

SELECT COMMITTEE  
on  
CONSTITUTIONAL DEVELOPMENT

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**REPORT**

27th Legislative Assembly





YUKON LEGISLATIVE ASSEMBLY  
27TH LEGISLATURE  
1991

SELECT COMMITTEE  
ON  
CONSTITUTIONAL DEVELOPMENT

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REPORT ON THE  
GREEN PAPER ON CONSTITUTIONAL DEVELOPMENT

HON. JOYCE HAYDEN, M.L.A.  
Whitehorse South Centre  
Chair

BEA FIRTH, M.L.A.  
Whitehorse Riverdale South  
Member







# *Yukon Legislative Assembly*

Box 2703, Whitehorse, Yukon Y1A 2C6

May, 1991

Honourable Sam Johnston  
Speaker  
Yukon Legislative Assembly

Dear Sir:

On behalf of the Select Committee on Constitutional Development, appointed by Order of the Assembly on May 14, 1990, I have the honour to present this Report.

A handwritten signature in cursive script that reads 'Joyce Hayden'.

Hon. Joyce Hayden, M.L.A.  
Chair



SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT

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REPORT  
OF THE  
SELECT COMMITTEE  
ON  
CONSTITUTIONAL DEVELOPMENT

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INTRODUCTION

The Green Paper on Constitutional Development was tabled in the Legislative Assembly by the Premier, Hon. Tony Penikett, on May 10, 1990.

The Select Committee on Constitutional Development was created on May 14, 1990, by the following motion of the Legislative Assembly:

THAT a Select Committee on Constitutional Development be established;

THAT the Committee be comprised of two members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;

THAT the Green Paper on Constitutional Development be referred to the Committee;

THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;

THAT the Committee hold public hearings on the Green Paper in Whitehorse and in at least one community in each of the electoral districts outside Whitehorse;





THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;

THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

Pursuant to the direction found in the motion, the Leader of the Official Opposition, Willard Phelps, appointed Bea Firth, Member for Whitehorse Riverdale South, to the Committee on June 11, 1990. The Premier, Hon. Tony Penikett, appointed Joyce Hayden, Member for Whitehorse South Centre, to the Committee on June 25, 1990.

The Government of Yukon distributed the Green Paper to territorial agents, community libraries, band halls and municipal offices in May of 1990. At the same time, the Government placed advertisements in local newspapers informing citizens about the Green Paper and where they might obtain a copy of it and about the creation of the Select Committee on Constitutional Development and the public meetings it would be holding.



ORGANIZATION

The Committee held its first meeting on June 26, 1990, at which time Joyce Hayden was elected as Chair. It was decided at that meeting that:

- (1) transcripts of the public meetings would be prepared to allow the Committee to provide the Assembly with a complete record of the views and opinions expressed by those Yukon citizens who participated in meetings of the Committee;
- (2) letters would be sent to certain individuals and groups inviting them to make presentations to the Committee; and
- (3) the report of the Committee, in accordance with the Committee's terms of reference, would focus on presenting a record and interpretation of what it heard rather than on making recommendations.

Preparations were begun for public meetings to be held during the fall of 1990. A number of events which took place during the remainder of 1990, including the failure of the Meech Lake Accord, led the Committee to conclude that it would be advisable to delay public meetings until the spring of 1991.

The schedule for the public meetings was decided upon by the Committee at its meeting of November 29, 1990. In accordance with the direction of the Assembly, meetings were scheduled in at least one community in each of the electoral districts outside Whitehorse; also, three meetings were scheduled to be held in Whitehorse (see Appendix 1 for a complete schedule of public meetings).





On December 27, 1990, letters, totalling 97 in number, were sent to a variety of individuals and groups including, among others, mayors, hamlet council chairs, chiefs of first nations, business organizations, unions and community organizations (see Appendix 2 for a complete listing of those to whom letters were sent). These letters provided information on the timing of the public meetings and invited representations on the Green Paper which was attached.

Citizens were informed of the public meetings through advertising in newspapers and on radio and television. Householders were distributed in communities outside of Whitehorse.

#### ACTIVITIES

A total of 191 people attended the public meetings (see Appendix 4 for the names of those who were in attendance). The Committee received nine written submissions, five of which were presented during the course of the public meetings (see Appendix 3 for the names of those who gave written submissions).

Transcripts were prepared of all public meetings. A transcript was also prepared of a meeting the Committee held in Whitehorse with Chief Roger Kaye and Stanley Njootli of the Vuntat Gwich'in Tribal Council (this meeting was arranged when the Committee was informed that the Tribal Council leadership would not be present in Old Crow at the time of the public meeting scheduled for that community). Copies of all transcripts are appended to this report.



## FINDINGS

There was a wide variety of views and opinions expressed at the public meetings and in the written submissions. The most accurate sense of what was said can, of course, be gained by reading the transcripts. The findings which follow are general statements of what the Committee heard and should not be interpreted as fully representing the thinking of all participants.

### 1. YUKON'S CONSTITUTIONAL FUTURE

Is the Yukon's best future to remain a territory, perhaps with more powers?

Is the Yukon's best future to develop a new form of government, different from the provinces?

Is the Yukon's best future to continue to pursue provincehood?

The Committee found, when addressing these central questions, that most Yukon citizens who appeared before the Committee:

- (a) are reluctant to express definitive opinions until the settlement of native claims is finalized;
- (b) have a general sense of unease about making choices or even expressing preferences regarding the Yukon's constitutional future while so much uncertainty exists about constitutional issues on a national scale;
- (c) desire more information about:
  - (i) the differences between a province and a territory;
  - (ii) the fiscal implications of becoming a province as opposed to remaining a territory;



- (iii) the effect of First Nations' comprehensive claims settlements and self-government agreements on the options available to the Yukon for future constitutional development; and
  - (iv) the details of constitutional options, other than provincial or territorial status, which might be considered;
- (d) do not believe that provincial status should be pursued at this time;
- (e) do want provincial status to be available as an option for the future constitutional development of the Yukon; and
- (f) feel that the Yukon should have a larger population and a more broadly-based economy before consideration is given to becoming a province.

The Committee qualifies these findings by noting that a minority of those who appeared before it do believe that provincial status should be actively pursued and do not think that the size of the Yukon's population and the state of its economy should hinder the Yukon's pursuit of that goal.

## 2. DEVOLUTION

Should the Yukon take over more provincial activities now run by the federal government, such as health and forestry?

Should the Yukon take over more provincial activities even without full authority and funding?



The Committee found, when addressing the questions on devolution, that most Yukon citizens who appeared before the Committee:

- (a) support the devolution of provincial activities from the federal government to the Yukon government so long as it is done carefully and with full attention being paid to the financial implications for the Yukon;
- (b) do not support taking over more provincial activities when funding for those activities is uncertain; and
- (c) have some concern about the Yukon assuming responsibility for provincial activities without, at the same time, gaining full authority for those activities.

3. ENSHRINING SYSTEM OF GOVERNMENT IN THE CONSTITUTION OF CANADA

Should the powers of elected government in the Yukon be put in the Constitution, as they are for the provinces?

The Committee found, when addressing this question, that Yukon citizens:

- (a) are concerned that the Yukon's right to an elected legislative assembly could be removed by an Act of Parliament and that the current system of responsible government (that is, the executive must come from and retain the confidence of the Legislative Assembly) could be taken away by a directive from the Minister of Indian and Northern Affairs; and





- (b) support protecting the right to a system of representative and responsible government by having that right enshrined in the Constitution of Canada.

4. PARTICIPATION IN NATIONAL CONFERENCES

Would the Yukon benefit by being fully represented, as the provinces are, at national meetings on constitutional changes, finances, and other national issues?

The Committee found, when addressing this question, that most Yukon citizens who appeared before the Committee:

- (a) feel that Yukoners are being treated as second-class citizens when the Yukon is denied a full voice at national conferences such as first ministers' meetings;
- (b) feel that the Yukon's interests cannot be adequately stated or defended at national conferences by anyone other than a representative from the Yukon; and
- (c) support the Yukon being fully represented at all national conferences.

5. RELATIONSHIPS WITH OUR NEIGHBOURS

What kind of links should the Yukon build to other parts of Canada and to other parts of the North outside Canada?

The Committee found, when addressing this question, that most Yukon citizens who appeared before the Committee:



- (a) do not have strong feelings about building links to other parts of Canada or to other parts of the North outside Canada; and
- (b) place a higher priority on developing ties with Alaska and the Northwest Territories than with other jurisdictions (communities on the North Highway most strongly expressed interest in ties with Alaska).

6. PROCESS FOR FUTURE CONSTITUTIONAL CHANGE

Should the Yukon make its views about constitutional development known to the rest of Canada through the Premier, through the Member of Parliament, through the Legislature, by a Yukon-wide plebiscite, by a Yukon constitutional conference, by several of these means or some other ways?

The Committee found, when addressing this question, that most Yukon citizens who appeared before the Committee:

- (a) desire a voice in any process leading to a decision on major constitutional change for the Yukon; and
- (b) feel that a Yukon-wide plebiscite would be an acceptable method of providing voice to the people in constitutional matters, with such a plebiscite taking place after the citizens have been provided with a full base of information from which to make a decision.



**APPENDICES**



APPENDIX 1

DATES AND LOCATIONS OF PUBLIC MEETINGS

February 25	Whitehorse	Hellaby Hall
February 26	Beaver Creek	Community Hall
February 27	Burwash Landing Destruction Bay	Community Hall Community Hall
February 28	Haines Junction	Kluane Park Inn
March 5	Dawson City	Robert Service School
March 6	Mayo	Community Hall
March 7	Pelly Crossing Carmacks	Band Office Heritage Hall
March 11	Watson Lake	Community Centre
March 12	Teslin	Recreation Complex
March 13	Whitehorse	Gold Rush Inn
March 14	Carcross	Community Hall
March 25	Faro	Council Chambers
March 26	Ross River	Ross River School
March 27	Whitehorse	Yukon College
April 2	Old Crow	Community Hall





APPENDIX 2

NAMES OF PERSONS AND ORGANIZATIONS SENT LETTERS  
OF INVITATION TO MAKE REPRESENTATIONS TO THE  
SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT

MUNICIPALITIES

Mayor Don Branigan, City of Whitehorse  
Mayor Peter Jenkins, Town of Dawson City  
Mayor Sheila Kelly, Town of Faro  
Mayor Barry Ravenhill, Town of Watson Lake  
Mayor Eric Stinson, Village of Haines Junction  
Mayor Luke Lacasse, Village of Carmacks  
Mayor Bernice Schonewille, Village of Teslin  
Mayor Don Hutton, Village of Mayo  
Bonnie Hurlock, Hamlet Council Chair, Hamlet of Ibex Valley  
Kathleen Wood, Hamlet Council Chair, Hamlet of Mount Lorne

FIRST NATIONS

Paul Birckel, Chief, Champagne Aishihik First Nation  
Doris McLean, Chief, Carcross/Tagish First Nation  
George Millar, Chief, Kaska Dena Council  
Steve Taylor, Chief, Dawson First Nation  
Lena Johns, Chief, Kwanlin Dun First Nation  
George Johnson, Chief, Kluane Tribal Council  
Eric Fairclough, Chief, Little Salmon/Carmacks First Nation  
Dixon Lutz, Chief, Liard First Nation  
Hammond Dick, Chief, Ross River Dena Council  
Robert Hager, Chief, Na Cho Nyak Dun First Nation  
Roger Kaye, Chief, Vuntut Gwich'in Tribal Council  
Harry McGinty Sr. and Pat Van Bibber, Chiefs, Selkirk First Nation  
David Keenan, Chief, Teslin Tlingit Council  
Glenn Grady, Chief, Ta'an Kwach'an Dun Council  
Billy Blair and Stanley Peter, Chiefs, White River First Nation

BUSINESS ASSOCIATIONS

Heather McFarlane, President, Downtown Whitehorse Business Association  
Haines Junction Businesspersons' Association  
Brian Hemsley, Ross River Businessmen's Association  
Terry Bergen, President, Whitehorse Chamber of Commerce  
Kim Tanner, President, Women's Business Network  
Stu Wallace, President, Yukon Chamber of Commerce  
Frank Taylor, President, Klondike Placer Miners' Association  
Chuck Holloway, General Manager, Klondike Visitors' Association  
Peter Upton, President, Kluane Country Visitors Association  
Ken Schneider, President, Silver Trail Tourism Association  
Dave Loeks, President, Tourism Industry Association of Yukon  
Jesse Duke, President, Yukon Chamber of Mines



George Darbyshire, President, Yukon Trappers Association  
Gerry McCully, President, Dawson City Chamber of Commerce  
Ted Bartsch, President, Faro & District Chamber of Commerce  
Wendy Lythgoe, President, Haines Junction Chamber of Commerce  
Ken Schneider, President, Silver Trail Chamber of Commerce (Mayo/Elsa)  
Keith Franklin, President, Watson Lake Chamber of Commerce  
Mark Wedge, President, Yukon Indian Development Corporation  
Rolland Giroud, President, Yukon Livestock and Agricultural  
Association  
Bruce Patnode, President, Yukon Prospectors' Association

#### UNIONS

Janet James, President, Canadian Union of Postal Workers  
Wendy Baker, Chairperson, PIPS Yukon Branch  
Dave Hobbs, President, PSAC Yukon Employees Union  
Muriel Clarke, Chairperson, PSAC Whitehorse Regional Women's Committee  
Wayne Palmer, Business Agent, Teamsters' Local 213  
Don Evans, Business Agent, Teamsters' Local 31  
Steve Cardiff, President, Whitehorse and Yukon Area Building and  
Trades Council  
Grant Dunham, President, Yukon College Employees Union  
Ron McDonald, President, Yukon Federation of Labour  
Larry Kwiat, President, Yukon Government Employees Union  
Ken Taylor, President, Yukon Teachers' Association

#### SENIORS

Don Fraser, President, Closeleigh Manor Tenants Association  
Claire Fraser, President, Golden Age Society (Whitehorse)  
Vi Campbell, Golden Age Society (Dawson City)  
Joyce Fuller, President, Ladies Auxiliary to the Yukon Order of  
Pioneers  
Pat Olsen, President, Yukon Council on Aging  
Ralph Simpson, President, Yukon Order of Pioneers

#### ORGANIZATIONS

Ron Gartshore, President, Association of Rural Yukon Social Workers  
Skeeter Verlaine-Wright, President, Yukon Conservation Society  
Paul Deuling, President, Yukon Fish & Game Association  
Diane Freed, Chairperson, Yukon Advisory Council on Women's Issues  
Tor Forsberg, Chair, Yukon Human Rights Commission  
Mary Kane, Chair, Yukon Legal Services Society Board  
Pierre Laroche, Director, L'Association des franco-yukonnaise  
Judy Gingell, Chair, Council for Yukon Indians  
Yukon Indian Women's Association  
Jim Holt, President, Yukon College Board of Directors  
Lawyers for Social Responsibility  
Physicians for Social Responsibility



**RELIGIOUS LEADERS**

Bishop Thomas Lobsinger  
Bishop Ron Ferris

**COMMUNITY ORGANIZATIONS**

Gary Burgess, Beaver Creek Community Club  
Bob McCauley, Carmacks Community Club  
Bernie Phillips, Downtown Residents' Association (Whitehorse)  
Claire Briand, Keno City Community Club  
Leslie Rowe, Mendenhall Community Association  
Dorothy Johnson, Pelly Crossing Community Club  
Brian Hemsley, Ross River Community Association  
Wes Bucyk, Stewart Crossing Community Club  
Kathy O'Donovan, Crestview Community Association  
Lorrina Mitchell, Golden Horn Community Association  
Lisa Wiebe, Granger Neighbourhood Group  
Paul Taylor, Hillcrest Community Association  
Kate McGovern, Lobird Community Association  
Doug Gilday, Lorne Mountain Community Association  
Darwin Wreggit, Marsh Lake Community Club  
Catherine Holt, Mary Lake Community Association  
Skeeter Verlaine-Wright, McLean Lake Residents Association  
Lynda Weigand, McLintock Place Association  
Gavin Johnston, Pilot Mountain Community Association  
Barb Harris, South Highway Community Association



APPENDIX 3

WRITTEN SUBMISSIONS PRESENTED AT PUBLIC MEETINGS

Steven Smyth - private citizen	Whitehorse	February 25, 1991
Micha Rumscheidt - private citizen	Whitehorse	February 25, 1991
Gord Loverin - Whitehorse Chamber of Commerce	Whitehorse	March 13, 1991
Florine LeBlanc-Hutchinson - l'Association franco-yukonnaise	Whitehorse	March 27, 1991
Larry Carlyle - private citizen	Whitehorse	March 27, 1991

WRITTEN SUBMISSIONS RECEIVED OUTSIDE OF PUBLIC MEETINGS

William Blair - Co-Chief of White River First Nation	Beaver Creek	February 26, 1991
Howard MacDonald - private citizen	Mayo	March 6, 1991
Brian Laird - private citizen	Whitehorse	April 4, 1991
David Roddick - private citizen	Whitehorse	April 5, 1991





APPENDIX 4

NAMES OF PARTICIPANTS AT PUBLIC MEETINGS  
OF THE SELECT COMMITTEE  
ON CONSTITUTIONAL DEVELOPMENT

**Whitehorse (Hellaby Hall)**

Monday, February 25, 1991, 7:30 p.m.

