part of the Confederation since very early days, with some of it even in 1867, over 100 years ago, and now it is not even considered in 1987. Yukon does not have a lieutenant-governor, as do the provinces, but we do have a commissioner, which is the equivalent. They have not always been called by that title, but have been known as controller, comptroller, royal commissioner. Nevertheless, they have been representative, taking instructions from Ottawa, and as one of these gentlemen once said, it was like driving a team of horses with 3,000 miles of rein." (*Mr. Laurent Cyr, President, Yukon Council on Aging, p.1:102*)

"Now that the provinces have been given this power over the north regarding our political evolution, we wonder if this same principle will apply to other areas such as federal, social and economic programs and financial support for the government of the Northwest Territories." (*Mrs. Vicki Boudreau, Deputy Mayor, Town of Inuvik, p. 2:133*)

Participation in Federation

"In short, Yukoners are powerless. We cannot shape our destiny the way Canadians in the provinces can. We cannot allocate resources we do not own. We cannot appeal decisions that affect our daily lives. We cannot hold the decision-makers accountable for their actions.

Powerless citizens are second-class citizens; and this is offensive. It is offensive to the spirit of the Canadian Constitution, which sought to make every Canadian equal. Legal uncertainty and inequality have no place in Canada. There must be an end to second-class citizenship." (*Mr. Steven Smyth, p. 1:155*)

"Many Northerners doubt we will ever be represented at the constitutional table even if the subject of future Northern provincehood arises. The fact that the Northern Territories were not asked about the Meech Lake Accord has left us uneasy and distrustful of the process." (*Mr. Arnold Hedstrom Brief, p. 3*)

"We cannot believe that the people of Quebec have demanded the exclusion of northerners and aboriginal people from the constitutional process as a condition of their entry into the Canadian family." (*Mr. Mike Paulette, President, Metis Association of the Northwest Territories, p. 2:32*)

"All Canadians, except northerners, get two votes at First Ministers' conferences, one cast by the federal government and one cast by a provincial representative. Northerners get only one vote, that cast by the Prime Minister. The agreement hammered out in the

Langevin Block clearly shows that we are not in good hands." (Mr. Terry Foster, President, *Western Arctic Liberal Association*, p. 2:27)

"The federal government does not recognize northerners as full Canadian citizens in its constitutional deliberations." (Mr. Douglas Marshall, Secretary-Treasurer, *Northwest Territories Federation of Labour*, p. 2:114)

"For us, Northern Canadians, the issue has nothing to do with whether we are against Quebec or against the Quebec people or against the rights of French Canadians. It has to do with our rights as Canadians and particularly our right to participate in the discussions in order to ensure that the interests of the North are protected." (Mr. Kit Spence, p. 2:154)

Extension of Provincial Boundaries

"There are not advantages that I can see for any province, not to mention all ten of them, to vote in favour of an eleventh or twelfth partner. However, the two territories are very tempting prizes for the skilled negotiator who can make an attractive deal with both the federal government and the six provincial brothers. Boundary expansion is the most logical scenario for at least four of our ten provinces. Apart from this being the most abhorrent option I can think of as a Yukoner, as things stand now we would only be bystanders without input. Of all the indignities perpetrated on the Yukon, that would be the worst. Unfortunately, in my opinion it is probably the most likely." (Mrs. Ione Christensen, p. 1:90)

"The extension of provinces into the territories: One might say that this is one area of the Constitution that will be improved under the accord, as all 10 provinces plus the Senate and the House of Commons would have to agree to any extension of provinces into the territories. However, this section was, and will remain, an affront to the people of the territories. Surely we should have some say if a province decides they would like part of our territories. In fact, we should have the right to say no. I for one want to remain a Yukoner." (Mr. Keith Lay, p. 1:111)

"On the extension of provincial boundaries, our major concern is that there is no provision in the accord requiring the consent of the territory affected to such an extension. The people of the northern territories, with their own elected governments, and especially with the unique population distribution of aboriginal and non-native peoples, deserve at least the right to be consulted about whether they want to become part of one of the existing provinces." (Mr. John Vertes, President, *Western Arctic Progressive Conservative Riding Association*, p. 2:95)

"It is clear to me, even as a non-politician, so to speak, having a non-awareness of the legislature, that it was really a strong ploy to leave out the Northwest Territories and to leave the option later to access into the territories through expansion of the provincial borders." (*Mrs. Arlene Haché, Northwest Territories Federation of Labour, p. 2:121*)

