

DEMOCRATIC DEVOLUTION?

WHAT WE HEARD

A record of comments made at public meetings hosted by Alternatives North to discuss devolution of authority for lands and resources from the Government of Canada to the Government of the Northwest Territories prior to a vote in the Legislative Assembly.



31 May 2013

Democratic Devolution?

Alternatives North is a social justice coalition operating in the Northwest Territories. It seeks to enhance public discussion and understanding of the devolution of authorities from the Government of Canada to the Government of the Northwest Territories.

In March 2013, Alternatives North released **Public Attitudes Towards Devolution of Powers to the Government of the Northwest Territories**, a public opinion survey conducted using modern methodology by EKOS Research Associates Inc. The results of the survey¹ sparked interest in the discussions.

This report, **Democratic Devolution? What We Heard**, is a record of comments at public meetings in May at the Hay River Reserve, in Hay River and Fort Simpson. In addition there was one panel discussion hosted by Alternatives North in Yellowknife where panelists Stephen Kakfwi and Stephanie Irlbacher-Fox contributed.

Alternatives North did not attempt to answer concerns raised. Abundant technical information on devolution is available from GNWT websites and officials. Rather the goal was to record views from members of the public. These are organised under the Topics itemised on the facing page.

The comments are reported as accurately as possible. To encourage the free-flow of the discussion, Alternatives North has not attributed any of the comments.

To the best of our knowledge, Alternatives North is the only body to conduct public opinion research on devolution in the Northwest Territories, the only one to release results of any such research, and prepared the only compilation for public release of views of people concerning devolution.

For the record, Alternative North understands “consultation” to be a form of public engagement where the views of the party being consulted can influence the outcome.

¹Follow the link at <http://www.alternativesnorth.ca/OurWork/Devolution.aspx>

Executive Summary

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Executive Summary

This report records comments of the public made at four Alternatives North – sponsored meetings held during May 2013. Nearly 100 residents attended the meetings held in Hay River, Hay River Reserve, Fort Simpson and Yellowknife. The meetings included youth, adults and Elders, Aboriginal and non-Aboriginal residents. Discussions fell within twelve key topics. These were: Consultation, Resource Royalties, The New GNWT, Financial Considerations, Devolution in Principle, Devolution in Practice, Plebiscite, Protection of the Land, Environmental Management, GNWT – Aboriginal Government Relationship, “The Deal”, and General comments.

Key themes emerged during the discussions. Concerns centred on:

- 1) Devolution negotiation and public involvement process issues;
- 2) Future planning for devolution and resource revenue sharing;
- 3) Environmental stewardship and management; and,
- 4) Current and future governance relationships.

Comments indicated that most people who attended the sessions are in favor of the concept of devolution. Few expressed full and unqualified support for the agreement. Overwhelmingly, support was qualified by substantive concerns about elements of the devolution agreement; comments specifying substantive concerns are contained in this report.

The GNWT has the opportunity to seriously and respectfully consider both the results of the Alternatives North EKOS poll and stated views of NWT residents contained in this report. This is an opportunity for both Cabinet and regular MLAs to consider the views of the people on whose behalf and in whose name they govern, and to develop a responsive and transparent approach for moving forward on the devolution issue. MLAs in particular have an opportunity to use the evidence gathered in the EKOS poll and this report to encourage a policy approach that responds directly and measurably to what their constituents have told us.

The participation and comments of residents indicated a strong public sense that the GNWT is the peoples’ government, and the devolution agreement is not the GNWT’s devolution agreement, it is an agreement in which all NWT residents have a stake. This is a sentiment that seems to be consistent with how the Premier and Cabinet view the devolution agreement. To give life to this shared vision, the GNWT must respond to the peoples’ concerns. As the GNWT moves forward with different stages of the devolution process, consulting residents after the fact is unacceptable. The approach taken to date must change.