Beebe, Jim  
Christensen, Ione  
Cormie, John  
Kassi, Norma (MLA)  
McKee, Liz  
Percival, Peter  
Rumscheidt, Carl  
Rumscheidt, Micha  
Smyth, Steven  
van Oldenbarneveld, Lucy

**Beaver Creek (Community Hall)**

Tuesday, February 26, 1991, 7:30 p.m.

Berkner, Dwight  
Blair, Billy  
Blair, Elizabeth  
Brewster, Bill (MLA)  
Burgess, Gary  
Carlson, Bill  
Ganley, George  
Irons, Bruce  
Johnson, Folkie  
Langner, Rein  
Rogers, Grant  
Stephen, Glenn  
Stitt, Sally

**Burwash Landing (Kluane Tribal Council Band Office)**

Wednesday, February 27, 1991, 2:30 p.m.

Brewster, Bill (MLA)  
Cant, Timothy  
Cook, Dave  
Cox, Cecile  
Eikland, Barb  
Eikland, Charles  
Johnson, Jessie  
Johnson, Joe  
Johnson, Kathleen  
O'Brien, Fred  
O'Brien, Marg  
Ranson, Dillys



**Destruction Bay (Destruction Bay Community Hall)**

**Wednesday, February 27, 1991, 7:30 p.m.**

Biddell, David  
Brewster, Bill (MLA)  
Eikland, Mark  
Flumerfelt, Jim  
Van Der Veen, Garry  
Wilson, Iris

**Haines Junction (Kluane Park Inn - Backe Room)**

**Thursday, February 28, 1991, 7:30 p.m.**

Brewster, Bill (MLA)  
Brewster, Ricky  
Butterfield, Pam  
Riedl, Wolf  
Stinson, Eric  
Tomlin, Al  
Tomlin, Tish

**Whitehorse (Legislative Assembly Committee Room)**

**with Vuntat Gwich'in Tribal Council**

**Friday, March 1, 1991, 12:00 noon**

Kaye, Roger (Chief)  
Njootli, Stanley

**Dawson City (Robert Service Community School Library)**

**Tuesday, March 5, 1991, 7:30 p.m.**

Berger, Fred  
Berger, Palma  
Bowie, Bill  
Dann, Norm  
Davidson, Dan  
Hendley, Gail  
Joseph-Rear, Angie  
Kaplicky, Jan  
Kosuta, Kathy  
Mendelsohn, Roger  
Nagano, Debbie  
Ryant, Ronald  
Shannon, Harold  
Webster, Art (MLA)



**Mayo (Mayo Community Hall)**

**Wednesday, March 6, 1991, 7:30 p.m.**

Davies, Sue  
Hager, Robert (Chief)  
Heasley, Dennis  
Lindstrom, Cal  
Lindstrom, Jan  
McGinty, Vera  
Martel, Leo  
Mehaffey, Hal  
Peter, Albert  
Ronaghan, Joyce  
Snider, (Rev.) Ken  
Van Bibber, Sr., Pat

**Pelly Crossing (Selkirk First Nation Band Office)**

**Thursday, March 7, 1991, 2:30 p.m.**

Alfred, Emma  
Alfred, Kathy  
Anderson, Elizabeth  
Baker, Charlene A.  
Baumgartner, Diane  
Blondin, Bertha  
Boudrau, Glen  
Boudrau, Janie Lee  
Harper, Jim  
Hesleer, Roberta  
Joe, Danny (MLA)  
Joe, Julia  
Joe, Laura  
Joe, Lois  
Joe, Shirley  
Johnson, Milly E.  
Kisul-Pennell, Babs  
Luke, Elmer  
McGinty, Harry  
McGinty, Mary  
Roberts, Bessie  
Schell, Ernestine  
Schell, Cliff  
Silverfox, Mona  
Thorpe, Kathleen  
Tom Tom, Jane  
Van Bibber, George  
Van Bibber, Pat  
Williams, Al



**Carmacks (Heritage Hall)**

**Thursday, March 7, 1991, 7:30 p.m.**

Fairclough, Eric (Chief)

Joe, Danny (MLA)

MacDonald, Jo-Anne

Marino, Dawn

Marino, Don

O'Brien, Joseph

O'Brien, Lorraine

Roberts, Ken

Skookum, Happy

Smith, Vance Conrad

Tracey, Howard

**Watson Lake (Community Centre)**

**Monday, March 11, 1991, 7:30 p.m.**

Devries, John (MLA)

Lang, Archie

Peet, Nora

Peters, Jean

Skelton, Jenny

Thomas, Mickey

Trusz, George

**Teslin (Teslin Community Centre)**

**Tuesday, March 12, 1991, 7:30 p.m.**

Aylard, Rev. Bruce

Chatterton, Sharron

Guevremont, Michele

Johnston, Hon. Sam (MLA)

McCormick, John

McCormick, Marilyn

Person, Dick

Saligo, Frank

Schonewille, Bernice (Mayor)

**Whitehorse (Gold Rush Inn - Town Hall Meeting Room)**

**Wednesday, March 13, 1991, 7:30 p.m.**

Brideau, Omer

Carlyle, Larry

Duncan, Pat (Manager, Whitehorse Chamber of Commerce)

Loverin, Gord (Director, Whitehorse Chamber of Commerce)

McDougall, Gill

Matthews, Clayton

Olsen, Pat (President, Yukon Council on Aging)

Smyth, Steven





**Carcross (Community Hall)**

**Thursday, March 14, 1991, 7:30 p.m.**

Alexandrovich, Bea  
Anstee, Ron  
James, Patrick  
James, Stanley  
Kemble, Ed  
Martin, Willie  
Matthies, Ken  
Patterson, Beth  
Peterson, Albert  
Phelps, Willard (MLA)  
Pringle, Bill  
Stephens, Jennifer  
Tulway, Peter  
Van Zoest, Bill  
Wally, Ann

**Faro (Council Chambers)**

**Monday, March 25, 1991, 7:30 p.m.**

Atwood, Miranda  
Bamford, Russell  
Bamford, Thomas  
Byblow, Maurice (MLA)  
Graham, Deborah  
Graham, Iain  
Jansen, Anne Kinsey  
Johnston, Barbara  
McLachlan, Jim  
Peever, S. Bruce

**Ross River (Ross River School)**

**Tuesday, March 26, 1991, 7:30 p.m.**

Sennett, David

**Whitehorse (Yukon College)**

**Wednesday, March 27, 1991, 7:30 p.m.**

Carlyle, Larry  
daCosta, Marco  
Grenier, Alain  
Horn, Steven  
Laird, Brian  
Laroche, Pierre  
LeBlanc-Hutchinson, Florine  
McLaughlin, Brian  
Ouellet, Rino  
Penikett, Tony (MLA)  
Savoie, Elda  
Smyth, Steven  
Vienneau, Gilles  
Zimmermann, Steve



Old Crow (Community Hall)

Tuesday, April 2, 1991, 2:00 p.m.

Amirault, David

Bruce, Robert Sr.

Charlie, Joanne

Frost, Alice

Frost, Brenda

Jansen, Carlyle

Josie, Edith

Kay, John Joe

Kaye, Roger

Netro, Florence

Netro, Hanna

Netro, Kathy

Nukon, Kathie

Peter, Joel



TRANSCRIPTS OF PUBLIC MEETINGS





**Yukon Legislative Assembly**  
27th Legislature

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Hellaby Hall, Whitehorse**  
**Monday, February 25, 1991 — 7:30 p.m.**



PRINTED ON RECYCLED PAPER



## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

**MEMBERS OF THE SELECT COMMITTEE**  
Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

**STAFF**  
Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

**PARTICIPANTS**  
at the Whitehorse Meeting of February 25, 1991

Beebe, Jim	Percival, Peter
Christensen, Ione	Rumscheidt, Carl
Cormie, John	Rumscheidt, Micha
Kassi, Norma	Smyth, Steven
McKee, Liz	van Oldenbarneveld, Lucy

## WHITEHORSE, YUKON

February 25, 1991 — 7:30 p.m.

**Ms. Hayden:** Thank you to those of you who made it out tonight for this first meeting of the Constitutional Development Committee. I am Joyce Hayden, Chair of the Committee, and the other Committee member is Bea Firth, MLA for Riverdale South.

We were appointed in June, 1990, by the Legislature to hear Yukoners' opinions on the constitutional development of the Yukon. Some of the broad questions are: how do we fit into Confederation; do we stay as a territory; do we try to become a province, or do we have some other options? Of course, there are many subquestions that fit into that area.

We will be reporting what we hear back to the Legislature at the Spring Sitting. The Legislature will then deal with the responses you give. One of the questions is: how do you want the rest of the country to learn about your opinion: through your Member of Parliament, through the Legislative Assembly, through a territory-wide plebiscite, constitutional conference, the Premier, all of the above or some other way?

That is the general gist of the hearings and some of the logistics for tonight. Our meetings will be as informal as we can keep them but, in order to report accurately, we are having all the sessions taped. So, we would ask you to speak one at a time. You may give a written or an oral presentation, or both. After the presentations are given, we will have a break, and we will then go to discussions.

As you give your presentation, I would ask you to address the Chair and to give your name and, if you are representing a group, I am sure the group would want to be known. That is about all I have to say, in terms of logistics.

We have three presentations that I am aware of tonight, and I would ask Steven Smyth to make the first one. If you do not mind coming over to the table, you will be closer to the microphone. You can use the table over here.

**Mr. Smyth:** Thank you, Madam Chairperson. My name is Steven Smyth, and I am a long-time resident of Whitehorse. I am here representing my own viewpoint, and not the viewpoint of any organization. I would like to begin with a few preliminary comments to thank the Members of the Legislative Assembly for establishing this Committee. I think it is a tremendously important committee, and I am sure its recommendations will have a significant impact on the Yukon's future. Thank you very much for this opportunity.

**Ms. Hayden:** We thank you for coming.

**Mr. Smyth:** I have a short paper to present to the Committee. It is entitled "The Quest for Provincial Status in the Yukon Territory". If you do not mind, I will read it into the record.

**Ms. Hayden:** Yes, please.

**Mr. Smyth:** The question for provincial status for the Yukon has become a Yukon tradition. It began in 1905, when the Yukon's Commissioner, William McInnes, proposed it in a speech in Dawson City. Unfortunately, the economics of the day dictated a different course of events and, soon after a wholly-elected Council had been established, the federal government decided to reduce the size and powers of the

Council, and the Yukon became just another arm of the federal government. Despite *Yukon Act* amendments in 1960, which sought to establish elected representation in the Yukon's budget process, a 1962 court case indicated that the Yukon was still a "colony" of Canada in legal terms. Mr. Justice Sissons comments that:

"The Yukon is still a Crown Colony. The legislation and administration are controlled by the Dominion Government. There is no Legislative Assembly. The Executive Body and the Legislative Body are one and the same. The Council is to aid and advise the Commissioner. It is not a Legislative Assembly and is not responsible to any Legislative Assembly.

"I know of no Government of the Yukon Territory distinct from the Commissioner or the Commissioner in Council and the home government of the colony is the Government of Canada."

Thus, the demands for responsible government and provincial status continued. In 1966 and 1968, the Yukon Council passed motions calling on the federal government to set in motion processes, including amendments to the *Yukon Act*, which would have led to provincehood.

The demands for provincial status for the Yukon were not confined to the Yukon Council. In 1967, the publisher of the *Yukon Daily News*, Ken Shortt, published a pamphlet entitled "Blueprint for Autonomy: 8 steps to Provincehood". This document restated the case for Yukon provincehood in forceful terms, and outlined a strategy for attaining it.

These demands had some impact. They paved the way for the appointment of an Executive Committee in 1970 and various program transfers and delegations of responsibilities to elected representatives through to 1979.

In 1976, the Leader of the Opposition, Joe Clark, promised Yukoners the opportunity to opt for provincial status during his first term of office as Prime Minister. The following year, the Yukon Legislature's Standing Committee on Constitutional Development was established, and it recommended provincehood through the adoption of a new *Yukon Act* in its Second Report.

In 1979, it again appeared that the Yukon's demands were being given serious consideration. Joe Clark reiterated his 1976 promise of granting the Yukon provincial status during his first term of office, providing Yukoners demonstrated that they wanted it. Unfortunately, his government fell before the question could be put to the people of the territory.

The next section is entitled "Roadblocks to Provincehood".

The quest for provincial status did not die in 1979, but the challenges and roadblocks to achieving this objective have become increasingly onerous. The constitutional amending formula was changed in 1982, over the protests of northerners. The process for becoming a province went from one of negotiation with the federal government, and ratification by Parliament, to one of obtaining concurrence from eight governments. The Meech Lake Accord threatened to make the process even more difficult by requiring the consent of 11 governments while, at the same time, stripping northerners of the right to nominate people for Senate and Supreme Court appointments.

In addition to the hurdle of a more onerous amending formula, the federal government could specify further condi-

tions, by policy, which would have to be met before the Yukon could become a province. For example, in 1982, the Minister of Indian and Northern Affairs, John Munro, stated that amendments to the *Yukon Act* granting further constitutional development would only be processed after a land claims settlement had been achieved. Other "preconditions" could include the ability to be totally self-financing, at least to the level achieved by other provinces, and the achievement of an arbitrarily-determined population base.

The Report of the Royal Commission on the Economic Union and Development Prospects for Canada noted that:

"Over the past two decades, the Northern Territories have evolved from virtual colonial status to the acquisition of responsibility for a wide range of "provincial" services. The logical end of this process is provincehood, although four barriers might delay progress towards provincial status for a decade or more. These are the Territories' small populations, their uncertain revenue base, their unresolved internal disputes, and the practical considerations of a national interest in the North."

Two conclusions are apparent from this analysis: (1), the obstacles to provincial status seem to increase with the passage of time and, (2), northerners are being required to overcome hurdles to achieve provincial status that no other provinces entering Confederation had to overcome.

The next section is entitled "Overcoming the Barriers", the first section being "The "7 and 50" Rule".

Perhaps the least fair of any of the requirements to attain provincial status is the "7 and 50" rule. Paragraph 42(1)(f) of the *Constitution Act, 1982*, specifies that new provinces can only be established pursuant to the provisions of subsection 38(1) of the act. Subsection 38(1) states:

"38.(1) 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

"(1) resolutions of the Senate and House of Commons; and

"(b) resolutions of the legislative assemblies of at least two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty per cent of the population of all the provinces."

The application of this formula to the creation of new provinces was vehemently opposed by the Yukon's Member of Parliament, Erik Nielsen, and by other northern leaders, when it was originally proposed. The Meech Lake Accord threatened to impose an even more onerous requirement: the unanimous consent of all the provinces. This measure was also loudly protested by northern Canadians and, eventually, the First Ministers agreed to discuss the requirement at further First Ministers Conferences in an attempt to end the impasse over the Accord. One might conclude that the reasonableness of the northern governments' position on this issue was tacitly recognized by the First Ministers. However, it is unlikely the issue will again be addressed by the First Ministers until some constitutional accommodation is reached with the Province of Quebec.

This constitutional requirement is particularly offensive, when one considers that the Premier and Government Leader of the territories are not entitled to attend First Ministers

Conferences — not even if the issue to be addressed is provincehood for northern territories.

It would appear that the Yukon has few options for overcoming this obstacle.

1. The territorial governments could mount a lobbying campaign to try to persuade the federal and provincial governments to amend the formula now that they have publicly supported the concept of reviewing it in the June 9, 1990 "Ottawa Accord".

2. The Yukon government could lobby the federal and provincial governments to grant the Yukon provincial status under the existing amending formula.

3. The territorial governments could take the issue directly to the people of Canada, through a public information and education campaign, in order to embarrass the federal government into taking a firm stand in favour of provincial status for the northern territories.

4. They could adopt a combination of approaches from those noted above.

Before concluding this section, it should be noted that the feasibility of option number 2 will be enhanced should Quebec decide to separate from the rest of Canada. The provisions of the current amending formula could be met if six provinces, including Ontario, or seven provinces, excluding Ontario, and the federal government passed resolutions supporting provincial status for the Yukon. I have attached an appendix analyzing that scenario.

The next subsection is entitled, "Uncertain Revenue Base".

Perhaps the most difficult practical obstacle to achieving provincial status is the development of a strong, sustainable economy capable of generating sufficient revenues to provide essential services to residents and reduce reliance on federal transfer payments.

Gordon Robertson and Jack C. Stabler have examined this issue in some detail and concluded that the Yukon would not be able to generate enough revenue to enable it to qualify for equalization payments under the formula used to fund provinces. However, Stabler's analysis did suggest that the NWT could achieve this objective if sufficient revenues were generated from the Beaufort oil and gas production. Stabler's analysis, however, did not factor in the possibility of the Yukon obtaining any revenues from Beaufort production. The Yukon government is now engaged in negotiations with the Government of the NWT and the federal government, which will lead to the signing of a northern oil and gas accord. This accord, once signed, will entitle the Yukon government to a portion of the royalties generated from Beaufort production and, thus, there is significant potential for the Yukon to reduce its dependency on federal transfer payments.

