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The Permanent Mission of Canada  
to the United Nations  
at Geneva

La Mission Permanente du Canada  
aupres des Nations Unies  
a Geneve

U N I T E D N A T I O N S

WORKING GROUP ON INDIGENOUS POPULATIONS  
ELEVENTH SESSION, JULY 1993

STATEMENT BY THE OBSERVER DELEGATION OF CANADA  
DELIVERED BY  
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AMBASSADOR AND PERMANENT REPRESENTATIVE

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Madam Chairperson, I appreciate this opportunity to make a statement on behalf of the government of Canada.

I would first like to commend you, Madam Chairperson, and the other members of the Working Group, for the work which you have performed in drawing attention of governments in the United Nations to indigenous issues.

Last week, a member of the Canadian observer delegation, in his address on standards and principles, referred to the negotiation process which Canadians favour to give life to the legal concepts which frame our nation. To paraphrase what he said:

'The challenge which we have is to design concepts (of self-determination) which oblige states and Indigenous people to work out harmonious arrangements for sharing.'

Today, I want to share with you what this concept can mean in practical terms.

A year ago we informed you of the process in which the Prime Minister, premiers and representatives of the Aboriginal peoples of Canada, were actively engaged in a process to develop comprehensive proposals for constitutional change. Over \_\_\_ month period, Aboriginal representatives participated in 14 meetings of ministers and First Ministers. The result was an agreement referred to in Canada, as the Charlottetown Accord.

The Accord was the subject of a national referendum on October 26, 1992. Unfortunately, Canadians, including most Aboriginal Canadians, decided that the Accord should not proceed as the basis for constitutional change. The government of Canada respects that decision.

Nevertheless, the government of Canada remains committed to making progress on self-government and other Aboriginal issues within the existing constitutional framework. To that end, ministers continue to meet and work with Aboriginal representatives, provincial and territorial governments.

Madam Chairperson,

Real progress continues to be made under the Native Agenda, a government-wide initiative to accelerate the resolution of longstanding grievances of Aboriginal Canadians and to engender a new relationship. Canada is committed to: settling land claims; improving conditions on reserves; nurturing a new relationship between the government and Aboriginal peoples; recognizing and enhancing the role of Aboriginal peoples in contemporary Canadian society. The Royal Commission on Aboriginal Peoples, which I described in detail last year, has held several rounds of hearings and will be reporting in 1995.

#### LAND CLAIMS

Given the importance of land matters, I would like to discuss recent developments and overall approaches. In the past year, significant results have been achieved -- a total of 25 specific land claims have been settled, 14 treaty land entitlement claims in Saskatchewan have been reached and six comprehensive land claims have been settled with the Gwich'in, the Tungavik Federation of Nunavut, and four Yukon First Nations. In addition, the Sahtu in the Mackenzie Valley voted this month to ratify their agreement.

Canada's comprehensive land claims agreements are modern day treaties negotiated with Aboriginal groups that wish to settle claims based on Aboriginal rights to land. Since 1973, when the comprehensive land claims policy was developed, a feature of this process has been the stress on negotiations in achieving final agreements. The process involves several milestones. After a claim is accepted, the federal government and the Aboriginal groups enter into and conclude: preliminary negotiations; a framework agreement; an agreement-in-principle; a final agreement, and an accompanying implementation plan. For each agreement, there must be formal approval by the Aboriginal group, provincial or territorial governments and the federal government. Then final settlement legislation must be agreed to by Parliament. This can be a long process, but a necessary one given the constitutional protection for these agreements, which ensures that all parties are comfortable with the settlement.

Processes have evolved as a result of lessons learned from earlier negotiations and the different situations of communities. For example, due to experiences with the first settlement, the James Bay and Northern Quebec Agreement (JBNQA) in which different interpretations were placed on the agreement, an implementation plan is now a part of settlements to ensure common understandings of all aspects. Also, I would note that a new community is under construction for the Ouje-Bougoumou Cree.