"There is definitely a danger for the provinces to extend their boundaries, especially through the Northwest Territories area. We are looking at Quebec, Ontario, Manitoba, Saskatchewan, and Alberta, especially those provinces. Undoubtedly in the past some of the provinces have had in the back of their minds they would like to extend their boundaries into the territories. There is always that danger, especially when the Inuit in the eastern Arctic are aggressively or very heavily involved in the negotiations of a division of the territories, which, in our opinion, is a necessity to unify the Inuit across the north as a Nunavut government, where the majority of the people would be the Inuit. This Nunavut government, if it is created, has the potential of provincehood in the future; not necessarily immediately, but depending upon the negotiations between the Western Constitutional Forum as well as the Eastern Constitutional Forum. If the provinces were to extend their boundaries to the rest of the territories, then our aboriginal Inuit will be fragmented, following different provincial legislations." (*Mr. Louis Tapardguk, Baffin Regional Council and Baffin Region Inuit Association, p. 3:42*)

Creation of New Provinces

"First and foremost, we abhor the powerful and totally unwarranted veto given to each and every province in denying provincial status to northerners when we reach that state of maturity; and that day will surely come. If we are to continue to contribute to national goals and aspirations as we have so ably done in the past, then no province should have blackball veto to keep northerners from having an equal say in the affairs of Canada." (*Mr. Art Deer, President, Association of Yukon Communities, p. 1:44*)

"The thing that concerns me is that we are developing I think fairly strongly on the territorial level. Our infrastructure is getting stronger and everything else. We have good representation, but if our representatives are not heard on a national level, then how can we ever get past this point in our development? If there is nothing in place and if it is taken away from us, then we could never become a province. We could never have even a say in becoming a province. That is the big concern." (*Mrs. Claire Briand, Elsa Hamlet Council, p. 1:64*)

"I think unanimity from 10 different areas plus the federal government must be an impossible task to achieve. It seems that in this last accord self-interest was placed all the way down the line to each province, and they each gained something. What are we going to offer each one of those individual provinces at the time this question comes up, to persuade

or entice them to agree to the provincehood." (*Mr. David Philpott, Tourism Industry Association of Yukon, p. 1:72*)

"Whereas the federal government continues contributing to the maturation of the northern jurisdictions through assisting in the development of the territorial governments, transferring blocks of land and pursuing a settlement on the land claims table, it is not prepared to protect the constitutional gateway so the territories may at a future date pass through. The Meech Lake accord will provide a most effective barrier to this constitutional step, one which the Province of Alberta and its constitutional partners did not have to face. In this we see not merely an injustice to the northern people of Canada, but also a sign of a departure from the constitutional framework, the heritage of this nation. Canada's Constitution has developed as a consequence of its history, a history which speaks to the fact that it has traditionally been willing to grant new regions, its maturing territories, the right of provincial status. This has been considered not foreign to, but part of that national interest." (*Mr. Kirk Cameron, p. 1:80 and 1:81*)

"We have had plans. I have had a plan. Yukoners have been charting a course. We have always gone the same direction: that being the ideal of becoming an equal partner in Confederation, in the Dominion of Canada. We are unlikely to seek provincehood tomorrow, but when the Yukon has matured, and it is maturing quite well, the right to self-determination should be made available to us and be decided by those most affected, by the Yukoners, by the people in the north not, by the federal government together with 10 provinces who would probably make a decision to their own ends, not to ours." (*Mr. H.K. Law, Deputy Mayor, City of Whitehorse, p. 1:44 and 1:45*)

"According to the current terms of the 1987 Constitutional Accord, Yukoners and other northerners will be the only Canadians who do not have have a say in determining whether or not Yukon will ultimately become a province. This situation is unfair and is intolerable in a free and democratic society. As the people directly affected, surely we deserve a say in shaping our own destiny." (*Mr. Mark Obstfeld and Concerned Youth, p. 1:162*)

"I think there is a cherished goal of many politicians and many people in the Yukon Territory, and it was alluded to by Mr. Penikett in his address yesterday, and that is the concept of a social contract. The Meech Lake accord violates the social contract that is being worked out. It is an objective in the Yukon, because we have not established it yet. It is a sort of dysfunctional process at the moment.