Furthermore, the Yukon government has recently completed its Yukon Economic Strategy, which provides a blueprint for developing and diversifying the Yukon economy, which will reduce the Yukon's dependence on non-renewable resources extraction in the long term.

Finally, it should be noted that fundamental economic and revenue transfer issues will ultimately be addressed in the agreement negotiated between Canada and the Yukon at the time the Yukon formally enters Confederation. We can look to the resource transfer agreements reached between Canada

and the Provinces of Alberta and Saskatchewan, and the "Terms of Union" agreement reached between Canada and Newfoundland, for some clues as to what resource and revenue arrangements can be written into such constitutional agreements. It should be evident that the unique problems associated with the Yukon economy, and the high cost of living and doing business in the north, would justify special financial and revenue-sharing arrangements being written into a "Terms of Union" agreement between Canada and the Yukon. These arrangements should provide adequate lead-time for achieving revenues from taxation and resource royalties sufficient to satisfy the formula that applies to the other provinces.

The next subsection is entitled "Settlement of Land Claims".

The requirement to settle land claims as a precondition to constitutional amendments leading to provincial status was particularly unfortunate for Yukoners. It resulted in the whole issue of constitutional development being relegated to the status of a "bargaining chip" in negotiations, instead of unifying all Yukoners in a common cause.

Negotiations to achieve a land claims settlement and to devolve responsibilities to the territorial government are both empowering processes, designed to meet the legitimate needs and demands of Yukoners. The linking of the two processes meant that one group came to view the other as an obstacle to their legitimate interests, and both processes suffered as a consequence.

The argument that native and non-native interests in the constitutional development of the territory are different or distinct can no longer be sustained. Yukon Indians are now full participants in the Yukon political process, and they have sought election as candidates in each of the Yukon's political parties. Once elected, they have been appointed to the highest positions within government, including the post of minister, House Leader and Speaker. These elected officials have promoted devolution, constitutional development, and the settlement of land claims as fervently as their non-native counterparts.

All Yukoners have an interest in the local management, ownership and control of land and resources, regardless of their location within the territory. Yukon's Indians will be as affected by major hydro-electric projects and resource extraction activities as non-Indian residents. They will be as powerless as non-natives to affect the decision-making processes that might approve or reject such projects as long as land and resource control remains under direct federal ownership and control.

Yukoners who wish to achieve full equality within the Canadian Confederation need to work together to achieve a fair and equitable land claims settlement and to obtain the same rights as are guaranteed to the residents of the provinces.

The next subsection is entitled "The Small Population Base".

The small population in Canada's north has been used as an argument against granting provincial status to the people who live there. The argument is a tenuous one and has not been supported by logical argument. People who live in the smallest provinces are accorded the same rights as those who live in the largest provinces, and people are free to move to whatever

province or territory they wish to live in. Consequently, populations fluctuate as people seek economic opportunities around the country, but nobody would suggest that people should lose basic rights when they move to another province, as happens when they move to a territory.

Many Canadians simply choose not to live in the north, and that is a right they are free to exercise, but why should the exercise of freedom of choice impact on the right of northern Canadians to govern themselves in the manner of their choice?

Secondly, it is clear that any given population size criteria will simply be an arbitrary figure that will have little validity. Populations ebb and flow for many reasons that governments have little control over, and it is doubtful that a province would lose its status as a province if its population fell to that of the Yukon's. There is simply no provision within the federal constitution to justify granting or removing provincial status on the basis of population. Thus, Yukoners should simply reject any arguments that favour this ridiculous requirement.

The next section is entitled "The Consequences of Not Being a Province".

The consequences of not being a province are both numerous and substantial.

First of all, as residents of a territory, Yukoners are not entitled to representation in forums where decisions are made that directly affect them. The most obvious examples are First Ministers Conferences. The Yukon's Premier was specifically excluded from the negotiations leading up to the signing of the Meech Lake Accord, despite the fact that those negotiations traded away the rights of Yukon's residents. Furthermore, when the Premier is invited to a First Ministers Conference, he is only permitted a brief statement for the record and is not afforded the opportunity to dialogue or debate the Yukon's interests.

A second consequence of being a territory is that it lacks a "Crown in the Right of Yukon". This precludes the Yukon government from having ownership over land, water and resources. The federal government now manages the majority of Yukon lands, all of its water resources, as well as its forests, minerals, gravel, oil and gas. Yukoners are afforded roles as advisors in some resource allocation decisions, but their advice can be rejected by the officials and ministers in Ottawa, who make the final decisions. Furthermore, federal ministers and Parliament have seen fit to pass legislation, such as the *Canada Oil and Gas Act* and the *Northern Pipeline Act*, over the protests of northern Canadians, and approve such things as mining projects and land use activities without the consent of the people of the territory.

Another consequence of not having a "Crown in the Right of Yukon" is that the Yukon government cannot prosecute offenses under the *Criminal Code of Canada*. These prosecutions must be handled by a person appointed by the federal government.

A third concern with territorial status is that the Yukon's constitution, form of government, political boundaries, and the political rights of Yukon residents, can all be removed or rearranged without the consent of those affected by the changes. The *Yukon Act* is a federal statute that can be amended without the consent of the Yukon legislature. Regulations pursuant to the *Yukon Act* can be promulgated without the

consent of Parliament, and the Minister of Indian and Northern Affairs can, at any time, direct the Commissioner to take unilateral action to block territorial legislation, alter the form of the Yukon government, or take other "administrative" actions he deems necessary.

Finally, it should be noted that the Yukon government has no guaranteed federal funding, as provinces have. The Yukon government is given grants by the Department of Indian and Northern Affairs through a formula arrangement, but there are no constitutional requirements to provide such grants. Consequently, the Yukon government is subject to the vagaries of the federal budgeting process and federal government priorities, and territorial programs could be drastically reduced as a consequence.

In summary, the rights and privileges that are denied Yukon's citizens are one that are guaranteed to the residents of provinces. It would be unthinkable to deny such rights to the people of Atlin, British Columbia, but they are absolutely denied to every Canadian living in the Yukon. Such practices are morally, if not legally, repugnant in a democratic society that prides itself on its record of granting equality to all its citizens.

The final section is entitled "Conclusions and Recommendations".

If the people of the Yukon clearly indicated that they wished to be granted provincial status, would the people of Canada object? Apparently not. In 1982, the Department of Indian and Northern Affairs sponsored an opinion poll on the issue of granting provincial status to the northern territories. The results, released on December 1 of that year, were a clear indication of support: 87 per cent of southern Canadians who were polled believed that the Yukon and NWT should be granted provincial status as quickly as possible. Furthermore, 82 per cent agreed that the territories should be granted the same resource ownership rights as provinces have.

The Yukon has more than public opinion to rely upon in its struggle for provincehood. In 1985, the Royal Commission on the Economic Union and Development Prospects for Canada issued its report and recommended:

"... though even territorial leaders who aspire to provincehood are not demanding it immediately, the people of the North are making a legitimate request for *de facto* status. Commissioners believe that the federal government should indicate its commitment to some form of provincehood for the Territories as an ultimate goal and should grant Northerners all the benefits of Canadian citizenship."

More specifically, they recommended:

"On the basis of federal commitment to the ultimate goal of some form of provincehood in the Northern territories, the government's involved should establish a timetable for the transfer of provincial-type responsibilities in areas such as health, labour relations, inland waters, renewable resources and the institution of criminal proceedings. Additional measures should be taken to:

- Advance the process of transferring to territorial governments responsibilities for Crown lands that do not bear directly on the national interest and that have not been ceded to the Native people through claims settlements

- Institute resource-revenue/sharing arrangements comparable to the types of agreements worked out with Nova Scotia and Newfoundland

- Confirm participation of the territorial governments in federal-provincial forums where matters of direct concern to Northern residents are being discussed. Joint-management arrangements may be valuable transitional procedures."

Finally, it should be noted that federal policy itself has now evolved to the point where the legitimate aspirations of the people of the north are acknowledged. The most recent northern policy statement, adopted in 1987, states:

"Northerners want to join the Canadian political mainstream. They want greater control over land and resources and over Programs which, in all other regions of Canada, are the responsibility of the provinces. Northerners also expect to shape their own political and economic future and to be the architects of their own constitutions in ways that reflect the unique challenges of the North. In a real sense, the north is the "unfinished business" of Canadian nation building."

The policy also recognized that, while the federal government could no longer unilaterally grant provincial status to northern territories, it could "support and encourage" this result.

"Northerners expect their governments to continue evolving towards full provincial status ... [however] the federal government can no longer unilaterally confer provincial status. But it can support and encourage the evolution of responsible government by transferring responsibility for the administration and management of the remaining provincial-type programs."

Building on the recommendations of the Royal Commission on the Economic Union and Development Prospects for Canada, the federal government's most recent policy statement on northern development, the June 9, 1990 First Ministers' communique, and the historical precedents set by the Yukon Legislature, the following course of action is recommended.

1. The Yukon Legislative Assembly should, once again, endorse a resolution in favour of provincial status for the Yukon. This would send a clear message to the federal and provincial governments that would be consistent with positions taken historically by the Yukon Legislature.

2. The Yukon Legislative Assembly should establish a permanent Standing Committee on Constitutional Development to promote the goal of provincial status and to monitor the Yukon government's progress towards achieving this goal.

3. The Yukon government should make constitutional development — that is, provincial status — its primary goal and establish a secretariat dedicated to achieving it.

4. The Yukon government should develop a detailed strategy for achieving the goal of provincial status, which would include:

(1) accelerating negotiations on devolution, land claims and a northern energy accord;

(2) opening negotiations with the federal government on amendments to the *Yukon Act*, a "Terms of Union" agreement and the wording of a resolution to be placed before Parliament to effect the entry of the Yukon into Confederation;

(3) opening discussions with the provincial governments to obtain their support to amend section 38 of the *Constitution Act* to allow new provinces to be admitted with federal consent alone; and

(4) establishing a timetable for the achievement of provincial status.

5. The "Terms of Union" agreement for the Yukon should be based on some variation of the Newfoundland agreement and should incorporate provisions respecting the transfer of non-renewable resources to Yukon control at an appropriate time.

Thank you.

**Ms. Hayden:** Thank you. I think that covered almost all our questions. Would it be fair to say that what you are advocating is provincehood that is guaranteed sufficient funds as soon as possible? Would that generally summarize your position?

**Mr. Smyth:** My position is that we should negotiate provincial status with the federal government, and that negotiation should build in a formula financing arrangement that would allow us to become a province in the near term with these special funding arrangements in place until such time as we are able to generate sufficient revenues from our own resources to allow us to adopt the same formula arrangement that applies to the provinces.

**Mrs. Firth:** You made a comment about the Yukon becoming more self-sufficient economically and financially, and made reference to the revenues from the Beaufort. What other areas do you see where the Yukon could become more self-sufficient, in an economic capacity?

**Mr. Smyth:** There are a number of opportunities available. The northern oil and gas accord is the primary mechanism where most of the revenues could potentially come from. Developing our renewable resources would certainly have a great benefit over the longer term, because it is going to take some time to develop mechanisms for taking full advantage of those resources. Certainly in the areas of agriculture and fisheries, there is significant potential, through aquaculture.

**Mrs. Firth:** Mining?

**Mr. Smyth:** Yes, mining is going to continue to play a very important role in the economy but, as we all know, the problem with the mining economy is that it tends to be boom and bust. There are mechanisms that could be put in place again, at this point in time, with federal consent, which could help to level out those cycles. For example, putting a heritage fund in place would be one mechanism that could be utilized, by tapping into some of the royalties from mining activities, and putting them into a fund that could be tapped when the economy ... down.

**Mrs. Firth:** Do you think that the Yukon is a potentially very rich area economically, and that is perhaps why some other areas of Canada are so interested in us and our territorial status?

**Mr. Smyth:** Yes, very much so. The potential is always down the road. To some extent, that is somewhat frustrating. The resources are definitely there. It is just a matter of time before the prices climb to the point where they can be economically extracted.

**Mrs. Firth:** You feel that the formula financing arrangement that we would have to make with the federal government, depending on our economic ability, would not necessarily be one of our stumbling blocks if, for example, we had more control over our economic destiny.

**Mr. Smyth:** Yes. When Newfoundland entered Confederation, they had a special funding arrangement in place that applied only to Newfoundland. I do not see why the Northwest Territories and the Yukon could not negotiate a similar arrangement, which would give us a period of time where, once we have more control over our own resources, to get on our own economic feet.

Another possibility would be to continue as we are, but without resource control. Both Alberta and Saskatchewan became provinces without having any control over their natural resources. That did not seem to pose any kind of a stumbling block. The same type of arrangement could apply to the Yukon. There is certainly precedent for both those types of formulas that would allow us to become a province without having to automatically opt into an equalization formula.

**Mrs. Firth:** As a Yukoner, do you have a personal preference as to the progress you would like to see?

**Mr. Smyth:** With respect to those options?

It would be preferable to have control over our own resources. One of the problems these days is the fact that we cannot control the pace of development in the territory. If we could, perhaps we would have a better ability to control our destiny.

The other issue that recently came to the fore was the Auditor General's report, and the fact that DIAND was essentially undervaluing their resource, and they were charging royalties and fees that were so ridiculously out of date, and did not reflect reality. We do not know what we have lost, in terms of resource royalties and fees payments that should have been made to the government, which were never paid. That is, of course, totally lost to us.

It bolstered the arguments of people like Mr. Robertson, when he said that we could not pay our own way. We do not know now whether we could or not, because we do not know how much we have lost out on royalty payments.

**Ms. Hayden:** There is one other area that you have not touched on, and perhaps you do not care to. Do you have any thoughts around what kind of circumpolar links we should or should not be making?

**Mr. Smyth:** We should utilize our circumpolar links to the greatest possible amount. One of the things we have found is that other northern jurisdictions have done things that we have not thought of, or they have gone into economic development opportunities that we could learn from. The maximum amount of exchange of information that we can generate, the better. They certainly have things that we can learn from.

We also have constitution and political examples that we can learn from. Greenland, for example, has .... now for 11 or 12 years, so there are constitutional examples to learn from, as well as economic opportunities.

**Ms. Hayden:** Thank you.

**Mrs. Firth:** I have one last question. I found the comment you made about the Legislative Assembly once again endorsing a resolution in favour of provincial status interesting. Can you remember when they last did that?

**Mr. Smyth:** It would have been in 1978, with the adoption of the Second Report of the Standing Committee on Constitution.

**Mrs. Firth:** Has this happened since then?

**Mr. Smyth:** Not to my knowledge, no.

**Mrs. Firth:** Do you think the political will is there, now that we have politics? That was the beginning of politics. Do you think the political will is there to proceed with this?

**Mr. Smyth:** I would certainly hope so. My hope is that you would adopt some of the recommendations I have put forward and to reflect those in your report to the government and will, at some point, put a resolution before the Legislature adopting the report. In itself, that may result in a unanimous approval of the report and, in fact, be an endorsement of that approach.

**Mrs. Firth:** I asked because I know, when the resolution was presented before, there was always that we endorse this, however, this and that are attached to it. They are all the points that you raise in your paper — when land claims are settled, and when this happens, and that happens.

Am I wrong in concluding that you would probably expect the same kind of resolution that was presented then?

**Mr. Smyth:** The other possibility is ...

**Mrs. Firth:** Would it be even broader now, or narrower, in light of Meech Lake and all? Do you see that it has become more complicated or simpler?

**Mr. Smyth:** It has become more complicated but, on the other hand, the Legislature has to take a clear and unified stand that can be easily comprehended by the people in Ottawa, that the more convoluted and complex the resolution, the more opportunity there will be for people to read other things into it.

So, I would hope for a very strongly-worded and very clear message to go to Ottawa.

**Ms. Hayden:** I am sure many people have questions for you, but I will ask them to wait until after all presentations are made. We will then have a break and open the floor to discussion.

Thank you very much.

**Mr. Smyth:** Thank you very much for listening.

**Ms. Hayden:** It was a very thorough, precise presentation, and we appreciate it.

**Mr. Smyth:** Thank you.

**Ms. Hayden:** We now have a presentation from Micha Rumscheidt. Welcome, and we appreciate your coming.

**Ms. Rumscheidt:** I am Micha Rumscheidt. I want to thank the members of the Select Committee for this opportunity to present my views on constitutional development in the Yukon.

I am speaking to you this evening as a 14 year old who is concerned for the future of our country. I am here mostly just to let you know what I am thinking about. I really do not have a lot of answers, and I know that I have a whole lot to learn when it comes to the question of constitutional development, but I am trying.

Actually, I am doing this presentation tonight as part of a Socials project for my term mark at school. We were allowed to pick our own topic, and this is the one I chose. I will be

following news about your hearings in other communities over the next few weeks, too.

I went to one of the public lecture series at Yukon College a couple of weeks ago. I heard the hon. Jean Charest speak about what he called "Changes in Canadian Society from French and English Perspectives". He spoke about the constitution and how it should work for the people, how it should be an instrument of building. I was interested in what he had to say. Before I went to hear Mr. Charest, I read the green paper produced here in the Yukon. I asked him what he thought about the question of whether or not the Yukon should become a province. Even Mr. Charest, someone who has studied this subject for many years, said he did not really have an answer for me. He also said, however, that because we have such a small population, some parts of the country may have negative responses to the Yukon achieving provincehood.

