

FEDERAL-PROVINCIAL MEETING OF MINISTERS
ON ABORIGINAL CONSTITUTIONAL MATTERS

Joint Statement by the Honourable Tony Penikett
Government Leader
Government of Yukon

and

The Honourable Dennis Patterson
Deputy Government Leader
Government of the Northwest Territories
on
Federal Comprehensive Claims Policy

OTTAWA, Ontario

June 12, 1986

The Governments of Yukon and the Northwest Territories express their strong support for a new federal comprehensive claims policy based on the Coolican Task Force Report. We urge the Government of Canada to move quickly to adopt and implement a new national comprehensive claims policy to promote co-operative negotiations to achieve fair and just settlements of aboriginal claims in the North.

In recognizing the diversity of needs and aspirations of Canada's aboriginal peoples, a new federal policy must be sufficiently flexible to embrace the rich diversity of aboriginal cultures across the country. Not all of our regions aspire to the same form of self-government or desire the same settlement of aboriginal rights. The two territories are proceeding in unique ways. There is an opportunity in the North to deal with aboriginal self-government in a manner not possible in the provinces. These processes should be allowed and encouraged to continue. The new policy must therefore reflect the Northern situation.

With respect to the concept of extinguishment, we note the attempt to extinguish rights has been firmly rejected by the aboriginal people of Canada, especially Northerners. It has become a primary obstacle to resolving claims in both the Yukon and the Northwest Territories. We believe effective settlements of comprehensive claims in the North must resolve past grievances and establish a social contract defining the rights and responsibilities of the parties. We support the belief that rights should be affirmed rather than extinguished. The issue should therefore not be extinguishment of rights but the removal of uncertainty respecting land and resources.

The implementation process is a vital part of any settlement. Any new policy should emphasize this aspect of claims settlements.

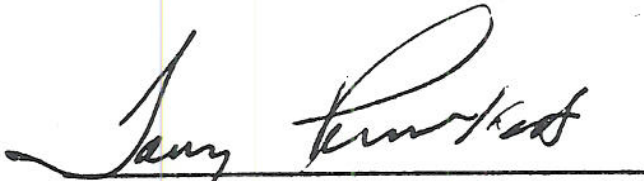
It is also our view that there is merit in pre-settlement implementation of claims sub-agreements on a case-by-case basis in the North. We believe that the attempt to conclude final, all-encompassing, one-time agreements creates administrative difficulties owing to lack of preparation for implementation and may lead to a waste of resources. We feel that by sharing in new responsibilities, training and resource requirements can be met, immediate benefits can be realized, and the inherent failings of a 'final moment' strategy avoided,

We recognize the need to ensure that aboriginal peoples have an adequate resource base to meet the social and economic objectives discussed in the Coolican Report.

In both Territories, efforts to provide the public with more information about claims have been stepped up recently. This is in recognition of the fact that the general public requires assurances that their interests are being taken into account at negotiations. A co-ordinated public relations and information strategy involving governments and aboriginal groups is being pursued in both Territories.

On the matter of a Commissioner of Claims, both the Yukon and Northwest Territorial governments agree that the establishment of such an office will provide a much-needed overseer of the process.

Canada has witnessed only two settlements of claims since 1973. The governments of the Yukon and Northwest Territories believe that just and expeditious settlements of aboriginal claims and native economic self-sufficiency can best be achieved in the framework of a new federal comprehensive claims policy based on the principles we have cited.



Tony Penikett
Government Leader
Yukon



Dennis Patterson
Deputy Government Leader
Northwest Territories

Monday, May

SEVEN DAYS

Native coalition seeks new land claims policy

SOME NATIVE land claims that have been held up for more than a decade by a flawed negotiations process could be settled in two years. The first step, says native leader Richard Sidney, would be federal cabinet endorsement of the March, 1986 recommendations of the federal task force on comprehensive land claims policy.

Sidney, of the Council for Yukon Indians, was in Victoria on Monday with other Indian and Inuit leaders to kick off a week-long, cross-country campaign in support of the report submitted to the federal government by task force chairman Murray Coolican. The nine native groups in the newly-formed Comprehensive Claims Coalition, supported by the church-based Project North lobby group (in Victoria, 479-7876), are urging the federal cabinet to adopt the report before Parliament recesses for the summer so that negotiations can resume quickly.

"I stress the urgency to have a new policy in place, a policy that's flexible, sympathetic, and appreciates our position," Sidney said. "The issues addressed by Coolican in this report are all the key elements that should be contained in a final comprehensive land claims settlement."

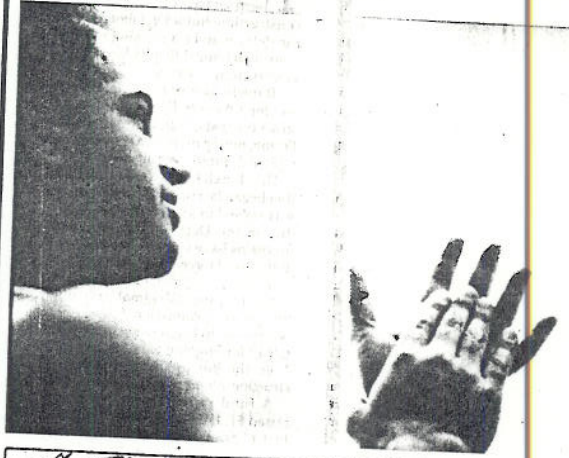
The Coolican report proposes that land claims negotiations—up to now little more than "real estate deals"—should be seen as an opportunity to restore native self-sufficiency and self-determination through direct participation in the management of local economic resources and control over native political and cultural institutions.