Non-native Yukoners see political objectives in terms of provincial status in the long term. Native Yukoners, though, see it in a different context. They see it as achieving a land claims settlement, achieving self-government, and then they are prepared to negotiate the social contract. I think the Meech Lake accord dashes those two cherished hopes of

Yukoners. It dashes the hopes for a social contract for a long time to come." (*Mr. Ron Veale, p. 1:181 and 1:182*)

"Last May 21 in Quebec City at the annual general meeting of the Council for Canadian Unity, of which I was the provincial chairman for the Yukon, a panel of three very distinguished speakers addressed the theme of economic regional disparities and their effect on Canadian unity. They were the Hon. Bill Bennett, Senator Pierre De Bané and the Hon. Joseph A. Ghiz, Premier of Prince Edward Island.

I asked Mr. Ghiz why it had been necessary for him, as one of the First Ministers at Meech Lake, to close the door on the northern third of Canada in order to open the door to Quebec. And he said: We cannot have you people up there forming two or three new provinces, you know; it would affect our proportionate share of federal revenues." (*Mrs. Flo Whyard, p. 1:201*)

"It angers me to find out that in order for the Yukon to gain provincehood we will have to get agreement from all 10 provinces. Certainly all the current premiers, or the nine that were around at that time, assured us that there would be no reason for them to stand in our way. However, they will not be here. It might be 10 or 20 years before provincehood is applied for; I do not know. I am sure that they will not be the same premiers and I am certain that they will come up with reasons to bar Yukon from becoming a province." (*Ms. Yvonne Harris, p. 1:210*)

"As do most Canadians, we applaud the general intention of the Meech Lake Accord. However, as citizens of a free, democratic society, we must tell you that we feel strongly that it is probably illegal to make major decisions about our future without our viewpoint being represented.

This happened initially in our not being represented when the Meech Lake Accord was put together. For the Government of Canada to continue to proceed and perhaps ultimately implement this accord without our consent as Yukoners is not democratic and therefore, we feel, illegal." (*Mr. Frank Taylor, President, Klondyke Placer Miners Association, p. 1:216*)

"This same general amending formula effectively bars our aboriginal people from achieving their rightful goals of self-determination without federal-provincial unanimity. This amending formula virtually guarantees that aboriginal people and northerners can never be more than second-class Canadians in our own country, a concept repugnant to us all.

As a federation and as northerners, we see too many negatives in this amending formula for us to accept it. It is a constitutional straitjacket, denying us a voice in our own future and any hope we might have for future provincehood." (*Mr. John Sheppard, President, Yukon Federation of Labour, p. 1:221*)

"We see little difference between our abilities to govern ourselves today and the capabilities of the existing provinces at the time they were joining the Canadian Federation. Timing seems to be the difference. We, as Yukoners have missed the chance and now it appears there will be no further opportunity." (Mr. G. Castellarin, President, Klondike Visitors Association, Brief, p. 2)

"Consider the scenarios when future Prime Ministers and premiers contemplate a deal that would allow the Yukon or the Northwest Territories to become provinces. The territories become a hostage of each and every province in its negotiations with the Government of Canada, assuming the Government of Canada is supporting the attainment of provincial status. What would the Government of Canada have to give to the provinces—to each and all of the provinces—to secure their agreement?" (Mr. Gerry Sutton, Member, Western Arctic New Democratic Party Association, p. 2:77)

"We are voting for everybody. The legislative assembly is elected. The federal seats are elected. We have the economic base to become a province. Under all circumstances, we have the economic base to become the most powerful province. We have that. It just takes us time, but do not cut us off now." (Mr. Joseph Lanzon, p. 2:164)

"We also have great difficulty with the unanimity requirement with respect to the creation of new provinces. This issue has been explained to you by the governments of the Yukon and the Northwest Territories. The repeal of the existing paragraphs 42(e) and (f) of the constitution was slated for discussion under the 1983 Constitutional Accord, and it has yet to be seriously dealt with." (Mr. Zebedee Nungak, Co-chairman, Inuit Committee on National Issues, p. 2:28)

"What we object to in the Meech Lake Accord, as I said before, is that it practically closes the door on any other new provinces being admitted into Confederation. I understand that our Member of Parliament, Thomas Suluk, said the Inuit are not very concerned about provincial status. Perhaps we are not at this time, but we do not want to close the door. We do not want to close the door on the future. Who knows how things will be a number of years down the road?" (Mr. John Amagoalik, Nunavut Constitutional Forum, p. 3:47)

"It also means that our socio-economic, political and judicial future will always be in jeopardy as long as we are excluded from section 92 of the Constitutional Act. This means as long as we do not become a province, we are going to be what we are today—pawns of the federal government." (Mr. Francis Piugattuk, p. 3:61)

"I am concerned about the legalization of a land grab of the territories by provinces. I am concerned about the role for provinces that has been put into the accord, which will affect provincial status for the territories. I feel this is a flagrant breach of our fundamental political rights. Previously, provincial status was granted between petitioners and the federal Parliament without anyone else involved." (Mr. Saali Peter, p. 3:63)

Another Distinct Society?