I have a lot to learn about all of this, but here are some of the things I have thought about this whole issue.

First of all, I have thought about aboriginal rights. I believe in the justice of the Yukon land claim. I believe that the lands that were taken away from the First Nations should in some manner be restored to them.

I have also thought about what would happen if the Yukon became a province. I am not so sure I like this idea, even though I believe that we need some kind of greater independence from the federal government. It is kind of like being a teenager: we want to be independent from our parents, but we also know that we need their help, and money, from time to time.

I am worried that, if we become a province with lots of people and big buildings, we will have to cut down our forests to make room for more homes. I am worried that the air will become polluted.

On the other hand, if we become a province, perhaps we will be treated more fairly at federal meetings. I remember watching news about Meech Lake and the Premier of the Yukon, Mr. Tony Penikett, could not even sit as an equal with the other leaders of the country. This kind of thing should not happen.

I have also thought about world peace. Sure, we are small, but there is much we can do for peace in the world. We could, for example, start some sort of a bank account to put aside money for peace programs and programs that make it possible for people from around the world to get to know each other. I am thinking about Crossroads International. We had a woman from Ecuador stay with us, and we are still friends.

We should also tell the federal government and the provinces about our thoughts, and we should also teach our children about customs from outside the Yukon. First of all, I guess, more adults would have to learn about these customs before they can teach the children.

We must also work for better peace between the people in the Yukon. May I tell you about something wonderful I learned last week? Two native women came into my school to spend time with my Home Ec class, showing us how to do beading. You know, this is an incredible art. I learned a lot about beading, and I discovered I can actually do it quite well. Not as well as the women who showed me, but well enough to know that I want to learn more. I expect to learn more, not just about



beading, though. I also expect that I will learn more about some of the history of the Yukon. I really appreciate the time these women took to come to my school. I do not think this would have happened if I had lived in Toronto, or some other city in the south.

So, I want to thank you again for this opportunity to speak to you. I hope that, someday, I will really understand what constitutional development is all about. I know that whatever happens in the coming years, my country is somehow going to change, and changes here in the Yukon are part of that future.

Thank you.

**Ms. Hayden:** Thank you, Micha. You talk about the Yukon changing. What kinds of things would you like to see, in terms of change, if that change is inevitable?

Would you like to see the population grow, or stay as it is?

**Ms. Rumscheidt:** I like the population how it is. I do not want to become a province. I would like to stay a territory and improve the government we have right now.

**Ms. Hayden:** As I understand what you were saying, you would want to see our Premier have similar status when he goes to meetings and other things.

**Ms. Rumscheidt:** Yes.

**Mrs. Firth:** Micha, as a young person, how involved do you want to be in the change? Do you want to sit by and watch it, or do you want to be actively involved in it? Do you want to be heard in that change?

**Ms. Rumscheidt:** I think I should be heard, because I am a Yukoner, so I should have a right to be heard.

**Mrs. Firth:** Are you prepared to work in that changing process for your own future?

**Ms. Rumscheidt:** Yes.

**Ms. Hayden:** Do you have thoughts about how the Yukon links with other parts of the north, the circumpolar areas? Have you thought about it? I believe you were in Russia, were you not?

**Ms. Rumscheidt:** Yes, I was. I went on a peace mission there with ... against nuclear arms, and I met people there.

**Ms. Hayden:** Did you see anything similar to our part of the world, or was it entirely different?

**Ms. Rumscheidt:** There were some similarities, but none that I can remember. It is different.

**Mrs. Firth:** Micha, what improvements would you like to see? You want us to stay as a territory and do not want provincial status, but you would like to see us improve on what we have now. Did you have something particular in mind?

**Ms. Rumscheidt:** We can finish the things that are started, for example, the environment act. I cannot think of any right now. If we finish what we have started, that is a start.

**Ms. Hayden:** I am hearing you say that you think our best future is to remain as a territory, but with more powers.

**Ms. Rumscheidt:** Yes.

**Ms. Hayden:** Thank you, Micha.

**Mr. Percival,** we would be pleased to hear you.

**Mr. Percival:** You might not be.

I am Peter Percival, and I am not representing anybody else but myself with my own biases.

While I do favour eventual provincial status for the Yukon, I am primarily interested in promoting the ongoing develop-

ment of democracy in the Yukon, rather than Yukon's position in Canada. For a truly democratic representation in the Yukon, I understand that the *Yukon Act* only allows for 20 constituencies. I would say that the *Yukon Act* would require amendments so that a community like Old Crow, which I know needs representation in the Yukon Assembly, does not have such a disproportionately high representation. We need to be able to put more constituencies in the Legislature.

The cost is something that we have to bear. If we are going to have a representative government, we have to be willing to pay for it. That would be my first suggestion, as a means of creating a more democratic institution in the Yukon.

I am very much against guaranteed representation based upon racial lines. I would hope that the best candidate would be elected in each riding, regardless of race. I believe that any such guaranteed representation divides us, and we certainly do not need any more of that. It is my opinion that a Yukon First Nation candidate who resides in my riding could represent me as well as any other potential candidate — white, black, red, yellow, green, or purple — no matter what type of hyphenated Canadian they claim to belong to.

I am very much against this idea of representation in the Assembly based upon racial origin.

I would like to see the election process changed. This process should be improved to be truly representative, so the possibility of having a minority party forming the government cannot occur. I suggest that, unless a candidate receives 50 percent plus one vote of the votes cast in an election, there should be a runoff election between the two candidates who have collected the most votes in the original election. I am willing to try to field any questions.

**Ms. Hayden:** Those are the few points you wanted to make?

**Mr. Percival:** Yes.

**Mrs. Firth:** So, you are saying that your concern with respect to constitutional development in the Yukon comes more from an electoral process for democratic representation, and we should look at that before we look at Yukon's place in the full context of Canada?

**Mr. Percival:** It seems to me that, with the population of approximately 30,000, the Yukon does very well in Canada. To ask for more would be extremely selfish. We probably have the best representation in Ottawa, because there are no constituencies in Canada that have only 30,000 people in it.

We get one senator. I could go on about the Senate, how you reform it by abolishing it, but I am primarily concerned about what I see that may transpire out of the land claims, which may be guaranteed representation, and I am concerned about that. I do not think that is the way to go.

We do not need any more divisions in Canada. It looks like it is flying apart at the seams right now.

**Mrs. Firth:** You are talking about guaranteed legislative representation?

**Mr. Percival:** Yes, and special ridings.

**Ms. Hayden:** I am going to jump back here to the green paper. It sounds like you are suggesting to stay as we are, as far as the territory is concerned.

**Mr. Percival:** Yes, let things develop as they develop. I do not think we need to jump into the frying pan to gain a



province. The costs would be horrendous. We would get more bureaucrats, and I am one of them. We would get more government and more representation than we probably need.

**Ms. Hayden:** With the process that we are in now as a territory devolving, which seems to be the word, or taking control over various programs and resources, would you see that happening only when the money comes along with it to operate it, or would you prefer it to go the other: take control of a program and hope that the money comes? In other words, the money first or the money last?

**Mr. Percival:** You should get the money to administer a program to begin with. Otherwise, you are not going to administer it very well. You have to sit down and negotiate it with Ottawa, but you do not have to have provincial status immediately. You could have something somewhere in between. It is an evolutionary process, and it could continue to be that. It has been an evolutionary process ever since I came here. When I came here, the Commissioner had a lot of authority, and those days are gone. We could continue that way until the population base really demands or requires provincial status and provincial institutions. Improving the democratic institutions that we have in the territory would go a long way to meeting the needs of the people of the Yukon, without wanting provincial status.

**Ms. Hayden:** As we head some day down the road toward provincial status, if it is a long time, do you think that other provinces should be able to decide if we join? Do you have an opinion about that?

**Mr. Percival:** I do not think we should be denied any rights that other Canadians have. I think we should be treated fairly. Also, I do not think we should put tremendous demands on the rest of Canada. We already put tremendous demands on the rest of Canada, as it is, and we do very well. It seems to be particularly selfish to demand provincehood for a jurisdiction that has the population the size of a town in Ontario. It just does not seem to be practical.

**Ms. Hayden:** I have one other question to ask you. We seem to be on an evolutionary process. What would you see as the most important next step for us to take, or do you have an opinion on that?

**Mr. Percival:** As far as getting additional powers from Ottawa?

**Ms. Hayden:** Perhaps, yes.

**Mr. Percival:** You would try to acquire control of the natural resources that we do not have. I think we can administer those as well as Ottawa, or better, from right here. With that, you would hope that, in the process of negotiating those controls, you would also get some financing for them.

**Ms. Hayden:** Bea, do you have any other questions?

**Mrs. Firth:** No.

**Ms. Hayden:** Then I will ask my usual last question. Do you have any opinion about circumpolar links? Do you think we should promote that?

**Mr. Percival:** I think most of that stuff is a bunch of hoey. I have been over to Scandinavia. If you think that you can simply take what they have done there with their population of five or seven million in those different countries, and bring it to the Yukon, you are out to lunch. You cannot do it.

As far as the Soviet Union is concerned, they are still lining up for potatoes. What are we going to gain from them? They came over here, and they were fascinated with culverts. They had never seen steel culverts on highways before. How are we going to get anything out of the Russians? They certainly have no democratic institutions we can look at.

**Ms. Hayden:** Thank you very much.

Do we have anyone else who wishes to make a presentation?

**Mr. Cormie,** we would be pleased to hear you.

**Mr. Cormie:** I am John Cormie, and I am representing myself, as well.

I have the makings of notes as to the basic ideas I think are important for the future. I would have to start with if we want to see development here, we want to see it in a very controlled, planned and successful manner. I do not see any need to jump ahead of ourselves. We can say that provincehood may be the ultimate goal, but I do not think we have to start by stating that. We can start elsewhere, and I think we have started. The key point that we need, that has been stated before and is very important, is that we have to have a just and equitable settlement of land claims.

With that foundation, which we all hope will come soon, then lots of things are possible. The next most important step that I see as necessary in our plan would be a joint management of resources with the federal government. I mean all the resources, not just this little thing over here and that one over there. That should include revenue-sharing, as well, on a fair basis.

We would have to go to the federal government and point out why we should be given these responsibilities. You can point to some of the changes that we have been undergoing, in terms of our own planning strategies. Over the last few years, we have been trying to find out what it is that people want. This commission is one example. There have been others: economic strategy. We are working on an environment act. It is not completed, but the point is that we are taking those kinds of responsibility. With those responsibilities, we should attempt to show the federal government that we are capable of doing this job, at least as well as they are. We would ask to take over from them, on a planned and jointly-managed basis. This would permit us to actively set fees on revenue-sharing and royalties, and things like that. It would be done under federal law, but with the consultation and direct input of the Yukon government.

The next point that I think is essential is that we need a controlled but steady increase in population. We cannot accept 30,000 people as having any potential future as a province in Canada. I cannot say what that number should be to be successful as a province. I do not think it is necessary to say what that number is right today, but I do feel very strongly that, without a much larger population than we have now, we will not have any real chance of gaining acceptance for provincehood, or of actually being able to manage it, should we achieve it.

There are many opportunities for increasing our population in a controlled manner, that would have no significant effect on our forests and will improve the quality of life for all of us.

I am sure all of us feel very similar. When you want to go out for that little trip somewhere, sometime it is nice to go some place, and it is very difficult in the Yukon, unless you are willing to go for a two hour drive. We can all benefit from that. There are ways. The concept that Quebec is using of Quebec family laws. We could have Yukon family laws. We can gain that population growth internally by encouraging development here. Steps are being taken in services that are available here.

A point that is ... in Canada is how good the services are up here. Granted, they are partly subsidized by the federal government, but the services are here, and we should be taking steps to encourage people, to let them know.

We have been taking a lot of steps to develop local business, and that has been done for as many years as I can remember, and that is a good thing. We also have to take another step and see what we do to attract business, and I mean Outside business. Outside business hires local people, as well as local business.

I am not suggesting we change away from local business to Outside business. I am saying to support local business and attract new business from Outside. I do not necessarily mean just mining or big forestry companies. There are lots of places for development here, and we need to be more attentive to that.

A good example that I do not think we should ever forget is that, while Canada has 10 percent of the population of the United States, the Yukon is something less than 10 percent of the population of Alaska. There is a lot to be learned from Alaska.

I could go on to my circumpolar idea, but I would like to go back to some other things.

In terms of circumpolar, the only two links that will really count for us in the future are Alaska and the Beaufort. We should identify those as very strong links, without which we will be making major mistakes in our own development. The Beaufort is a natural Canadian link for us. We have it way over the Mackenzie as a route and support link, but we have to understand it as that, and we have to develop it as that. Right now, I do not believe we do that.

There is also the possibility that, if we do not properly develop that, there will eventually be that other way of servicing the Beaufort, which is the Mackenzie. It will significantly deteriorate our ability in the north, and throw into great question the thousands and millions of dollars that have been spent on the Dempster.

Equally is Alaska important to us. We have great opportunities with that neighbour. We exploit some of them in a tentative way. We are doing a fairly good job on tourism, as far as I understand, but there are a lot of other ways we could be more effective there. We have to. There is a huge market there, and we are also a market for their products.

In terms of other circumpolar nations, like Scandinavia and Russia, there are things that we could learn from them, but I agree with Peter, at least in terms of the Soviet Union. We are not a natural market for them, nor them for us. We have examples where our expertise and ideas are saleable outside this narrow sphere here, and we should look to those and exploit them to the extent of our ability. I think it would be

ideas and mind power that we are selling, as opposed to products, so I do not think we should ... major sales of timber.

In terms of constitutional development, we can take almost all the powers that we need through devolution-type and joint-management processes. Even joint management can lead to devolution as a direct and full responsibility, short of provincehood. At some point, you will have to obtain the ability to become a province. To do that, we cannot forget there is a lot of steps in the way.

The first one is that we have to overcome the reticence of the provinces to letting another province into confederation. That is very real. It is a mistake to assume that provinces do not mind if we become a province. They do. There are many provinces out there that would vote against the Yukon becoming a province today, if that was put before them.

It is not a rejection of the Yukon, nor of our aspirations. It is a protection of their own self-interest. In effect today, in this kind of ... constitution in Canada, the name of the game is to protect what you have and try to get a little bit more. It is not a good time for the Yukon to even consider provincehood.

I think that would change, and I think there will be an opportunity for the Yukon to become a province as soon as we have that population base. I feel that, if we are going to gain the support of the provinces, we have to take some steps, the first of which is to be very effective at our ministerial conferences. I have been to many as a bureaucrat. Good ideas do come. It does not matter where they come from. I have seen it many times at these conferences where the Prince Edward Island representative is leading the show, and that is not uncommon. Equally, there have been times when the Yukon representative has been the key player at some point, and that counts a lot. It may not come in the headlines, but it does get the representatives of all the provinces to understand that the Yukon does exist and does have capability, equal in many ways to their own.

That also has to be reflected at the ministerial level. That will help to remove the roadblock, but it will not be sufficient to gain us provincehood, because we will need a lot more than that, in terms of public support, broad-based public support. The only way we are going to get that is if we are able to increase our population dramatically over a period of time. We also have to get the attention of the Canadian public.

I cannot even name them right now, but this will take things like pipelines, major developments, happily as they may be viewed by some. That does gain attention. I am almost positive that a small, happy, contented group of people in the north of the country will never become a province, solely on the basis of their wanting to. We just do not have the attention of the national media.

**Ms. Hayden:** Does it trouble you at all that the Department of Indian and Northern Affairs has the ultimate power over the Yukon Legislature? For example, the Minister would have the power to abolish Cabinet, in theory. It would be a little hard for them to do it at this point, but he has that power. The Parliament, by enacting a change to the *Yukon Act*, could abolish our legislature. Does that trouble you?

**Mr. Cormie:** Yes. First of all, the *Yukon Act* has been fairly effective for us in terms of the powers it does give us. It

has not been fully utilized, as far as I am aware, and our own government could do better.

It can do a lot for us. The power you reflected of unilateral change is a concern. This is something we could begin now, but I do not think we can expect a change now, but we could begin to seek a change that, in recognition of these other powers we are showing ourselves to be capable of responsibly managing, would deal with a number of housekeeping issues but, also, a fundamental principle would be included in the act that I said is the point that what is in it would not be changed without the consent of the Yukon Legislature. As well, any regulations that flow out of it would not even be introduced without the consent of the Yukon Cabinet.

In other words, it would become a Yukon act. It would be governed by the Yukon. It would be short of provincehood, but it gives us many of the powers the provinces have. The ability is there.

**Ms. Hayden:** It would enshrine some of those powers.

**Mr. Cormie:** Yes, short of a constitutional change. A constitutional change will not happen in the foreseeable future, as far as I can see. I cannot see that change happening to make us a province. That does not bother me, because our goal may be provincehood, at some point, but it does not have to be something we waste time in rhetoric on today. There are lots of things to do, if we do it in a planned and responsible manner.

**Mrs. Firth:** I wanted to ask you about the joint management of resources and revenues. It is an interesting concept. How do you see that working? How long would we do that? How would we jointly manage it? Would we share the revenues equally, or would we get more than the federal government? How long would that go on for?