Consultation

There has been no consultation. The government has no power to move without consultation. GNWT is not respecting the treaty. If you deal with people this way you will not get respect. Return to the table and help everyone to understand.

Do we make consultation an issue?

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The way this was done has caused division. They have already made up their mind what they want to do. The federal government is giving powers to GNWT to take care of us.

They cannot do this without dealing first with us [K'atlodeeche First Nation]. Our Aboriginal rights are still intact. GNWT asked for a meeting, but K'atlodeeche First Nation has refused to deal with GNWT. We won't sign with GNWT but might sign with Canada in a bilateral process. GNWT has no jurisdiction.

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GNWT handed us an ultimatum. Do we want to derail this train?

I'm very embarrassed by the situation now. We're not important enough, or not smart enough. They should have asked!

This deal is about giving power to the GNWT, but we are getting no say. Those who claim to have been elected on a platform of devolution could have been in opposition. You can get elected by being the least crazy.



Resource Royalties

We are asking what will be done with the royalty money, but the right question is “will there be any royalty money?” Metal mines don’t pay royalties until after capital costs are paid out. Look at North American Tungsten. What royalties did this company generate over the past ten years? Also look at liabilities.

We are asking what will be done with the royalty money, but the right question is “will there be any royalty money?”

GNWT provided graphs showing royalties it would have earned over the preceding decade. In each of those years, what proportion and what dollar value are attributable to royalty sources other than diamonds?

GNWT is doing a poor job of controlling their finances. Another 60 million dollars is not going to mean very much.

Does the 5 per cent cap encourage slow development? Will it limit the rape and pillage [of the landscape]?

NWT appears to becoming a petro-state or at least to be driven by a resource state vision. This is happening without any consultation. For example, protection of the land is paramount, but our water, a common right, is being commodified. This is not a hopeful future unless we start talking with one another. It’s not my vision!

GNWT will need more and more resource development because of the need for funding. There will be a removal of regulatory processes in order to open NWT completely upon devolution. GNWT will need to approve every proposal. It will not be a sustainable process.

Boom and bust is the way resource development works. In Norway, high royalties are paid yet mining and oil companies go there. Here we are giving it away and we are begging them to come. Why can’t we set up our own companies and sell to China?

Why is the Norman Wells oil field not part of the deal?

Resource development can be characterised as “hooray, yikes, hooray, yikes, hooray, yikes...”.

What does Alaska do with its Alaska Permanent Fund? Did GNWT look at this?

The New GNWT

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Devolution will yield an under-funded GNWT. Where do the numbers come from?

The Premier is conditioned to accept what is offered. If our leaders have lost confidence [in their ability to conclude a better deal], where are we?

Where is the GNWT's sense of vision on how they will deal with Aboriginal governments?

The GNWT should consider constitutional reform, for example to create a second level in the Legislative Assembly populated by Aboriginal groups.

I don't agree with the change over to GNWT. GNWT does not have a good track record with health or education.

Will federal employees have the option to stay with the federal government?

There is no reason for all the jobs to go to Yellowknife.



Financial Considerations

We can figure out costs. Show us why the 67 million is adequate. This is not too much to ask.

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Where is the vision, where is the accountability, for the 67.3 million? Where is the plan to do better [than the federal government does]?

Will the 67.3 million dollars cover the cost of pensions for the increased number of employees in the GNWT?

I want a commitment to public discussion of new revenues, including of royalties and taxes.

Land claim groups have taken royalty money and live off the interest in favour of future generations, and so are well provided for, versus the approach of GNWT. Consider a permanent fund for the future, a stabilization fund or diversification fund that could address social determinants of health, like housing.



Devolution in Principle

I never gave an MLA a devolution mandate. There is a breakdown in process.

**Financially this is not a good deal.
Legally it's weak...
Let's build on it.**

Those with [land claim] settlements have nothing to lose, and may gain. [Some disagreed with this.]

Yukon Indian friends are advising not to go with devolution. They were lied to, the rules were changed, and those who laid out the rules are not those enforcing them. They were told that there would be better representation, but this has not happened.