"Who can be referred to as being more distinct than aboriginal peoples of North America, more so in reference to this land we call Turtle Island? The history of aboriginal peoples on Turtle Island goes back to before Christ and is synonymous with the great flood of the world. Our people still make reference to that around Ross River today. We continue to practice our customs, culture, and lifestyle that govern the survival of aboriginal peoples in Canada." (*Chief Hammond Dick, Ross River Dene Council, p. 1:96*)

"The Council for Yukon Indians has specific concerns about the Meech Lake accord concerning self-government and land claims. The Crown, or the federal government, in its policy refuses to include our self-government in the land claims process. In the north, land claims agreements are being negotiated with the aboriginal people. These agreements will recognize our people's ownership over lands and resources and management responsibilities for these resources. Because these agreements are under section 35 of the Constitution, because of the Meech Lake accord, we are concerned about these agreements being given constitutional protection when settled. Will they be considered as constitutional amendments and therefore now require the consent of all the provinces? That is a major concern of the Yukon Indian First Nations: that if we are to enumerate our rights in land claims agreements and these land claims agreements are in fact amendments to the Constitution, then it would require the unanimous consent of all the provinces." (*Mr. Mike Smith, President, Council for Yukon Indians, p. 1:133 and 1:134*)

"The section stating Quebec is a distinct society raises questions in my mind when you consider, before the white man came 400 or 500 years ago, the natives had a distinct society. We had our own unique culture, our own language, our own history, our own heritage, our own spiritual values, our own communities, and most important, we had our own self-government. I do not know how more distinct you can get before you are recognized as a First Nations people who were the original inhabitants of this country. As original people we deserve the same recognition as Quebec, or maybe I should say we deserve to be recognized as distinct society number one and Quebec be recognized as society number two." (*Mr. James Allen, p. 1:232 and 1:233*)

"I only hope that the aboriginal peoples will also eventually be recognized as the first and most distinct society in Canada. There have been strong attempts to get aboriginal rights entrenched in the Constitution, but the Premiers and the Prime Minister fell short. Naturally, many aboriginal people wonder how Quebec can get it so easily. Nevertheless, I would not take it away from the French people. Like the aboriginal people, they are a distinct society and deserve to be recognized as such." (*The Honourable Nick Sibbeston, Leader of the Government of the Northwest Territories, p. 2:25*)

"The ultimate expression of the drive for self-determination in the territories is captured by the image of provincehood. That is why all northerners, both native and non-

native, share a repugnance towards the Meech Lake accord. We should be clear that our objective is not so much to attain the trappings of provincehood as it is to realize the opportunity to control our own destinies. Northerners want the same independence from Ottawa as is symbolized by provincehood in southern Canada." (*Mr. Bill Erasmus, President, Dene Nation, p. 2:29*)

"We emphasize that while very proud of our distinctive identity and culture as the very first group of Canadians, we are first and foremost Canadians." (*Mr. Roger Gruben, Chief Regional Councillor, Inuvialuit Regional Corporation, p. 2:140 and 2:141*)

Let There be Justice

"We are talking about changes to our rights. We are talking about changes being made in a way that is fundamentally undemocratic as it affects our interests. We are being asked to hope that somehow under these new rules, which we find offensive, the problem will be corrected later. I find that improbable and unfair." (*The Honourable Tony Penikett, Leader of the Government of Yukon, p. 1:20*)