**Mr. Cormie:** My thought is you start, and then you decide how long. I know it can work. In the business I am in, we have done a lot of joint management of issues, where it may start out as joint management, but shortly becomes a we-managed issue. We get to learn everything we have to know about how to do it. We get to know where the money is and how much is needed. We end up knowing as much about the program as there is to know about it.

At that point, you then become he who really knows what is going on and is in control of what happens. We become in the position where we can then decide what it is that should happen, how much it should cost, if it is a revenue-sharing thing what the appropriate shared revenue is. That is always going to be a negotiation. It will never be something where you can say today, it has to be this. You have to negotiate that. You have to be able to prove your case.

Once you are actually managing the program, you have information on which to prove your case.

**Mrs. Firth:** We do that now with joint agreements.

**Mr. Cormie:** I am thinking in terms of the ones I am dealing with. We have done that for a number of years on intraterritorial roads and B and C airports. We managed them for them for many years and, then, took them over on quite favourable terms. We knew what we wanted.

**Mrs. Firth:** Do you see the system different than the way it is now, where we do the managing and pay the bills, but they still have a lot of say and can influence the cost or the direction?

**Mr. Cormie:** One of the invariants of joint management is that you do not have complete control. You would have to recognize that would be the case. The control does shift to you.

I should clarify this. Joint management of a process and a policy is one thing. You would seek Yukon control of administration, so the Yukon government would have complete control of administration with the joint management setting policy and things like rate. With that control of administration, it is not very long before you can control policy, even though you have a joint control policy in theory.

I think you would find there is enough there to make us happy for a long time to come, in terms of what is needed. For instance, I do not see what major interest the federal government would have in controlling the lease of lands at the moment, provided that we are doing it under certain policies that they can agree with. If we do it in a good way for a number of years, and predicated on the successful settlement of land claims, I do not see why they would have a major problem with us taking over the complete management and control of lands, subject to the fact that it is still federal land. They would not necessarily give us that land. Maybe we do not need the land; maybe we need to be able to manage and control it.

We do need a bigger population base. Without that management right, we will not get it.

**Ms. Hayden:** We have no further questions. Thank you very much.

Do we have any else who wishes to make a presentation at this time?

One of the things I neglected to do earlier was to introduce our staff: Patrick Michael and Missy Follwell, the Clerk and the Deputy Clerk for the Legislature. They also make coffee.

Perhaps we could have a break for 10 minutes. If you are then interested in discussing some of the things you have heard, we would be happy to do that.

*Adjourned 8:45 p.m.*



**Yukon Legislative Assembly**  
**27th Legislature**

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Community Hall, Beaver Creek  
Tuesday, February 26, 1991 — 7:30 p.m.**



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

**MEMBERS OF THE SELECT COMMITTEE**  
Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

### **STAFF**

Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

### **PARTICIPANTS**

**at the Beaver Creek Meeting of February 26, 1991**

Berkner, Dwight	Irons, Bruce
Blair, Billy	Johnson, Folkie
Blair, Elizabeth	Langner, Rein
Brewster, Bill (MLA)	Rogers, Grant
Burgess, Gary	Stephen, Glenn
Carlson, Bill	Stitt, Sally
Ganley, George	

## BEAVER CREEK, YUKON

February 26, 1991 — 7:30 p.m.

**Ms. Hayden:** Thank you very much for coming. First of all, I think I have met all of you. I am Joyce Hayden, Chair of the Committee on Constitutional Development. This was set up by the Legislature last year. This is Bea Firth, who is also a Member of the Legislature. With us tonight is your MLA, Bill Brewster. We also have with us two staff people, Patrick Michael and Missy Follwell from the Legislative Assembly. Patrick is Clerk and Missy is Assistant Clerk.

Last year, Bea and I were appointed by the Legislature to hear Yukoners' opinions on constitutional development of the Yukon. I know that sounds like pretty dry stuff, but I am of the firm belief that every Yukoner has an opinion about what happens to the Yukon, and I hope you will tell us some of those opinions tonight.

For example, how do we fit in with the rest of Canada in confederation? Should we stay as a territory, try to become a province, or is there some other option? Those are just broad outlines of some of the questions we will find in the green paper.

We are required to travel to all the constituencies in the territory. We are trying to travel to all the communities, because we did not want to make the choice of going to one community, but not going to another. In the spring, we will report to the Legislature what you have told us. We will not report our opinions, although Bea and I consider it quite difficult sometimes not to have opinions on this. Our job is to report what you have to say. Part of the questions are, what do you want to happen from there? How do you want the rest of Canada to be told? We will touch on that afterward.

I have a few logistics for you. Meetings are very informal. In order to accurately report, we will be taped. That is what you see happening over here. If you are comfortable doing it, I would ask you to give your name, at least the first time when you have something to say. If you have prepared a written or formal report for us, we would be happy to receive that or, if it is your choice, we will just go into discussion. I will need to know that in a moment.

There is coffee being made. At some point, when it is cooked, we will just get some coffee and carry on, rather than having a formal break. I would think you do not particularly want to spend all evening here, unless you get into a very interesting discussion.

Bea, do you have anything to say before I find out?

**Mrs. Firth:** No, Joyce, just to welcome everyone to the meeting tonight. We look forward to some interesting discussion.

**Ms. Hayden:** Has anyone come with a presentation ready?

**Mrs. Firth:** I do not think so.

**Ms. Hayden:** I do not think so, either. I would suggest, to kick it off, that we talk about whether anyone has an opinion about whether we should be heading toward provincehood, or whether we are too small; should we have a much larger population and a stronger economic base before we talk about that? Does anybody want a kick at that?

**Mr. Ganley:** How were the other provinces made? With an order-in-council?

**Ms. Hayden:** As I understand it, the other provinces made a deal with the federal government alone, and they each made a different financial agreement at the time. There was no set rule for a population base or for how much money they got.

**Mrs. Firth:** Some came in at the time of confederation; others came in with different attachments. Some had responsibility for their resources, and some did not, and they gained that responsibility.

**Mr. Ganley:** Our ancestry is the Hudson's Bay Company, is it not?

**Mrs. Firth:** That is more the Northwest Territories.

Essentially, what we want to know from people in the Yukon is whether they are even interested in the Yukon becoming a province one day. Is that important to you? If it is not, then you may not have any opinions about it.

**Mr. Berkner:** How self-sufficient would we be if we gained more autonomy?

**Ms. Hayden:** Last night, we had a fellow do a presentation who specifically spoke to becoming a province. He maintained that what would have to happen is that a funding formula would have to be negotiated, as was done by the other provinces when they joined.

If we were to join and have the equalization payments, as other provinces do now, we would be very poor. They are based on per capita income and population. At the present time, we have a funding formula where we negotiate a certain amount of dollars, and we raise 20 percent or 30 percent of that by our income tax. The feds top up the rest to that point. If we raise more, they cut out what they guarantee, but they guarantee that certain amount.

If your question is, if we went exactly like the provinces are now, I would think we could not survive. I am not supposed to have that opinion, but those are the dollars and cents.

**Mr. Stephen:** I am Glenn Stephen. I am of the opinion that we should stay a territory. I believe the world is moving too fast and, eventually, it will be forced upon us. We cannot stand in the way of progress and will eventually become a province. I believe the Yukon is more a virgin country and should stay that way.

If we became a province, we would start having more industry here. We would start to be digging away, instead of supporting ourselves. This way, we could stay pure, and I believe our constitution should follow an environment act, where we have pure water, and where the Yukon is noted just for its pure water, where people could come to every stream — even the Yukon River — and drink out of it. There should be a stop in Whitehorse on what they are doing. It is a pitiful shame. They have more common sense than that, and that is from moving too fast and spreading their views across the whole territory.

When we are handing some land back to the Indians, I believe if the Yukon cannot be pure with water, at least the water that is going into these lands that we are giving them should remain pure. That is all I wanted to say for now.

**Ms. Hayden:** Anybody else have a thought on that?

**Mr. Ganley:** I understand the overall population of Canada is dwindling.

**Mrs. Firth:** It is not growing by leaps and bounds.

**Ms. Hayden:** It is not growing as fast as it was.

**Mr. Ganley:** If we were to become a province and try to increase our population, it would mostly be by bringing in people from other countries, based on the climate right now. So, we would lose our national balance. We would be a big territory full of foreigners.

**Mrs. Firth:** I am not sure what you mean.

**Mr. Ganley:** She was saying that the payments of provinces are based on population. So, if we try to increase our population to bring up the payments that we get from Ottawa, we would basically do it by emigrating people.

**Mrs. Firth:** It could also be from other areas of Canada, as well.

**Mr. Ganley:** It occurs to me that if people from other areas were interested in coming here, they would be here already.

**Ms. Hayden:** The fellow who spoke last night talked in terms that his point was that we should not have to have a larger population, that there was no population criteria, no top number, for any of the other provinces when they joined, so the Yukon should not be made to go through that.

**Mr. Ganley:** I can understand that population should not be a criteria to becoming a province, but it is, to get the dollars from Ottawa.

**Ms. Hayden:** If we followed the same formula, it would be.

**Mrs. Firth:** That is, unless some other arrangements could be made with the federal government to allow us to have provincial status and have control over our resources and try and have our population grow in a more natural way.

**Mr. Ganley:** Is there any positive reason Ottawa would want us to become a province?

**Mrs. Firth:** That is a question that we should ask you, as well. Do you think the rest of Canada wants us to have provincial status? There was some discussion last night about that. Some people were of the opinion that they did not think the other provinces would be that eager to see us gain provincial status.

**Mr. Ganley:** I thought the basis of the Meech Lake Accord made that perfectly clear, that they do not want the competition.

**Ms. Hayden:** In 1936, apparently, B.C. and the Minister of Northern Affairs at that time made a deal to give the Yukon to B.C. It was only through the intervention of the Roman Catholic Church that it did not happen, which is kind of interesting.

Does it trouble you, or not, that the Minister of Indian and Northern Affairs has the power of veto? We are ruled by the *Yukon Act*, which is a federal act, like any other federal act. In theory, at least now, and they have certainly exercised, they have the power of veto over the Yukon Legislature. In theory, and I do not know whether they would do it or not, they have the power to abolish the Yukon Legislature. Sometimes people may think that is a good idea, but the Minister of Northern Affairs has the power to veto, and to take away the Cabinet of the Yukon.

In that sense, we are very much at the mercy, if you like, of the Department of Indian and Northern Affairs. Does that

bother you?

**Ms. Stitt:** Could something like that be negotiated without actually becoming a province? I think becoming a province would be an idea, but you have to realistically look at the Yukon. We have tourism and mining. If one of those goes belly-up, if anything should happen to mining, where would we be? With what we get from the government, we would really be in a spot. I would really hate to see things get so bad in the Yukon that we would have to charge both provincial tax and GST.

**Ms. Hayden:** So, would you like to see a negotiation?

**Ms. Stitt:** I could see it would be nice to negotiate with Indian and Northern Affairs so that, at the snap of the fingers, they cannot dissolve us. That kind of negotiation would be nice to know that we have something stable within our own territory. I cannot really see the Yukon becoming a province. We are not big enough. We do not have enough industry. I think the other provinces would expect us to carry more weight and our fair share of the financial burden, if we were to become a province.

**Ms. Hayden:** So, you are saying that something in between what we are now and provincehood, so there is some security.

**Ms. Stitt:** We would still be a territory, but there would be security in our own government here for the Yukon.

**Mr. Berkner:** I have a question. What is the main controversy about the way things are going now? What is broken that we want fixed?

**Ms. Hayden:** That is a very good question.

**Mr. Berkner:** If somebody could tell me that, perhaps I could come up with some answers and suggestions.

**Mr. Ganley:** I think Yukoners want more control over their natural resources. That is one thing: forestry and rivers.

**Mr. Stephen:** Growing pains is what we are going through now. I do not think anything is broken. We are just starting to hatch out, and that is the way it is.

**Mrs. Firth:** What is comes down to is the pros and cons of being able to determine what kind of life you want to live where you live. As a territory, we do not have control over all our land, we do not have control over the mining revenues. We do not get those revenues; they have always gone to Ottawa, and they give us money back. It is whether you want to have a legislative assembly that cannot be dismissed by the Minister of Indian and Northern Affairs. There are some people who would argue that we want to be able to make all the decisions with respect to whether we want to promote mining or distribute land the way we want to do. We do not want to have somebody looking over our shoulder.

On the other side of the argument, people feel that we are not ready to be a province. They do not think we have achieved enough political maturity. They do not want to see us go too fast, as Glenn has said. That was another concern we also heard yesterday. They want to see it go in stages.

Another point that was raised yesterday was the fact that we do have an ability to raise a lot of revenue on our own, and we cannot make up for all those lost monies that we could have had as a province that have gone to Ottawa from mining and other industry where there is potential. When Faro was in full bloom, the revenues from there that were going to Ottawa

could have supported us very well as a province, and we could have established heritage funds, and so on.

Those are just some of the points that people look at, and some of the arguments that are presented, and some of the things we have to think about as Yukoners.

Another question we could also ask is, if there was a decision to be made about provincial status — and I know today, when I talk to you, you want more information so you can make the decision — we should be asking what kind of information you would like and how do you want to make that decision. Do you want to make it by some form of plebiscite? Do you, as Yukoners, want to make that decision, or do you want your elected representatives to make it for you? How do you see it happening, if it does happen?

**Mr. Irons:** I would rather see some kind of grass roots situation, rather than the elected representatives, per se, although I think the Minister of Indian Affairs can take away the powers of the Commissioner. I do not think he would take away the powers of the elected body. I think you would then see the situation you see in Europe right now. It probably would get to the point of sedition.

**Mrs. Firth:** You think that would offend Yukoners.

**Mr. Irons:** It would offend me, and I consider myself a Yukoner.

**Mr. Irons:** On the point about joining B.C., I would rather see us join Alaska.

**Ms. Hayden:** I just thought I would throw that in.

**Mr. Langner:** I am Rein Langner. I have an observation, as well as a question.

This control that the Minister of Northern Affairs has, does that not essentially boil down to the power of the purse? The other question I have is, what type of revenues could we expect as a province that would accrue to a province, which are now going to the federal government.

**Mrs. Firth:** I can give you some information about the monies. On the first question you asked about the Minister taking away our authority, he can do that. A letter was written to give us the authority by Jake Epp, when he was the Minister in 1979, so another Minister could write a letter saying, sorry.

**Mr. Ganley:** What Mr. Langner is trying to say is that, even if that power is not there, Ottawa could still say, you do as I say, or you are not getting any more money.

**Mrs. Firth:** In some respects, they can, and they are doing that to the provinces now. With respect to the money, all I can tell you is that, right now, about 83 percent of our revenue — the money spent in the Yukon — comes from Ottawa. In our own taxes, and so on, we raise about \$60 million, but we spend about \$320 million a year in capital and operating and maintenance expenses.

For us to go on a formula comparable to the provinces, I could not tell you what we would be eligible for, but it would not be anywhere near \$325 million a year. We are living quite well. We had a lot of people say that last night. We are very wealthy in the Yukon under the present system, so why do we want to change it.

**Mr. Berkner:** If we gain provincehood, do we have more control over the Arctic Ocean?

**Mrs. Firth:** If we had the control over the resources, yes.

**Mr. Berkner:** So, we would have the offshore, as well?

**Ms. Hayden:** All those things are negotiable.

**Mrs. Firth:** That is still open for debate.

**Ms. Hayden:** That leads me to another question. In this evolutionary process that we are currently in — and we talked about clean water, and some of the natural resources — do you have thoughts about what the next step should be, in terms of what is most important that we bargain to have control of? Do we also have to have the dollars? Control first, then dollars, or dollars first, then control? First of all, though, in what area?

**Ms. Stitt:** Myself, I would like to see us have more control over the fishing rights. It seems to me we are dictated a lot by what the Americans want. They take their fair share and leave us zilch. The poor sportsfisherman really does not have a chance when it comes to things like salmon.

**Mrs. Firth:** That is another example of the federal government negotiating on our behalf, though. I believe the salmon going to the Americans was negotiated by the federal government on behalf of the Yukon people. They were the ones that gave the Americans the greater portion.

**Ms. Stitt:** Was there anyone from the Yukon involved?

**Mrs. Firth:** We were there, but we do not have control of that, because we are not a province. We do not have control of that natural resource.

**Ms. Hayden:** You are saying that you believe that should be one of the next steps.

**Ms. Stitt:** I would just like to see more done. We have a lot of streams here with the salmon coming up, and it seems to me that the Americans are taking way too many. The streams are in our territory, and we are allowed to have ..., and that does not seem quite fair. I do not know who negotiated for us, but perhaps Ottawa should have allowed a few more Yukoners there representing us, since this is our area, and looking out more for us and not trying to always give to the U.S.

**Mr. Ganley:** I was led to believe that all the navigable waterways, such as the Yukon River and the St. Lawrence River, were absolutely under the control of Ottawa and under federal jurisdiction, whether you are a province or not. Is that not a fact?

**Ms. Hayden:** Do we know that, Patrick?

**Mr. Michael:** In terms of fish, fish are different than navigable waterways. Are you referring specifically to the control of fisheries?