Get a copy of the devolution agreement and read it! I had a difficult time. Remember the Paulette case from 40 years ago. Descendants of the Dene have a legal interest. How can they [Canada] take that authority and give it to GNWT? Who has title to land and water? Financially this is not a good deal. Legally it's weak. GNWT will have the right to sell water. Let's build on it.

I support devolution, but the concept differs from what we are getting. Devolution will face me directly. I expect a bloody healthy debate in the Legislative Assembly!

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There is a problem with the word "devolution". The language is unclear. The North has great capacity of change; there are only 40 thousand people. Look to the Tlicho agreement for government that makes sense as opposed to the British Parliamentary system. Fifty to sixty per cent of the NWT's GDP comes from unsettled areas, the Dehcho and Akaitcho. How can things be so complex? The number 1 priority should be settlement of land claims. Is there a need for the GNWT? These discussions are not taking place.

There are Aboriginal and non-Aboriginal issues, but better to speak with one voice.

We need a constitution to protect us from our governments.

Ask the Premier: Why is this the best you can get? What is our vision?

Democratic Devolution? What We Heard

GNWT is an administrative part of the federal government, so this is a shuffle. Why are we not making NWT a province now?

If you really wanted devolution it would be a province and we'd get less money in the end. Do the math!

Within the next year there should be some sort of conference to discuss devolution.

We're in this together!

Ask the Premier:

- **Why is this the best you can get?**
- **What is our vision?**

Devolution in Practice

How will devolution affect the legislative agenda?

Do we focus efforts on "pre-devo" or "post-devo"?
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Power is building in Yellowknife, just as is happening under the electoral boundary discussion. All the more reason to have an established working relationship between governments to prevent Yellowknife getting everything.

Is "mirror legislation" a good approach? Why?

Plebiscite

A plebiscite is the minimum they should have but is completely inadequate for me. This is so basic.

A plebiscite is the minimum...

I don't support a plebiscite. In a plebiscite, Yellowknife would decide.

In the plebiscite over division of the NWT to create Nunavut, Yellowknife voted strongly in favour.

A plebiscite following a two-year education process would allow us to make a good decision.

A plebiscite isn't necessary. We need to move on.

A plebiscite isn't necessary.

It's wrong to leave us out of it. The survey said that the majority wanted a vote. The Premier should have jumped at the chance to dispel criticisms.

A plebiscite can build consensus.

A plebiscite on fundamentals of governance like devolution is different from a decision on a capital expenditure like a bridge. The former should go to the public for a decision; the latter is within the authority of the government.

Confidence [in the GNWT] is an issue. The Legislative Assembly should defer a vote in May so all can vote on the devolution deal.

Protection of the Land

There is a duty to have a clean land for people to come back to. I want to be at peace when I die that kids can survive. Where do I take my voice?

This Legislature should try to demonstrate how it will protect land and water.

Make sure that the land is okay.

We need to maintain the lands and waters to pass on to the next generations. Does this [obligation] apply equally to all, or just those with land claims?

Industry needs to pay its fair share for site clean-up and remediation. We cannot afford the environmental and social costs of another Giant Mine.

This Legislature should try to demonstrate how it will protect land and water.

Government sides with industry when companies fail to meet clean-up undertakings.

Eyes are on the North because of the Arctic. We have fresh water that must be protected. Yes, we have got to balance economic development.

GNWT fought against the expansion of Nahanni despite the wishes of the Dehcho people. Our government Ministers similarly fought against the Sahtu expansion of Nahanni [Nááts'ihch'oh national park reserve] and it now looks like a doughnut.

Traditions are not being respected. Across the world people are suffering because of what they did to their land.

If authority for land is devolved, what good is it if the planet is dead? Sustainable communities is the answer (e.g. geothermal and community gardens). We need to stop our way of doing things in favour of self-sustaining communities. GNWT could encourage this.