"I do not dispute the fact that when one brings Quebec in then there is a trade-off to get more input from the other provinces. I would have hoped they had been more broad-thinking in their approach. As early as 1910, Henri Bourassa talked about a Canada where a citizen of Quebec would feel at home from coast to coast and not simply in the province of Quebec. Unfortunately, our provincial premiers did not share his breadth of vision, in the sense they thought for themselves only and forget about certain other important parts of Canada, including the north. I would have hoped that the "piggyness", if I could use that term, of the provincial premiers in grabbing power for their own provinces, or to balance the traditional imbalance, had thought a little more beyond the immediate power grab and though more towards the long term, and I think the long term has to include the north of Canada." (*Mr. Bruce Willis, President, Law Society of Yukon and President, Yukon Branch of the Canadian Bar Association, p. 1:26 et 1:27*)

"I hope Canadians will hold the door open for the future of native and non-native northerners and will make our prospects greater." (*Ms. Leah McTiernan, p. 1:151*)

"We speak here in the present about actions taken in the immediate past. Yet let us be clear that what we truly speak about is our future first of our children and the future of the north - that is, the Yukon and the Northwest Territories - perhaps even about the future of Canada itself." (*Mr. Doug Bell, p. 1:189*)



"If you have not heard some egregious things in Whitehorse and Yellowknife, you are never going to hear anything egregious. Is there any doubt that this thing is broken and

needs fixing, when you look at the concerns of northerners, the concerns of aboriginal people, women's issues and the jeopardy of equality rights?" (*Mr. Ted Richard, p. 2:48*)

"Will the legitimate claims of the aboriginal people of the Northwest Territories be vetted before the premiers to see how these claims will affect the aspirations or designs of the provinces? Can we accept the promises of a second round where we might have some say in decisions which affect our future? As we have already said, we had that sort of promise in 1983 in writing in a solemn constitutional accord, but it was totally ignored at Meech Lake." (*The Honourable Michael Ballantyne, Minister of Justice, Northwest Territories, p. 2:57*)

"NOW THEREFORE we, the Oblate Missionaries of Mary Immaculate of Manitoba resolve that the 1987 Constitutional Accord, known as the Meech Lake accord, be amended in such a way that the rights and freedoms of all aboriginal peoples and residents of the Northwest Territories be once and for all recognized and respected.

This goal will only be achieved by working together as equal partners in our federation, in the spirit of the first inhabitants of this country, the Inuit and Indians peoples, and of those who worked together for many centuries to make Canada a free and bountiful country." (*Father Patrick Lorand, Oblate Missionaries of Mary Immaculate, Manitoba, p. 3:60*)


**1983 CONSTITUTIONAL
 ACCORD ON ABORIGINAL
 RIGHTS**


Whereas pursuant to section 37 of the **Constitution Act, 1982**, a constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces was held on March 15 and 16, 1983, to which representatives of the aboriginal peoples of Canada and elected representatives of the governments of the Yukon Territory and the Northwest Territories were invited;

And whereas it was agreed at that conference that certain amendments to the **Constitution Act, 1982** would be sought in accordance with section 38 of that Act;

And whereas that conference had included in its agenda the following matters that directly affect the aboriginal peoples of Canada:

AGENDA

1. Charter of Rights of the Aboriginal Peoples (expanded Part II) including:
 - Preamble
 - Removal of "Existing", and expansion of Section 35 to include recognition of modern treaties, treaties signed outside Canada and before Confederation, and specific mention of "Aboriginal Title" including the rights of aboriginal peoples of Canada to a land and water base (including land base for the Metis)
 - Statement of the particular rights of aboriginal peoples
 - Statement of principles
 - Equality
 - Enforcement
 - Interpretation
2. Amending formula revisions, including:
 - Amendments on aboriginal matters not to be subject to provincial opting out (Section 42)
 - Consent clause,
3. Self-government
4. Repeal of Section 42(1)(e) and (f)
5. Amendments to Part III, including:
 - Equalization) Resourcing of
 - Cost-sharing) aboriginal governments
 - Service delivery)

6. Ongoing process, including further **first ministers conferences and the entrenchment of necessary mechanisms to implement rights**

And whereas that conference was unable to complete its full consideration of all the agenda items;

And whereas it was agreed at that conference that future conferences be held at which those agenda items and other constitutional matters that directly affect the aboriginal peoples of Canada will be discussed;

NOW THEREFORE the Government of Canada and the provincial governments hereby agree as follows:

1. A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces will be convened by the Prime Minister of Canada within one year after the completion of the constitutional conference held on March 15 and 16, 1983.
2. The conference convened under subsection (1) shall have included in its agenda those items that were not fully considered at the conference held on March 15 and 16, 1983, and the Prime Minister of Canada shall invite representatives of the aboriginal peoples of Canada to participate in the discussions on those items.
3. The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of the conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.
4. The Prime Minister of Canada will lay or cause to be laid before the Senate and House of Commons, and the first ministers of the provinces will lay or cause to be laid before their legislative assemblies, prior to December 31, 1983, a resolution in the form set out in the Schedule to authorize a proclamation to be issued by the Governor General under the Great Seal of Canada to amend the **Constitution Act, 1982**.