Bill Erasmus, of the Northwest Territories' Dene-Métis Association said the current policy's prerequisite that natives give up aboriginal rights in exchange for specific benefits has been the major barrier to successful negotiations. "This new policy is much more flexible. It allows for a broader base for negotiations, building a sound economic and land base and a political structure where we can develop our own institutions."

Without the new policy, the land claims issue will be left up to the courts—"a costly, time-consuming, no-win situation," he said.

Jack Kupeuna, of the Tungavik Federation of Nunavut in northern B.C., said the government's current negotiating policy is a costly failure. "We've been negotiating for 13 or 14 years and only three settlements have been signed—and the whole process has cost the government close to \$100 million." Failure to adopt the new policy would mean "we'll always be a drain" on the Canadian economy, he said, leaving indus-

What's on your mind this week?



To the Victoria Arts Collaborative has been invited to tour New York City the last two weeks of August 1986. We have no funding for transportation and are looking for ways to raise the money. Any ideas or contributions would be appreciated. It would be a great idea to thank Murray's people & open space for their support in producing our show.

Choreographer and dance instructor Constantine Darling, 38, was born in New York City. His latest project was the dance/music/art show, *Spiral Procedures*.

try without a sense of certainty. "Investors aren't comfortable not knowing what the rules are."

In addition to the federal government's outdated negotiating policy, land claims settlements in B.C. have been blocked by the provincial government which has refused to recognize aboriginal title ever since the province joined Confederation. But public opinion is siding with native groups, says Ven. Ian MacKenzie, Archdeacon of Caledonia and an appointed member of the Nisg'a Tribal Council.

Although neither the Meares Island nor the Gitksan-Wet'suwet'en claims (scheduled to go before the courts in Smithers in November) are directly involved in the comprehensive land claims process, MacKenzie thinks the process has aggravated those disputes. "Had this (Coolican) policy been in place, they might not have ended up

in court," he said.

MacKenzie also is hopeful that the political will in B.C. has changed. "Since 1979, the Opposition party has clearly said they'd participate (in land claims negotiations). Hopefully the new Socred leadership will have a more progressive approach, too."

—Richard Van Dine

TIMES-COLONIST Tuesday, June 3, 1986

Native leaders urge feds to adopt task force report

Native leaders say their people could stand on their own feet and contribute to the Canadian economy if the federal government adopted a federal task force report allowing them to settle comprehensive claim negotiations.

And B.C. could be saved 25 years of costly court litigations if it did the same, native group leaders said at a press conference in Victoria Monday.

After 13 years of negotiations that "have gotten nowhere," Richard Sidney of the Council for Yukon Indians said a federal policy based on the report could mean wrapping up negotiations in two years.

And that would mean a stable economic environment which would attract investment and promote Indian self-government, he said.

Under existing government policy, there have been only three settlements in 10 years.

Four members of the newly formed Comprehensive Claims Coalition, which represents nine major Indian and Inuit groups throughout Canada, started a cross-Canada tour in Victoria Monday. They are seeking support in their campaign to have the federal cabinet adopt the recommendations of the task force headed by Murray Coolican, a Halifax consultant specializing in native and energy

issues.

The report says native people need political and social structures to govern themselves instead of simple lump-sum cash and land awards.

It says current policy governing comprehensive aboriginal land claims is costly and ineffective and perpetuates the poverty cycle.

The report rejects the current policy asking native people to sign away their aboriginal rights as a precondition to negotiating a claim.

It says policy should concentrate less on money and land more on a transfer of power.

The Coolican report competes with the Nielsen task force on government

waste which suggested comprehensive claims be put on the back burner until aboriginal self-government is well in place.

"We want to emphasize that we feel it's of utmost importance to the aboriginal people of Canada that the Coolican report be recommended. We see the report itself as the first step in settling outstanding aboriginal rights. It will benefit the aboriginal people and the people of Canada," said Sidney of the Council for Yukon Indians.

Larry Gomu of the Nisg'a Tribal Council said there was "some possibility" of getting the provincial government to abide by such a policy if it

were adopted. "It might not be a legal responsibility but it would be a moral and economic imperative. It would remove uncertainty in the province regarding economic development."

He said this would be better than going through the lengthy process of court litigations.

"The public opinion is there in B.C. to support this," he said. Comprehensive land claims deal with native groups who never signed formal treaties with Ottawa although they use and occupy their traditional lands. They differ from specific claims which aim to settle certain breaches of treaty terms or obligations.

Jack Kupeuna of the Tungavik Federation of Nunavut in the Northwest Territories said the old policy was costing the government millions. "Failure to accept the Coolican report would be costly to all Canadians, simply because negotiations would not move forward.

"Unemployment is high. Industry is not happy. We are not happy. We want to become wage earners like everybody else. We don't want to be on the welfare rolls."

The coalition is receiving support from Project North, a church-based organization addressing the issues of aboriginal rights and northern development.