How will devolution affect the NWT Protected Areas Strategy?

The devolution deal needs to recognise climate change.

How will devolution affect the NWT Protected Areas Strategy?

The land is all we have left. Respect the land!

Environmental Management

Can GNWT provide a list of all potentially contaminated sites that will not remain a federal responsibility and what is the value and type of "instrument" that is being held to pay for clean-up of the sites? This would include both sites approved under "modern" environmental legislation and those that were not approved under modern legislation.

How will they be cleaned up?

What will happen with the CanTung and Prairie Creek mines? How will they be cleaned up?

What is happening with Colomac?

Who will be liable for clean-up costs of fracking [hydraulic fracturing] that has already taken place and/or is being planned for the Sahtu? If the current proposed project is not referred for a review, how will money be set aside to make sure things are cleaned up?



GNWT – Aboriginal Government Relationship

The treaty relationship remains unresolved. The new regime puts a wedge between Aboriginal people and government. Elders have said that we should not let go of their understanding of the treaty.

There are no governance agreements between GNWT and Aboriginal governments. These are the foundation. Adding more power to public government without resolving this issue will create further division between Aboriginal and public governments.

When the colonial forces came, a treaty relationship was made. The proposed devolution agreement undermines that relationship.

We didn't sign treaty with GNWT.

A historical perspective: Since the early 1990s, Dehcho First Nations have been trying to get things off the ground. Land has been the biggest issue. People were not going to give up their land; the Dehcho government would retain authority. This was always a bilateral DFN / Canada issue. Then GNWT said it wanted to be at the table. So it was agreed that GNWT could be a party of the federal government but was not there to talk about land. GNWT could speak to matters assigned, like health and education. We created a land use plan, expanded Nahanni National Park Reserve, and things are moving well on Edézhíe. All the big ticket items have been between Canada and DFN. Now GNWT wants 45% of the territory. The devolution deal will not be supported if GNWT continues to hold out for 45%.

Keep the whole Dehcho as Dehcho lands. People do not want to be fenced in. For me, devolution means forking over land to GNWT.

Why should I give me treaty rights to the territorial government? I'm not doing this! I'm not agreeing!

When the colonial forces came, a treaty relationship was made. The proposed devolution agreement undermines that relationship.

We need to stand together, Dene and non-Dene, to reflect the original [treaty] relationship as understood by the elders.

“The Deal”

What’s inside this Trojan horse?

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What has changed to make this deal acceptable when the last one wasn’t?

The new deal is not significantly better than the last one [that was rejected].

This may be the only deal possible, and so may be a “pig’s ear”. But it can be made into a silk purse if there is total buy-in.

GNWT is good on facts but there is no implementation plan. How will GNWT relate to other government processes?



General

Everything we hold dear, the land, is taken away from us.

Is this how GNWT will deal with people from here on in?

Better get on board!

Devolution is a good thing! But GNWT is like a kid negotiating with their parents.

From a business owner's perspective, we want cash pumped into the community. While I recognise others' point of view, this could take another 20 years. I want to see it go ahead. We are making progress. The plan needs to be tweaked as it goes.

Blocking all development would do us no good. We need an economy. We are all becoming as one up here.

Devolution seems to be driven by the bureaucracy, not by the populace nor by the Legislative Assembly.

Have government commit to principles!

What devolution information is there other than what is on the internet? Many don't have access to computers.

Is this how GNWT will deal with people from here on in?

The Berger Report took time to take effect. This could too.

The federal government has been cutting funds to Aboriginal groups at the same time as it is negotiating devolution. Is this a coincidence?

AANDC [the federal department Aboriginal Affairs and Northern Development Canada] is assigning power to an arm of itself [GNWT]. How can they devolve to themselves? The question is "is this legitimate?"

Delegation of federal powers to GNWT is different from land claims, which are constitutional in nature.

Alternatives North says it does not oppose devolution. For this reason I don't trust you.