5. In preparation for the constitutional conferences contemplated by this Accord, meetings composed of ministers of the governments of Canada and the provinces, together with representatives of the aboriginal peoples of Canada and elected representatives of the governments of the Yukon Territory and the Northwest Territories, shall be convened at least annually by the government of Canada.
6. Nothing in this Accord is intended to preclude, or substitute for, any bilateral or other discussions or agreements between governments and the various aboriginal peoples and, in particular, having regard to the authority of Parliament under Class 24 of section 91 of the **Constitution Act, 1867**, and to the special relationship that has existed and continues to exist between the Parliament and government of Canada and the peoples referred to in that Class, this Accord is made without prejudice to any bilateral process that has been or may be established between the government of Canada and those peoples.
7. Nothing in this Accord shall be construed so as to affect the interpretation of the Constitution of Canada.



Signed at Ottawa this 16th day of March, 1983 by the Government of Canada and the provincial governments:

Canada

Ontario

British Columbia
Colombie-Britannique

Québec

Prince Edward Island
Île-du-Prince-Édouard

Nova Scotia
Nouvelle-Écosse

Saskatchewan

New Brunswick
Nouveau-Brunswick

Alberta

Manitoba

Newfoundland
Terre-Neuve

AND WITH THE PARTICIPATION OF:

Assembly of First Nations
Assemblée des Premières Nations

Inuit Committee on National Issues
Comité inuit sur les Affaires nationales

Métis National Council
Ralliement national des Métis

Native Council of Canada
Conseil des Autochtones du Canada

Yukon Territory
Territoire du Yukon

Northwest Territories
Territoires du Nord-Ouest

SCHEDULE

Motion for a Resolution to authorize His Excellency the Governor General to issue a proclamation respecting amendments to the Constitution of Canada

Whereas the **Constitution Act, 1982** provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies as provided for in section 38 thereof;

And Whereas the Constitution of Canada, reflecting the country and Canadian society, continues to develop and strengthen the rights and freedoms that it guarantees;

And Whereas, after a gradual transition of Canada from colonial status to the status of an independent and sovereign state, Canadians have, as of April 17, 1982, full authority to amend their Constitution in Canada;

And Whereas historically and equitably it is fitting that the early exercise of that full authority should relate to the rights and freedoms of the first inhabitants of Canada, the aboriginal peoples;

Now Therefore the [Senate] [House of Commons] [legislative assembly] resolves that His Excellency the Governor General be authorized to issue a proclamation under the Great Seal of Canada amending the Constitution of Canada as follows:

PROCLAMATION AMENDING THE CONSTITUTION OF CANADA

1. Paragraph 25(b) of the **Constitution Act, 1982** is repealed and the following substituted therefor:

"(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired."

2. Section 35 of the **Constitution Act, 1982** is amended by adding thereto the following subsections:

"(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired."

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons."

3. The said Act is further amended by adding thereto, immediately after section 35 thereof, the following section:

"35.1 The government of Canada and the provincial governments are committed to the principle that, before any

amendment is made to Class 24 of section 91 of the **Constitution Act, 1867**, to section 25 of this Act or to this Part,

(a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada, and

(b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item"

4. The said Act is further amended by adding thereto, immediately after section 37 thereof the following Part "PART IV.1

CONSTITUTIONAL CONFERENCES

37.1(1) In addition to the conference convened in March 1983, at least two constitutional conferences composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada, the first within three years after April 17, 1982 and the second within five years after that date.

(2) Each conference convened under subsection (1) shall have included in its agenda constitutional matters that directly affect the aboriginal peoples of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on those matters.

(3) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of a conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories."

(4) Nothing in this section shall be construed so as to derogate from subsection 35(1)

5. The said Act is further amended by adding thereto, immediately after section 54 thereof, the following section:

"54.1 Part IV.1 and this section are repealed on April 18, 1987."