**Ms. Hayden:** He was asking about navigable waterways.

**Mr. Ganley:** That is a hard word to say.

**Mr. Micheal:** That would stay under federal control.

**Mr. Ganley:** So, you are saying the resource in the provinces comes under the provincial jurisdiction?

**Ms. Hayden:** Fisheries. For example, B.C. would negotiate.

**Mrs. Firth:** We only have control over the inland fisheries. That was transferred to YTG when Mr. Porter was the Minister.

**Mr. Ganley:** Does the NWT have control over their ...?

**Mrs. Firth:** Do they have fisheries?

They have forestry and health.

**Mr. Ganley:** So, they do not have fisheries. Do you think we are going to follow suit?

**Mrs. Firth:** I hope so.



**Ms. Hayden:** I certainly hope so.

**Mr. Ganley:** Is it going that way?

**Mrs. Firth:** Yes. I think they are negotiating that right now.

**Ms. Hayden:** We are in the process of negotiating it.

**Mr. Stephen:** International fishery is a federal matter.

**Mr. Ganley:** I do not think we would gain much on that through provincehood.

**Mrs. Firth:** It would still be international fishery.

**Mr. Langner:** You have to remember that this road is going through here. I do not know if it is owned by America, but America is fixing this section up. They have surveyors up here and are funding the whole road. Every kilometre is going to cost them \$1 million, and they are thinking of doing about \$20 million worth and are just giving it to us. It is not even our road; we are not even looking after it. America is doing it.

That is why they are getting these benefits of the fish, and whatever.

**Mr. Ganley:** I would say they are getting the benefit of the highway.

**Mr. Langner:** Sure, if it shuts down. For us up here, maybe the road would just stop at Whitehorse. Up here, we would not exist. The Yukon would not exist.

**Mr. Stephen:** It probably would have stopped at Dawson Creek.

**Mr. Langner:** So, we are working with each other, and that is why we are ... We really do like Alaska people. They have the problems and they feel about the lower 48 the way we feel about Canada. That is the way it is.

**Ms. Hayden:** That is true, is it not?

That is one of the questions that is in the green paper. Do you have opinions about whether we should have stronger links with other northern constituencies, with other circum-polar regions like Alaska, Greenland.

**Mr. Stephen:** Even Russia. Greenland is pretty close.

**Ms. Hayden:** Do you have any thoughts about that?

**Mr. Ganley:** I think it is good to stay close to the NWT, because we have a common enemy, or a common friend, whichever way you want to look at it. We should stick pretty close, because their goals are probably very similar.

**Mr. Stephen:** The living conditions are similar and getting on the ... is basically the same idea. We should stay pretty close to them, before we start looking elsewhere. They are our next-door neighbour.

We should treat the Alaskans quite well. They put a lot of money into this place, even just travelling through.

**Ms. Stitt:** They do and, also, a lot of us go across to Alaska. I sometimes get annoyed that, for years and years, we have been able to go over there, and the amount of money you can spend is \$100 after three days. Years ago, you could buy a lot for \$100. Today, you cannot. Why is that amount of money not made larger? Why can the Americans come to Canada and spend so much more than we can, and be able to go across the border? Why is it not equal in amounts? Is there anything we can do?

**Ms. Hayden:** You can make that point to us, and it will come out in the report.

**Mr. Ganley:** Why do we not eliminate duty and excise between the Yukon and Alaska?

**Ms. Stitt:** They are next-door neighbours.

**Mr. Stephen:** We have a lot more similarities with the Alaskans than we do with people from B.C.

**Mr. Langner:** In this community, we cannot even buy a toothbrush. If you want to buy one, where do you go? It is closer to go to Tok than it is to go to Whitehorse, but we all end up going to Whitehorse and, every trip, it costs us \$1,000. If we went to Tok, it would be \$300.

**Ms. Stitt:** Then you come back and buy that one toothbrush, and you have to pay duty on it.

**Mr. Langner:** It should be a little more lenient for us up here.

**Participant:** We have to keep in perspective, also, that you get a lot of social services in Canada that are not provided in the U.S., and the money to support them has to come from somewhere, mostly taxes.

**Mr. Irons:** We all pay the same amount of income tax.

**Participant:** Yes, but a lot of Americans come to Whitehorse General for operations.

**Mr. Irons:** They pay more.

**Ms. Stitt:** A lot of them from Skagway and Juneau come to the dentist and the doctor, do a little shopping, because it is so much cheaper to come to Whitehorse from where they work, and their dollar is worth so much more. They can still go back with whatever dollars worth of stuff. Whereas, if we go across, even to Tok for the day, everything you buy you have to pay on. We are six hours' drive away from ... Beyond these short little trips, we should be able to go visiting, and that amount of money should be made larger, since things cost so much more today than they did in years past.

**Mrs. Firth:** What about provincial status and the land claims working together? Do you have opinions about which should come first? Do you think that is important?

**Mr. Ganley:** Is land claims something being done with the provinces, or with federal?

**Mrs. Firth:** The feds are working with the provinces in Quebec and in British Columbia, to do something about the land claims. I am talking about our specific case here. Would you like to see land claims settled before we look at provincial status, or do you want to see it the other way around, or do you think it really matters?

**Mr. Stephen:** What is holding us back is that they put a freeze on a lot of things where we cannot expand or become ourselves until the land claim is settled. There are freezes, even if we do not know about. There are things we cannot operate naturally because land claims is not settled. I say we have to get that out of the way to become stronger to become a province. That is the way I look at it.

**Ms. Hayden:** If the choice is that Yukoners say they want to become a province, or to negotiate further powers, or whatever, but it is still important that the claims be settled.

**Mr. Stephen:** Right. To be polite and be citizens of the world, we did come here where there were already people here, and we must settle things amongst us and continue on from there, to make everybody happy.

**Mr. Irons:** Everybody came here from somewhere.

**Mr. Stephen:** Right. They did, so everybody here should all get together and map out a plan, then carry on if we all decide to become a province and stay with Canada.

**Ms. Hayden:** Someone said they were concerned about looking at provincehood, and that it would change the territory, that in some way it would change us. Did you want to talk about that?

**Mrs. Firth:** Glenn talked about changing the way we lived.

**Mr. Stephen:** It would mean our image change, because we would be after the all-mighty dollar again, where we can just relax. We can stay pure as long as we can, and not have that pressure on us. We have that pressure in our ordinary life right now. To put that extra burden on our direction, where it is going to automatically come to us eventually. It is coming now, so why push it. Just let the birth come natural, instead of throwing in extra chemicals and medicine, or whatever. Have a natural birth.

**Ms. Hayden:** Never mind the Caesarean.

**Mr. Stephen:** Yes, that is what it is.

**Mrs. Firth:** The question is, is it something that you are really that concerned about, the provincial status. Dwight said, if it ain't broke, don't fix it. It is not something you can think about eight hours every day on whether we should be a province or not. Do we even care about it, or do we want it?

What was that, Bruce?

**Mr. Irons:** You were saying, if it is not broke, do not fix it. I said if it is wearing out, you have to do something about it. It is about time we did take the responsibility and receive more autonomy for ourselves. I would like to see the Yukon governing ownership of the land, so the average Yukoner could get land. As it is right now, I think it was in 1967 when the land freeze went in, and you cannot homestead, or go out and ...

**Mrs. Firth:** Are you saying that you want provincial status in order to get that?

**Mr. Irons:** If that is what it takes. I do not think we have to necessarily be a province to get control.

**Ms. Hayden:** However, we need to work toward that. We need to establish some of those ...

**Mr. Irons:** We already have responsible government, and it should be accorded all the rights, privileges and responsibilities that go with it.

**Mr. Ganley:** Since someone brought up land claims, what is holding it up?

**Ms. Hayden:** It is moving.

**Mrs. Firth:** I do not think we can really get into that.

**Ms. Hayden:** I do not have the knowledge or the authority to get into that.

**Mrs. Firth:** We are not allowed to express any opinions. We are supposed to hear your opinions, but it is a question that people are raising in their comments about what comes first and how does it fit into provincial status.

**Mr. Ganley:** I think you will hear a big sigh of relief when it is settled.

**Ms. Hayden:** By all Yukon people, I would suspect.

**Mr. Stephen:** What has been holding it up is distribution of the land within the tribes, where some tribes are getting more land and the other tribes are figuring they are getting cheated. So, they are holding back which lands they are going to select. Nobody is really pressuring them. I have a feeling that nobody is handling it properly. They say to the native

Indians, go ahead, pick your land, and it is all new to them, so they are relaxed on it, because it is new and there is no fighting on it, and that is what is holding it back.

It is going to get chaotic nearer the deadlines. Not everybody is going to be happy.

**Ms. Hayden:** Could I just change the topic for the moment? I even hesitate to ask this one. Does it matter to you, or do you have any feeling at all when our territorial leaders go off to provincial conferences, or to Ottawa, and have to sit outside the table and do not have equal status at the negotiating table. Is that one of the things you think should be negotiated for, of further powers, or does it matter?

**Mr. Stephen:** It matters. It is embarrassing for us. We should still have our say; we should be able to talk at the table. They should listen to the whole country. They are representing us and Canada as well, and they should listen to the children, as well. It should not be just the adult, to be a happy family.

**Mr. Ganley:** It is probably not the same thing, but I was thoroughly ticked when one of our leaders went to Washington to tell the Americans not to develop their resources. If I had had the opportunity, I would have told him to stay home and mind his own business. I think that embarrasses us more than anything. I do not know what the Alaskans think of us now, but I would not be surprised if we were not that welcome over there anymore.

**Mr. Irons:** I do not like being treated as a different sort of citizen by virtue of the fact that I live in a territory as opposed to a province.

**Mrs. Firth:** Do you think you are treated differently?

**Mr. Irons:** Yes. My elected representatives are not allowed a seat at the table with the rest of Canada. That does not make us somewhat second class? We are still a ward of the court.

**Mr. Stephen:** I feel the citizens of the Yukon should be respected more. I think they are more superior than people sitting down close to America and having their ass warm down there, right by the furnace. We are more of a Canadian, living up here. We are the ones who are helping Canada more, and they should listen to us.

**Ms. Hayden:** You are talking about climate, as well as the whole issue of sovereignty. We are here, so the north remains part of Canada.

**Mr. Stephen:** All of us who are up here are stronger people.

**Mr. Langner:** It all comes down to proportional representation. I think it is wishful thinking to expect that someone having a constituency of 27,000 people should have the same weight as someone representing seven million or so.

**Ms. Hayden:** There certainly is a difference in population.

**Mr. Irons:** I do not think we should be ruled by a few million people in the cities.

**Mr. Stephen:** That is a problem with our system. When new emigrants come to Canada, they are put in the big cities. It is not helping the cities or the rest of Canada. There should be a better system for their placement. They should earn their way. I do not know how you are going to do that.

That is part of what he was talking about. If we did not work so fast, but did not lose our identity, but tell them we are willing

to accept it. There was a write-up in the paper where we did accept some from Chile, or some place. That was one of the first steps. It was a major one and was nice.

We get noticed for that. We will become the champions of the world with our pure water and laws.

**Mr. Irons:** Who is actually in charge. Is it the Commissioner?

**Mrs. Firth:** The Legislative Assembly is in charge and can make laws for the Yukon. However, if the Commissioner is given the word by the Minister of Indian Affairs at the federal level to not agree or assent to a piece of our legislation, then he does not assent to it, which means that the law does not pass.

**Mr. Irons:** So, essentially, we have a student council. If the principal does not like what the student council is doing, he says forget it.

**Mrs. Firth:** Sort of. We have a senior level of government that has authorities and powers over us. It is because we are not a province.

**Mr. Irons:** We are not a lot different now than we were when we had the Commissioner and the territorial councillors.

**Mrs. Firth:** The letter we spoke of is the change that was made. The letter that Jake Epp wrote changed the powers of the Commissioner.

**Mr. Irons:** I know. It is not law, it is just policy.

**Mrs. Firth:** It is just a letter. That is what we are saying. Until we become a province or negotiate some other kind of arrangement with the federal government, we will continue to live by those rules.

**Ms. Hayden:** Tom Siddon, who is now the Minister of Indian and Northern Affairs, or whomever is, in effect, has the power of veto over any legislation that the territorial government enacts. You indicated that Yukoners would not stand for it, and I think that is probably true. However, it is still there, and in effect, we are a colony of the federal government, in that way, and we are ruled on paper by the Department of Indian and Northern Affairs.

They have made changes over the years. In 1909, there was a fully elected government. In about 1916, the population went way down, and they attempted to abolish the Legislature entirely. Yukoners howled blue murder, and it did not happen. I concede that would happen again but, at the same time, they still tried to do that. They do have that power. All we operate on is, as Bea said, with a letter from a former Minister of Indian and Northern Affairs, Jake Epp. It is called the Jake Epp letter, and it says the Commissioner will act as the lieutenant governor, and we will have a cabinet.

**Mr. Ganley:** It is kind of scary when you think that, when Canada brought home a constitution, the country has gone downhill ever since. Maybe if we get rid of the Minister of Northern Affairs, what is going to happen to the Yukon? It might just go downhill. It has been working rather well over the past few years, I would say.

How many times has the Legislature in Whitehorse been vetoed by Ottawa?

**Ms. Hayden:** Not recently. Not since 1979.

**Mrs. Firth:** It was in 1982 with the Pearson government.

**Mr. Ganley:** What was the occasion? What was the big ... they had to shoot down.

**Ms. Hayden:** As I understand it, and others may correct me, the act they tried to put through the Legislature set up the Executive Council, which is the Cabinet, so it was not just in a letter but was passed as a law in our Legislature, and that was vetoed.

**Mr. Ganley:** It was considered stepping out of bounds, in other words.

**Ms. Hayden:** Just tried to put in some form of law what is already happening. Would that be your interpretation, Bea?

**Mrs. Firth:** What it did was that, right now, according to the Jake Epp letter, Executive Council Members can call themselves ministers. With that goes a title with the hon. Joyce Hayden, or the hon. Sam Johnston, or whatever. They tried to put that in law, and it is not in law right now, and the federal government vetoed it being put in law. It is part of that parcel of giving yourself the title of premier. The Jake Epp letter gave us that ability. It is kind of a semantic thing.

**Mr. Ganley:** Was it done in consultation with Ottawa, or was it a pre-emptive move on the part of the players.

**Ms. Hayden:** I could not tell you.

**Mrs. Firth:** Chris Pearson did not exactly tell me what he was doing.

I do not know if it was done with Ottawa's permission, or if Ottawa had said, look, if you do that, we are not going to allow it, and he did it anyway. I do not know those things. All I do know is that the Commissioner would not give assent to it, and Mr. Pearson called an election because of it and was re-elected to office. Whether it was because people were upset about it, knew about it or even cared about it, your guess is as good as mine. That was the last time they vetoed a piece of legislation.

If the territorial government has a good working relationship with the federal government, and with the Minister of Indian Affairs and Northern Development, as a Minister of the territorial government, you would be unwise to bring something in that you were concerned might not be given assent to. It is a two-way street.

**Mr. Ganley:** Are most of these political benefits gained by voting for the right party, getting the right person in Ottawa, getting an allotment to DIAND and, then, getting the changes made that way? Is that not the way these things usually happen?

**Mrs. Firth:** It is difficult to say who the right party is. You have no control over who the Minister is going to be.

**Mr. Ganley:** I know there is a lot of luck involved. That is what I am trying to say. ... and the Conservative Party in Whitehorse and getting things done.

**Mrs. Firth:** That was how we originally got our formula financing and the big sums of money that come to the Yukon, was because of that political nature.

**Mr. Ganley:** That seems to be the route to go.

**Mrs. Firth:** We cannot really discuss politics here.

**Mr. Ganley:** I am just talking about having the right people in the right place. I was not talking about parties.

**Mrs. Firth:** I understand the point you are making.

**Mr. Ganley:** If there are Liberals in Whitehorse and Liberals in Ottawa, fine, we get together and we get a deal.

**Mrs. Firth:** It is a valid observation, that people understand.

**Ms. Hayden:** Sometimes it happens that way, sometimes it does not.

**Mrs. Firth:** The only time there has been that kind of political sequence you are talking about was when the Conservatives were in office in Ottawa and here in the Yukon for the short period of time. I can remember the government as a Conservative government being a Liberal government in Ottawa and, now, we have a Conservative government in Ottawa and an NDP government in the territory. There was just a small time period.

**Mr. Ganley:** You fellows have to get your act together.

**Mr. Irons:** First Canada has to get its act together.

**Mr. Burgess:** Basically, as I see it, to become a province, you are gaining a lot more control over what happens in your territory or province but, financially, you lose, especially in our situation, where the population is a lot lower and the cost of living is higher here. It is going to be that much higher again. So, it is a give and take if you try to creep up a little bit, ... funding. You are caught in a dead heat. If you do one thing, it is going to cost you a lot more money. It is going to hit you in the pocketbook. The other way, you are going to just sit back and hope everything goes along basically the way it has been going.

**Mr. Irons:** Did each province negotiate its own package when it joined confederation. Right now, Quebec is negotiating theirs again.

**Mr. Ganley:** You cannot really compare that. You are comparing apples with oranges. Quebec holds half the population of Canada. You are lucky if Yukon has the population of a small city in Quebec. You are talking out of context.