Some would speak ill of the Canadian predilection for negotiation

and compromise. Yet it works because agreements result and these agreements are not static. For example, last January the Crees of Quebec signed the eleventh agreement complementary to the JBNQA, in which they agreed to continuation of portions of La Grande hydro development project in exchange for \$75 million. This settlement will be worth \$110 million by the time the last payment is made. At the time of signing, Grand Chief Mathew Coon-Come stated:

"When called upon, the Crees and Hydro-Quebec can sometimes find ways to resolve practical problems. We both must continue to monitor and to deal with the impacts of the La Grande complex."

Other negotiations continue while I speak.

I would like to focus on several significant achievements in the area of comprehensive land claims over the past year. They indicate that land claim agreements can secure a brighter future and provide Aboriginal groups and non-Aboriginals with the means to pursue shared objectives, such as self-government and economic development.

#### - BRITISH COLUMBIA TREATY COMMISSION

In the province of British Columbia, there are many land claims by various Aboriginal groups. A major step towards resolving claims was taken with the creation of the British Columbia Treaty Commission. The Commission is a tripartite organization composed of members appointed by the First Nations, the provincial and the federal governments. Its mandate is to oversee the treaty negotiations process, and coordinate the start of negotiations and monitor their progress. The federal government expects to negotiate over 30 treaties with British Columbia First Nations over the next decade.

#### - NUNAVUT

Last month, an historic agreement between Canada and Aboriginal peoples was concluded with the passage by Parliament of two acts:

- the Nunavut Land Claims Agreement Act; and
- the Act to Create the Territory of Nunavut.

These two acts, which are closely linked, will redraw the map of Canada by 1999 and will provide for a new political and economic future for the Inuit and other residents of the eastern and central Arctic.

The NUNAVUT LAND CLAIMS AGREEMENT ACT recognizes title to 350,000 square kilometres of land in the eastern Northwest Territories (an area larger than Finland) to the Inuit and will provide financial payment of more than \$1 billion, over 14 years. Other benefits in the agreement include: wildlife harvesting rights; subsurface rights; and participation on wildlife and other resource management boards within the territory.

Nunavut will be a public government with a commissioner, cabinet, legislative assembly, public service and territorial court. In accordance with basic democratic principles, residents of the area,

Aboriginal and non-Aboriginal, will have greater control over decisions affecting their daily lives and the challenges ahead. The creation of Nunavut is a good example of the partnership between the Inuit of the eastern Arctic and the government of Canada.

- COUNCIL OF YUKON INDIANS

In the Yukon territory, in Canada's far north, different arrangements have been negotiated. An umbrella final agreement, which provides the framework for final land claim settlements with each of the 14 First Nations in Yukon, was signed by the federal and Yukon governments, and the Council for Yukon Indians. This agreement provides for a total of 41,439 square kilometres of land, more than \$242 million in cash compensation over a period of 15 years, as well as wildlife harvesting rights, subsurface rights, participation on land and resource management bodies, and provisions for promoting and preserving the culture and heritage of Yukon Indians.

Four Yukon First Nations, the Yukon and the federal governments also signed individual First Nation final agreements, which incorporate provisions of the umbrella final agreement and address the specific circumstances of their First Nation.

SELF GOVERNMENT

Community self-government negotiations are continuing across Canada. Currently, 15 sets of negotiations involving 45 First Nations, are pursuing new legislative arrangements that are more responsive to their particular needs and aspirations. In addition, similar negotiations are being conducted in parallel with comprehensive land claim negotiations. For example, the federal and Yukon governments and four First Nations have ratified self-government agreements which provide local autonomy over decisions affecting Indian people in the Yukon. Each of the four First Nations will exercise law-making powers on settlement lands with respect to land use and control, hunting, trapping and fishing, licensing and the regulation of businesses. They will also have the power to enact laws for their citizens in the Yukon, not living on settlement lands, such as for language and culture, health, social services, education, and dispute resolution outside the courts.

Canada is also engaged in discussion on the self-government aspirations of the Metis and other Aboriginal peoples living off a land base. Tripartite self-government negotiations are underway in several provinces, among Aboriginal organizations, the provinces and the federal government on a broad spectrum of topics such as housing, social services, economic development, education, training and justice.

Madam Chairperson,

There have been developments in areas such as justice, language and health matters but given the limited time I would give special note to some northern issues of particular interest.

NORTHERN ISSUES



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