6. The said Act is further amended by adding thereto the following section

"61. A reference to the **Constitution Acts, 1867 to 1982** shall be deemed to include a reference to the **Constitution Amendment Proclamation, 1983.**"

7. This Proclamation may be cited as the **Constitution Amendment Proclamation, 1983.**

Constitutional conferences

Participation of aboriginal peoples

Participation of territories

Subsection 35 (1) not affected

Repeal of Part IV.1 and this section

References

Citation

Land claims agreements

Aboriginal and treaty rights are guaranteed equally to both sexes

Commitment to participation in constitutional conference

APPENDIX B

WITNESSES

WHITEHORSE - Saturday, October 24, 1987 - Issue no. 1

From the Government of the Yukon:

The Honourable Tony Penikett, Government Leader.

From the Yukon Liberal Party:

Mr. Jim McLachlan, Leader of the Yukon Liberal Party.

From the Association of the Yukon Communities:

Mr. Art Deer, President.

From the Yukon Status of Women Council:

Mrs. Lynn Gaudet.

From the Elsa Hamlet Council:

Mrs. Claire Briand.

From the Tourism Industry Association of the Yukon:

Mr. David Philpott.

Mr. Kirk Cameron, Private Citizen.

Mrs. Ione Christensen, Private Citizen.

From the Ross River Dene Council:

Chief Hammond Dick.

From the Yukon Council on Aging:

Mr. Laurent Cyr, President.

Mr. Keith Lay, Private Citizen.

Mr. Pat Olsen, Private Citizen.

From the Law Society of Yukon:

Mr. Bruce Willis, President.

WHITEHORSE - Sunday, October 25, 1987 - Issue no. 1

From the Council of Yukon Indians:

Mr. Michael Smith.

From the Village of Whitehorse:

Mr. Bert Law, Deputy Mayor.

Ms. Leah McTiernan, Private Citizen.

From the Village of Teslin:

Mr. D. Hogan, Mayor.

Mr. Steven Smyth, Private Citizen.

From the Government of the Yukon:

Mr. Willard Phelps, Leader of the Opposition.

From the Victoria Falconer Women's Centre:

Mrs. Linda Boychuk, Coordinator.

Mr. Ron Veale, Private Citizen.

Mr. Doug Bell, Private Citizen.

From the Yukon Chamber of Mines:

Mr. Ron Granger, Director.

Mrs. Flo Whyard, Private Citizen.

Mrs. Yvonne Harris, Private Citizen.

From the Klondike Placer Mines Association:

Mrs. Marian Schmidt, Director.

From the Yukon Federation of Labour:

Mr. John Sheppard.

Mr. Jacob De Raadt, Private Citizen.

Mr. James Allen, Private Citizen.

YELLOWKNIFE - Tuesday, October 27, 1987 - Issue no. 2

From the Government of the Northwest Territories:

The Honourable Nick Sibbeston, Government Leader.

From the Dene Nation and the Metis Association of the Northwest Territories:

Mr. Bill Erasmus, President, Dene Nation;

Mr. Mike Paulette, President, Metis Association of the Northwest Territories.

From the City of Yellowknife:
Mr. Don Strang, Deputy Mayor.

From the Yellowknife South Constituency:
Mr. Ted Richard, M.L.A.

From the Government of the Northwest Territories:
The Hon. Michael Ballantyne, Minister of Justice.

From the Western Arctic Liberal Association:
Mr. Terry Foster, President.

From the Western Arctic New Democrats Association:
Mr. Stephen Whipp;
Mr. Gerry Sutton.

Emerald Murphy, Private Citizen.

From the Western Arctic Progressive Conservative Riding Association:
Mr. John Vertes, President.

Mr. Pat McMahon, Private Citizen.

From the Yellowknife Chamber of Commerce:
Mr. Len Jason;
Ms. Irene Sihvonen, General Manager.

YELLOWKNIFE - Wednesday, October 28, 1987 - Issue no. 2

From the N.W.T. Federation of Labour:
Mrs. Arlene Haché;
Mr. Douglas Marshall, Secretary Treasurer.

Mr. Fred Turner, Private Citizen.

From the Town of Inuvik:
Mrs. Vicki Boudreau, Deputy Mayor;
Mr. Tom Detlor, Planning Co-ordinator.

From the Inuvialuit Regional Corporation:
Mr. Roger Gruben;
Mr. John Banksland;
Mr. Eddie Dillan.

Mr. Kit Spence, Private Citizen.