**Mr. Berkner:** In talking about population, one more thing is that the Yukon has a lot of transient population. It comes and goes with jobs and is cyclical. If we were to strike a deal that was not economically sound for us, and there were going to be some bad times, how many true Yukoners would be left behind. Would we go from 27,000 to 12,000? If there is a province of 12,000, what is left? A strong thing is the money involved because of the transient population.

**Ms. Stitt:** I was agreeing with him. I can just visualize us becoming a province and getting ... transient population, people would want to move out and not come here, and where would that leave everyone? I would hope, before it ever got to the stage that it went to ... to become a province that they would come back to all the people and say, okay, this is what we get from our natural resources, this is what the government is willing to give us, we think we can do it, we think we cannot, or whatever, and then go for a vote.

**Ms. Hayden:** So, we are talking about a plebiscite.

**Ms. Stitt:** I think you would have to.

**Ms. Hayden:** Or it would be some method where everyone would have a say.

**Ms. Stitt:** If they go to a plebiscite, someone would need to come up and talk to the various communities with the pros and cons, unlike when they did the education council. They came up only for; there was no information given to you why it would not be a good idea. If they decided to vote for a province, I would like to see the pros and the cons, both sides of the story, not one, and then let us make the decision.

**Ms. Hayden:** I am hearing from most of you is some form

of evolution, or what I think I have been hearing. Yes, we want some more control over our own lives, but let us not be too hasty.

**Mr. Irons:** I do not see the point in doing it just so Tony can call himself the premier. By the same token, I think we are responsible enough that we do get more autonomy.

**Ms. Hayden:** There is that nice balance that people feel comfortable with, becoming more responsible but not throwing out the baby with the bathwater.

**Mr. Stephen:** I think Tony wanted that label so they would listen to him in Ottawa. I think that was the main reason for that, where he is coming from. Nobody likes to be embarrassed that much.

Going back to another question about the birth of the Yukon is homesteading. I still have not figured out why. I know the reason homesteading was stopped in the Yukon, but I think this is stopping some of our birth. You can see the vast amount of territory. If people from Germany, or ..., there is a place in the world where he can come and take some land. Why not? We need some of our virgin land taken, and not just hang around Whitehorse.

The only reason why I think homesteading was abolished is because they had to pass a law because Whitehorse was growing, and they had to take care of the homes that were taking place around Whitehorse. So, they passed a whole law for the whole Yukon, and I think that is devastating on our growth.

**Ms. Hayden:** So, you would like to see some change within disposition of lands, which also falls into settling claims.

**Mr. Stephen:** Yes, before it is too late, before we do lose our natural spirit here. Things are happening too fast, where we still have room for this homesteading.

There are situations. Maybe we could come up with a law where around so much population you are not allowed to have homesteading and abolish but, where there are not so many miles you can have it. We are talking hundreds of miles. It is up to that individual. As long as they get access to medical care, or whatever. As long as it does not endanger anybody's life.

**Mr. Ganley:** What was the last point you brought up for discussion?

**Ms. Hayden:** A very slow evolution.

**Mr. Ganley:** I agree with that.

**Ms. Hayden:** That seems to be what I am hearing, as a general feeling.

**Mr. Berkner:** Wait until we get more autonomy and powers, or at least until we are financially stable.

**Mr. Irons:** We should retain the word "the" in front of Yukon, even if we become a province.

**Mrs. Firth:** If I might, this presentation was given to us last night by Steve Smyth in Whitehorse. Part of his presentation was about uncertain revenue base, and another was about the small population. They are both fairly short. Do you want me to read them to you, just to give you a bit more information?

**Mr. Ganley:** Sure.

**Mrs. Firth:** Steve is quite a constitutional expert. He lectures at the college, and he gave us quite a lengthy presentation and answered a lot of interesting questions. This is what

he says about uncertain revenue base.

"Perhaps the most difficult practical obstacle to achieving provincial status is the development of a strong sustainable economy capable of generating sufficient revenues to provide essential services to residents and reduce reliance on federal transfer payments.

"Gordon Robertson and Jack C. Stapler have examined this issue in some detail and concluded that the Yukon would not be able to generate enough revenue to enable it to qualify for equalization payments under the formula used to fund the provinces. However, Stapler's analysis did suggest that the Northwest Territories could achieve this objective if sufficient revenues were generated from Beaufort oil and gas production.

"Stapler's analysis, however, did not factor in the possibility of the Yukon obtaining any revenues from Beaufort production. The Yukon government is now engaged in negotiations with the Government of the Northwest Territories and the federal government that will lead to the signing of a northern oil and gas accord.

"This accord, once signed, will entitle the Yukon government to a portion of the royalties generated from Beaufort production and, thus, there is significant potential for the Yukon to reduce its dependency on federal transfer payments.

"Furthermore, the Yukon government has recently completed its Yukon economic strategy, which provides a blueprint for developing and diversifying the Yukon economy, which will reduce the Yukon's dependence on non-renewable resource extraction in the long term.

"Finally, it should be noted that fundamental economic and revenue transfer issues will ultimately be addressed in the agreement negotiated between Canada and the Yukon at the time the Yukon formally enters confederation. We can look to the resource transfer agreements reached between Canada and the provinces of Alberta and Saskatchewan, and the Terms of Union agreement reached between Canada and Newfoundland, for some clues as to what resource and revenue arrangements can be written into such constitutional agreements.

"It should be evident that the unique problems associated with the Yukon economy and the high cost of living and doing business in the north would justify special financial and revenue-sharing arrangements being written into a Terms of Union agreement between Canada and the Yukon.

"These arrangements should provide adequate lead time for achieving revenues from taxation and resource royalties sufficient to satisfy the formula that applies to other provinces."

It is quite an interesting perspective he is taking. He is taking a very optimistic point of view.

**Mr. Stephen:** I agree with him on that.

**Mrs. Firth:** Then, he talks about the small population. It is very short.

"The small population in Canada's north has been used as an argument against granting provincial status to people who live there. The argument is a tenuous one and has not been supported by logical argument. People who live in the smallest provinces are accorded the same rights as those who live in the largest provinces, and people are free to move to whichever province or territory they wish to live in.

"Consequently, populations fluctuate as people seek economic opportunities around the country, but nobody would suggest that people should lose basic rights when they move to another province, as happens when they move to a territory.

"Many Canadians simply choose not to live in the north, and that is a right they are free to exercise, but why should the exercise of freedom of choice impact on the right of northern Canadians to govern themselves in the manner of their choice. Secondly, it is clear that any given population size criteria will be simply an arbitrary figure that will have little validity. Populations ebb and flow for many reasons that governments have little control over, and it is doubtful that a province would lose its status as a province if its population fell to that of the Yukon's. There is simply no provision within the federal constitution to justify granting or removing provincial status on the basis of population.

"Thus, Yukoners should simply reject any arguments that favour this ridiculous requirement."

**General:** Hear! Hear!

**Mrs. Firth:** I thought you might like to think about that for a while. It might generate more.

It is good to sit and exchange ideas and think about it.

**Mr. Langner:** It follows that same argument. You could say why should a hamlet have less power than a city.

**Mrs. Firth:** That is right.

**Mr. Langner:** The reason is that they do not have the financial resources to provide the services.

**Mr. Ganley:** There is also a line in there about being governed the way you choose. I choose the way we are being governed.

**Mrs. Firth:** So, you do not want to see changes.

**Mr. Ganley:** Not for a while. I would rather see the feds come in here and open up our resources and get us going for whatever amount of years it takes to make us self-sufficient. Then, let us have a go at it.

**Mrs. Firth:** You want them to come in and do that?

**Mr. Ganley:** Just like the way they do it now.

**Mr. Stephen:** It is only common sense that Canada wants us to become a province. They are not holding us back. The faster we mature, the stronger the country is going to be. Naturally, they are behind us all the way. They just want to make sure we are ready and we understand. We should not try to go too fast and act like we know it all.

**Mr. Ganley:** I was thinking in simple terms. If you took all the Yukoners who were around in 1898 and asked them to build a highway from Watson Lake up to Beaver Creek, they would have told you how many lakes to go jump in. They did not have the time, the inclination or the money.

Somehow, some other government did, and they did it for us, and we are enjoying it. I think there is a lot more to come, if we do not get too noisy.

If we do start banging on the door too loudly, they are going to tell us to take a hike. Maybe not, maybe they do not operate that way, but I think there is a lot of vindictiveness in Ottawa.

They do not like uppity people, and I would not be surprised if they look at us that way.

**Mr. Stephen:** It is not that Canada is being so proud to allow another country to build their road. It is not that it makes us look down on our own country. Canada should be a little

prouder and take more notice of us here. It is a shame for our country that this is taking place.

**Mr. Ganley:** I think we did a good number on that at Expo '86. I think they had a good look at us there. We should take more opportunities to do the same thing.

**Mr. Irons:** It was nice.

**Mr. Stephen:** They are just shaming themselves by allowing the way we are being treated. They had better take another look at us for their own benefit. That should be brought home to them.

I was talking to Tony, and I told him this was the gateway for people coming down. This, right here to the border, is the first and last that you remember of Canada. This should be the welcome mat.

**Mr. Irons:** Do you have any idea of the numbers of people, Americans, who travel through the Yukon to Alaska yearly?

**Ms. Hayden:** There is a figure, but I do not have it.

**Mrs. Firth:** It is in the hundreds of thousands. It is difficult to tell which are Canadians going back and forth. I do not know if they are separating those out yet. They never used to.

**Ms. Stitt:** What Bruce just said about a toll charge was interesting. I understand there were two places ... There was one going in to the Americans, where we are starting to charge sort of a fee to cross into Mexico, and somewhere in Canada into the United States. They were just starting this and were charging an extra fee on air flights of \$3.00 or something on each person going to make more revenue.

I think they are doing it on a trial basis right now, but they are going to be doing it.

**Mr. Berkner:** ... better roads ...

**Mr. Ganley:** And ask for a ridiculous wage increase.

**Mrs. Firth:** Why not put some of that back into the economy.

**Mr. Ganley:** What is the per capita gift from Ottawa to the Yukon?

**Mrs. Firth:** For us, it is about \$12,000 to \$13,000 per person. For the province that gets the highest amount, it is about \$2,500. The highest paid province per capita gets \$2,500, and we get \$12,000 to \$13,000.

**Mr. Ganley:** We have to be pretty careful about what we are going to pay for a little more autonomy.

**Mr. Burgess:** Would it not take ... where George is saying the federal government should come in and develop all the resources for us so we can do our own. If the federal government can do that, they should have a say about what goes on in the territory. Why cannot the Yukoners build up their own so we can present our qualifications to get into it.

**Mr. Ganley:** The only reason I was saying we could not was because we do not have the capital.

It takes billions, and we just do not have that kind of capital. Whereas, if we let them develop it with their money, and we end up with a sustainable economy, we can say thank you very much.

**Mr. Irons:** The last thing they would want to do then would be to give us control over it.

**Mr. Ganley:** I know.

**Mrs. Firth:** That is sort of the way it is happening now,

is it not? The feds have control over health services, for example, and they are trying to say to us it is time for us to take control of that. They have control over forestry, and they are going to turn that over, as they have in the NWT.

**Mr. Ganley:** Basically, they have developed all our power, too. We have that now.

**Ms. Hayden:** The debate that happens, for example, with the transfer of health services is transfer of enough dollars in order to maintain a similar health system to what we have. That is the issue.

**Ms. Stitt:** So, when they are transferring health to the Yukon government, they are also going to be given a bit more money to run it properly.

**Ms. Hayden:** Absolutely, a transfer of dollars. You could not run a hospital without dollars, or a health station.

**Mr. Ganley:** Does that come under something like the universal medicare?

**Ms. Hayden:** No. It would be strictly an agreement of transfer, and there would be a dollar figure attached to it.

**Ms. Stitt:** How many years is that agreement made for?

**Ms. Hayden:** It is not signed yet.

**Ms. Stitt:** So it is not signed, yet they have done a lot already to turn the health over to the Yukon government.

**Ms. Hayden:** At the present time, there is still negotiations going on about the amount of dollars. It is like bargaining for anything.

**Mr. Ganley:** Was that not how we got the airport built in Whitehorse? Was that not federal money?

**Mrs. Firth:** That was federal money.

**Mr. Ganley:** It was over a 25 year term, or something.

**Ms. Hayden:** It could be.

**Mr. Ganley:** What was the deal with the NWT with their medical?

**Mrs. Firth:** They have transferred theirs a couple of years ago.

**Mr. Ganley:** Was there any idea of how long the agreement was for?

**Ms. Hayden:** It was two or three.

**Mrs. Firth:** It is a permanent transfer.

**Mr. Ganley:** So, the money that goes with it is permanent, also?

**Ms. Hayden:** Yes, and they have a number of problems with it, so it will be interesting.

**Mr. Irons:** Unless the Minister changes his mind. It always falls back to them. It is not like governing yourself.

**Ms. Hayden:** Have we pretty much gone the rounds of discussion?

**Mr. Stephen:** As the Yukon, we are so close to Alaska. I want to put the point through that Alaska feels they are so close to Russia, they are starting programs now where they are inviting Russia over. They are teaching Russian in their high schools now. There are hundreds of people coming over to Alaska right now and doing this different cultural exchange. We should not miss the boat. Being so close, we should be doing something similar. We should be looking in that direction, as we have a friendly gigantic neighbour now that is going through growing stages right now, where they have learned their lesson. Now, they have to regroup and relearn again, and we can help in that process.

We have a golden opportunity to jump on the band wagon, as Alaska is doing, and to do the same thing, so we can amalgamate all together. That would also strengthen Canada, and Canada will see that.

I do not think we should keep a blind eye to our neighbour, Russia. We are the closest to them, as far as Canada is concerned.

**Ms. Hayden:** Does anybody else have some wrap-up comment they want to make?

**Mr. Ganley:** We should be a little more outwardly friendly to our Alaskan neighbours. I do not know how to do it, but I am sure somebody in tourism could come up with the idea.

**Mrs. Firth:** From here, we go back to Whitehorse, after we have gone to all the communities.

**Ms. Hayden:** This is just our second meeting.

**Ms. Stitt:** I understand you are going to all the communities.

**Ms. Hayden:** Yes, we are.

**Ms. Stitt:** You are going to go back and make up a report.

**Ms. Hayden:** Yes.

**Ms. Stitt:** Are copies going to be sent back to us so we can see what you come up with?

**Ms. Hayden:** So you can see how we distill what everyone has said.

Patrick, are we going to be sending copies out to people? Has that been decided yet? I would hope so.

**Mr. Michael:** It is up to the committee.

**Ms. Hayden:** Some copies will come to the community.

**Ms. Stitt:** I know a number of these were sent up to the library.

**Ms. Hayden:** Would that work?

**Ms. Stitt:** You sent quite a few up to the library. At the time these came, I also put one of these in everybody's mailbox, so people were well-informed.

**Mr. Ganley:** I have the utmost respect for Canada Post here in Beaver Creek.

How long will it take you to complete the interviews?

**Ms. Hayden:** We are finished by the end of March, and we are taking spring break off. We may have one trip in the first part of April.

**Mrs. Firth:** We go to Old Crow.

The report will not be available until after it has been tabled in the Legislature.

**Ms. Hayden:** It should be back out in your community in the spring.

**Mrs. Firth:** In the report, we are going to be putting common opinions that we hear. If we hear a big loud noise that nobody ever wants us to be a province, then that is what we are going to say, but we have not heard that so far. There seems to be a general feeling that, one day, we do want to be a province, but we do not want to rush into anything without knowing what we are getting into.

**Ms. Hayden:** We have also heard that the dollars need to be there. We do not want to be poor.

**Mr. Irons:** Fiscally responsible.

*Adjourned at 8:50 p.m.*



**Yukon Legislative Assembly**  
27th Legislature

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

Community Hall, Burwash Landing  
Wednesday, February 27, 1991 — 2:30 p.m.



PRINTED ON RECYCLED PAPER



# **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

**MEMBERS OF THE SELECT COMMITTEE**  
Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

**STAFF**  
Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

**PARTICIPANTS**  
at the Burwash Landing Meeting of February 27, 1991

Brewster, Bill (MLA)	Johnson, Jessie
Cant, Timothy	Johnson, Joe
Cook, Dave	Johnson, Kathleen
Cox, Cecile	O'Brien, Fred
Eikland, Barb	O'Brien, Marg
Eikland, Charles	Ranson, Dillys

## BURWASH LANDING, YUKON

February 27, 1991 — 2:30 p.m.

**Ms. Hayden:** I am Joyce Hayden, and this is Bea Firth. We have been appointed by the Yukon Legislative Assembly to travel to all the constituencies in the territory to ask people what their opinions are on the constitutional development of the Yukon, where the Yukon fits in relation to the federal government.

With us is Patrick Michael and Missy Follwell, our staff. Today with us also is your MLA, Bill Brewster.

We were appointed last year to travel around the territory to hear opinions on what Yukon people think about the Yukon's place in Canada. For example, do you think that we should stay as a territory, do you think we should work toward being a province, does it matter to you, do you think there should be something in between?

We are required to report back to the Yukon Legislature in the spring. One of the questions we are asking you is your opinion on how you would like the Legislature to report what you have to say to the rest of the country: by a conference, by your Member of Parliament, by your MLAs, by your Premier, by a plebiscite. That is part of the question.