Mr. Joseph Lanzon, Private Citizen.

Mr. Erik Watt, Private Citizen.

Mr. Lawrence Norbert, Private Citizen.

Mr. Larry Tourangeau, Private Citizen.

IQALUIT - Monday, November 2, 1987 - Issue no. 3

Mr. Dennis Patterson, Minister of Education and Aboriginal Rights and Constitutional Development.

From the Inuit Committee on National Issues:

Mr. Zebedee Nungak, Co-Chairman;

Mr. John Amagoalik, Co-Chairman.

From the Baffin Regional Counsel and Baffin Region Inuit Association:

Mr. Louis Tapardguk, President;

Mr. Mark Evaluaguk, Speaker.

From the Nunavut Constitutional Forum:

Mr. John Amagoalik.

Mr. Andy Thériault, Mayor of Iqaluit.

Mr. Al Woodhouse, Private Citizen.

Mr. Frank Pearce, Private Citizen.

From the Oblate Missionaries of Mary Immaculate (Province of Manitoba):

Father Patrick Lorand, O.M.I.

Mr. Francis Piugattuk, Private Citizen.

Mr. Saali Peter, Private Citizen.

APPENDIX C

SUBMISSIONS RECEIVED

The Task Force received submissions from the following groups and individuals :

Allen, Mr. James
Whitehorse, Yukon

Association of the Yukon Communities
Whitehorse, Yukon

Baffin Regional Counsel and Baffin Region Inuit Association
Iqaluit, N.W.T.

Bell, Mr. Doug
Whitehorse, Yukon

Cameron, Mr. Kirk
Whitehorse, Yukon

Christensen, Ms. Ione
Whitehorse, Yukon

Dawson City Chamber of Commerce
Dawson City, Yukon

Dene Nation and the Metis Association of the Northwest Territories
Yellowknife, N.W.T.

De Raadt, Mr. Jacob
Whitehorse, Yukon

Hedstrom, Mr. Arnold
Whitehorse, Yukon

Elsa Hamlet Council
Elsa, Yukon

Inuit Committee on National Issues
Ottawa, Ontario

Inuvialuit Regional Corporation
Inuvik, N.W.T.

Inuvik, Town of
Inuvik, N.W.T.

Iqaluit, City of
Iqaluit, N.W.T.

Keewatin Inuit Association
Rankin Inlet, N.W.T.

Klondike Placer Mines Association
Whitehorse, Yukon

Klondike Visitors Association
Dawson City, Yukon

Lay, Mr. Keith
Whitehorse, Yukon

McMahon, Mr. Pat
Yellowknife, N.W.T.

McTiernan, Ms. Leah
Whitehorse, Yukon

Murphy, Emerald
Yellowknife, N.W.T.

Northwest Territories, Government of the
Yellowknife, N.W.T.

Oblate Missionaries of Mary Immaculate
Province of Manitoba

Obstfeld, Mr. Mark
Whitehorse, Yukon

Okpik, O.C.
Ottawa, Ontario

Olsen, Mr. Pat
Whitehorse, Yukon

Phelps, Mr. Willard, Leader of the Opposition
Government of the Yukon
Whitehorse, Yukon

Piugattuk, Mr. Francis
Iqaluit, N.W.T.

Ross River Dene Council
Ross River, Yukon

Smyth, Mr. Steven
Whitehorse, Yukon

Teslin, Village of
Teslin, Yukon

Turner, Mr. Fred
Yellowknife, N.W.T.

Victoria Falconer Women's Centre
Whitehorse, Yukon

Western Arctic Liberal Association
Yellowknife, N.W.T.

Western Arctic New Democrats Association
Yellowknife, N.W.T.

Western Arctic Progressive Conservative Riding Association
Yellowknife, N.W.T.

Whitehorse, City of
Whitehorse, Yukon

Whyard, Mrs. Flo
Whitehorse, Yukon

Yellowknife Chamber of Commerce
Yellowknife, N.W.T.

Yellowknife, City of
Yellowknife, N.W.T.

Yukon Chamber of Mines
Whitehorse, Yukon

Yukon Council on Aging
Whitehorse, Yukon

Yukon Federation of Labour
Whitehorse, Yukon

Yukon, Government of the
Whitehorse, Yukon

Yukon Liberal Party
Whitehorse, Yukon

Yukon Status of Women Council
Whitehorse, Yukon