These meetings are informal but, in order to report accurately what you have to say, it is being taped. That is what all this is. A report will be written, and copies of that report will be sent back to this community.

I do not have much else to say. Unless some of you have a formal presentation you want to make, we will just have a discussion about where you think things should be heading, how they should be heading, and that kind of thing. Bea, did you have anything more to add?

**Mrs. Firth:** No, you have covered everything.

**Ms. Hayden:** The first question I would ask just to get things going is, do you think things should stay the same, or should we be looking at some other form of how the territory fits with the provinces? Should we have more say? Should Yukoners have more say in who we are, in terms of the federal government?

**Mr. Eikland:** Seems like they only recognize the Meech Lake Accord. They do not even know where the Yukon is.

**Ms. Hayden:** Do you think that we should be trying to negotiate more powers at those tables where ministers meet, or where people get together like that, or with the Prime Minister? How do you think it should happen?

**Mr. Eikland:** As Yukoners, I think we should stop jumping every time Ottawa says, more or less like Mulroney is jumping every time Bush says jump. I am not the type of guy to jump because someone says jump. I think that, as Yukoners, we should start putting ourselves up, we are together, and start saying we have to get something before we jump.

**Ms. Hayden:** Does anybody else have a comment?

**Mr. Cook:** Is there an easy or simple way to make a territory a province?

**Ms. Hayden:** Maybe it would be useful to tell you that the way the Yukon operates now, we are governed by the *Yukon Act*, which is a federal government act, which sets out what our powers are. In theory, although I am sure Yukoners

would howl considerably, maybe not, the Parliament could abolish our Legislature if they chose to, under the *Yukon Act*. In fact, they attempted to do it in something like 1916, but people squawked so loud. That is the same act that was brought in 1898.

The Minister of Northern Affairs, Tom Siddon, could abolish our Cabinet, the government leader, and put an administrator or Commissioner back in power. We are operating under the authority of a letter that was sent by the Minister of Northern Affairs in 1979 to the Yukon Commissioner, saying you will no longer have all that power, there will be a Cabinet or a Legislature to make decisions. In effect, the Commissioner will act as a lieutenant governor. It is only by letters. So, if that letter is written, another letter could be written. That is the difference.

We do not have any power enfranchised, like provinces do. It could be taken away from us. There are many other differences. Our core funding is different, because we negotiate it, and all those kinds of things. That is the basic difference.

Provinces made an agreement, at some point in history, and it is sealed. They cannot ever have their provincehood taken away from them.

**Mrs. Firth:** We do not have control of our resources, as well. We do not have control over the attorney general's office, we do not have control over the land. Most of the land still belongs to the federal government. We do not get any revenues from any mines in the Yukon. It all goes to the federal government. Those are the kinds of controls that provinces have that we do not.

**Mr. Cant:** On an economic basis, it would be more beneficial to the Yukon to attain provincial status. Is that what you are saying?

**Ms. Hayden:** Not necessarily. If we were to become a province, just as other provinces are, as I understand it, their funding is based on partly per capita and on the average income of the people. The average income of Yukoners is pretty high, in relation to, say, Nova Scotia. So, we would not have very much money.

How the funding comes now is that the Yukon government negotiates a certain amount of money. It is about \$350 million. We only raise 20 percent or 30 percent of that in income tax, although we do not have resource revenue, remember. The federal government tops it up.

So, some people are suggesting that we should be negotiating something like that, some kind of funding agreement that is different, along with more power and rights enfranchised.

**Mrs. Firth:** Economically, to present the other side, some people would say that if we had control of our resources, and we were getting the revenues as a government, as a province, from those resources, we could not only make the decision as to how we were going to distribute those resources, or allow them to be developed, but we would also get money from them. So, you have to take both sides of it.

There may be a position where we could be better off if we had the control of our resources, as some of the wealthier provinces, like Alberta and B.C.

**Ms. Hayden:** Since no records have specifically been kept, there is no way of our finding out how much money there was, or could have been, over the last 90 years.

**Mr. Cant:** What I fear is, with the Maritime provinces, some of those provinces' economy is suffering because, first of all, they are looking at a seasonal economy of fishing, but I do not think they receive too much assistance from government. Poverty is borderline. We do not have a very high population here.

**Ms. Hayden:** It is 30,000.

**Mr. Cant:** We do have a lot of resources, mineral, tourism and so on. I think, for myself, the transition from territorial to provincial, I would need to be reassured that the resources that we have within the Yukon would be substantial enough to keep our economy and lifestyle at the existing level.

**Ms. Hayden:** So, you are saying proceed carefully.

**Mr. Cant:** Yes, definitely. Before taking a vote, I think there would be some information or statistics to reassure us before we could make a just decision, instead of walking blindly.

**Ms. Hayden:** Provincehood without dollars would not be fun. That is what I am hearing you say.

**Mr. Cant:** I moved to the Yukon in 1972. I came from Ontario, and I looked around, and I was young, but there was a lot of money available from the federal government. With the small population, I said to people of the opportunities they had here at the time that they would not get that in small populations in Ontario. Somewhere, those opportunities would have to be fulfilled.

**Ms. Eikland:** My opinion is, because of what happened with the Maritimes, being seasonal employment, the Yukon is very similar. We have a low population base. As Charlie said, too, being what we are now and being told, a lot of Yukoners do not like it. It is terrible. I, myself, do not like it, but I think there is a compromise somewhere between territorial and provincial status. I think there is something that can be worked out in between. To me, statehood comes to mind, and I would like to see that.

What happens is you are taxed to death. The taxes hit you hard, and a lot of what happens when you are taxed, living in a small place where you are paying land taxes as property owners, they are hit. It is fine if you are a renter, or whatever, but when you have something of value, you are hit.

If provincial status comes about, I foresee something of being bombarded with a heavy load of taxes. Your personal tax base would be increased, or decreased, whichever way you want to put it. I do not think there are enough people in the Yukon to support a province.

To gain it, I would like to see more than what we have now, totally. I would like to see the government leader, whomever he may be, made welcome at meetings and national affairs and be part of it. I find it totally disgusting for somebody who represents the Yukon to go to a national meeting and not even be allowed to speak, only to be an observer. How degrading, and not just for him or her personally, but for the whole of the Yukon. I find that disgusting.

I would like to see it. I do not think that would be achieved by staying as a territory, or having territorial status. I do not think staying the same will ever achieve that. I think you have to go one step further but I, myself, cannot see becoming a province would alleviate that. I think it would be more of a burden to the Yukoners in general.

**Ms. Hayden:** So, something somewhere in between.

**Ms. Eikland:** Yes. That is my opinion, but more say in national matters. I find it terrible. It is quite embarrassing to be a Yukoner and to see it on TV and know they are only sitting there as an observer.

That is basically what it is. I would also like to say it is great to see women chairing a meeting. I would like to say that. It is a plus. It does not happen very often where there are women chairing a meeting like this.

**Ms. Hayden:** I am hearing from you that we want more than what we have now in terms of our relationship with Ottawa, but not to rush into provincehood without the resources.

**Ms. Eikland:** Exactly. I think it would be devastating to see what happens. It is so seasonal in the Yukon, and just what happened back east in the Maritimes is sad. There is no help from the feds. I would hate to see it, and them not being able to recognize the Meech Lake thing, but something in between. I am sure there is something.

**Ms. Hayden:** I expect there would be. There seems to be everything else in the world.

**Mr. Cant:** What power does the Yukon people have to strengthen the existing *Yukon Act* in the sense for it to be recognized as a provincial act?

The federal government has little discretion about who they select to pay the GST and any sort of taxes, yet they have a tremendous selection process on who can vote and speak on Meech Lake and who can be recognized. I think if they are taking with the one hand, they should be giving with the other. Can we not retain our territorial status, yet strengthen the existing act? Is it a provincial act? Does each province have a provincial act?

**Ms. Hayden:** Each province has an agreement that sets out exactly what their powers are, which is what the *Yukon Act* is in one sense. It is just we are under the one department of the federal government; we are not a separate entity.

At the present time, the Yukon government is in ongoing negotiations for taking over various responsibilities. One I happen to be aware of is health. Part of it will happen that way. I would think part of the power sharing, if you like, would also come through land claims. That is just my opinion, and I am not supposed to be giving it. I would ask you how you would see that kind of sharing, if we should be negotiating further power, which is what it has to be, I guess.

**Mr. Johnson:** I think that, as time goes on, the Yukon will achieve in the future more powers. More and more powers are being achieved by the territorial government. I think it was in 1989 when the freshwater fishery was turned over. They are getting all these powers, slowly but surely.

As a native person, I am working within the land claims, and I think that when you talk about provincial status, it scares the heck out of native people, because you can see in B.C. ... Once the land claim is settled, I think the whole governing structure will change, whatever was on the land claims table.

I really do not know why we are taking part in this constitutional debate. They do not recognize us at the table in Ottawa. We do not exist to them. I think provincial status for the Yukon, when the time comes in the future, then the people themselves will decide the time has come for it.

At this time, I think it is really premature to become a province. The best way to go at it is to try and get as much power from Ottawa to govern ourselves and leave the provincial status out of it until the Yukon is ready to accept it, whatever government is in power.

With 30,000 people, as Barb was saying, look at what we have here. The only thing I can see is the land that could be sold off to meet our deficit costs. That is just off the top of my head. That is the only thing I can see. We have lots of it.

It will be a time before Yukoners develop into mines in different areas, and that is the only thing we have to ..., and maybe oil, but maybe we have not.

In the green paper, I do not see anything about Indian self-government. Indian self-government is one of the ways that the government, once it is established in the Yukon, will set the precedent for the rest of Canada. You would see that the government is always saying how much money, millions of dollars. It is \$4.4 billion that goes to the native organizations, but 85 percent of that is spent on administration, all the way across the country. Fifteen percent of that goes to the native people. Then, their administration has to come out of that 15 percent. What is left goes to housing, water and different things.

It would be roughly between five and seven percent that you see actually ending up in the village to do the work. When you look at the whole, it would be about \$27,000 for every man, woman and child, right across Canada that the government allocates money for. Only 15 percent ends up in native hands. I am saying that if self-government is recognized, I think the government can cut the budget by at least half.

I do not think the native people need people like the Department of Indian Affairs, which costs a lot of money to run, to dictate to them whatever they want. Take the Champagne-Aishihik Band. They are into self-government, more or less, where they have block funding, or to run that band, they get direct funding from the federal government, and they account to their people for that money. They do not account to Indian Affairs, because Indian Affairs has nothing to do with their funding or how they spend it.

If they did that to every community in the Yukon, that would cut the budget of the federal government by an enormous amount. I think Mayo is into that, too.

As the native people go on trying to fight for self-government, there are one or two bands in Canada that have it, for example, the one in B.C., Sechelt.

I have been to quite a few of these meetings about self-government, and everybody seems to understand the basis of either Ottawa or any government structure. Northern native structures actually grasp what they are telling them. What the native people are saying in self-government is that if they have to do something on their own land, they can go ahead and do it without interference from Ottawa. There is a lot of interference from Ottawa on how you are going to ...

You are going to get into business, it is Ottawa that makes the decision, not the legal band here. Native people can write a will, but it has to be approved by Ottawa.

Ms. Hayden: That is incredible. I just found that out about a week ago. Someone was writing a will and said it had to be approved by Ottawa.

Mr. Johnson: I think how native people got the ... today is that the government has you so tight that anything you do, whether they say yes or no. It will be good for the whole Yukon, once we get self-government off the ground, because I think that both native and non-native parties will work closely together on it.

Getting back to the provincial status, I do not know how we can achieve those powers. It is very upsetting when you see our leaders in the government structure when they go to the constitutional meetings in Ottawa and how they are treated. To me, I do not think they are treated very fairly. The last constitution that was drawn up said that we have to get permission from the provinces to become a province. I do not see why the Yukon should go outside of the Yukon to see if they want to become a province. I think they should ask Yukoners, and let them make up their own mind at the given time. I do not think we should run to Bill Vander Zalm or people of that calibre to see if we are ready or not. The government here should decide for themselves if we are ready or not. It should be between here and Ottawa to draw up that constitutional agreement.

That is all I have to say for now.

Ms. Hayden: Thank you. There is one thing. You mentioned that you did not see much of anything in the green paper about self-government. It was done that way consciously, I understand, with discussion with the Council for Yukon Indians, because negotiations are happening now. It does not mean that we do not want to hear what you have to say. As a Committee, we have neither the information nor the authority to talk about those negotiations. That is why it is not in there. It is certainly very much a part of what is happening in the Yukon today.

Another point is that you talked about how important it is for Yukon people to decide with the federal government whether or not we could become a province, if we ever choose to. Had Meech Lake passed, as you suggested, all the provinces would have had to agree, along with Ottawa.

As it is now, and it was changed since all the other provinces joined confederation, it is called the "7 and 50" formula. Seven provinces that have at least 50 percent of the population have to now agree before another province can join, which is making it pretty stringent, when you look at the fact that B.C. has tried a couple of times to annex us to become part of B.C. It certainly has some ramifications for Yukon people.

Mrs. Firth: Do I understand what you are saying is that you feel it is important that land claims be settled before we look toward provincial status?

Mr. Johnson: I think so, because it is going to create a lot of problems within the structure. We will be spending most of our time battling each other. I think that the land claims is nearly finished now. We could wait a little longer and, once it is settled, we could start working on the structure of the Yukon instead of wasting all our time fighting among ourselves.

Mrs. Firth: You also want Indian self-government before we go together for provincial status.

Mr. Johnson: I think the Indian self-government is going to come with the land claims. I am talking about Canada as a whole with Indian self-government. I think that is why Meech Lake was shot down.

**Mrs. Firth:** You think that if all those details about self-government were not finished, the Indian people would still feel that they wanted to be part of a fight for provincial status?

**Mr. Johnson:** Let me put it this way. Once you have a structure like native people, it does not matter what we are fighting about. We could be part of the States and still be fighting the States. We could be part of China and still be fighting China.

I am saying that this is going to come to an end somewhere along the way. My own personal feeling is that when we actually look at provincial status, and we start moving ahead right away with it, all Yukoners would benefit.

**Ms. Hayden:** Anybody else?

**Mr. Eikland:** The way I understand it, the Canadian government constitution overrides the *Yukon Act*, and that was established in 1898. Prior to that, people say there was no government, but there was government here before that. All the bands had their own governments before that. So, when somebody says there has been no government before that, they are wrong.

How often can you amend a constitutional act?

**Ms. Hayden:** The *Yukon Act*? It has been amended numerous times, and it simply requires an agreement in federal Parliament to amend it, so it can be amended. As I said before, what we operate with now is letters. It is called the 1979 Jake Epp letter that gave the Yukon the authority to operate much the same as a province.

**Mr. Eikland:** Could the *Yukon Act* be amended to give us the kind of powers?

**Mrs. Firth:** Yes, the act is like our constitution. We are not a province, and we do not have any constitutional agreement with the federal government like the other provinces did when they came into confederation. That is what we are using as our constitution as a guide.

As time has passed, there have been policy decisions made, but not constitutional legislated decisions. There have been policy decisions made that allow us to call ourselves a Cabinet and have ministers responsible for certain areas, but that is not guaranteed to us in the law. To follow up on what Barb said, she said that we should work toward more responsibility from the federal government. We have that now. We have control over some areas. We do not have control over land, health services, some of the justice areas, and we do not have any laws that protect our present form of government. Before, it was the Commissioner who did everything. That was changed, and all the Commissioner's powers were taken away by letter, but not by the law, and given to our elected Members in the Legislative Assembly.

We want to get the feeling from people of where they want to start moving ahead. We are getting the message that people do not want provincial status tomorrow, but do we just stay the way we are, or do we look at making some steps forward, and in what areas?

Most people seem to agree that, down the road somewhere, we will eventually have provincial status. I guess it is how we get there.

**Mr. Eikland:** Under the land claims settlement and things, YTG has been sitting on the fence for quite a while

until the feds and CYI let them in there. Really, the settlement is only between the Indian people and the federal government.

It seems to me that it would be beneficial to the YTG to really support land claims, because you can get a lot of things through land claims that you cannot as YTG, because you are a minor to the case. A lot of things, like these agreements that they are coming up with on forestry and mining, and all these things, you could get a lot of percentage from the federal government if you would join together as one group of Yukoners and say, we need this for the Yukon.

Right now, we are set up so we fight amongst each other. YTG wants something, and CYI wants something, and the federal government is really the person where we are trying to get as much as we can for the Yukon.

It seems to me that it would be beneficial to try and work as a group to do that. Out of that, would come a revised constitution, after you have a settlement.

**Mrs. Firth:** I think it is because the precedent has been set that YTG is part of that. The federal government allowed that several years ago, so that is on the basis that the land claims are being negotiated, so there is federal government representation, YTG and the Council for Yukon Indians representation. That is just something we all have to accept.

I take the point you are making that you think that the YTG should be negotiating more on the side of the Indian people with the federal government to get concessions.

**Mr. Eikland:** Certainly, because the land under the 1870 agreement we made with Canada, that the Yukon Territory and northern B.C., which was called Rupert's Land in those days, and they were supposed to make an agreement with the Indian people before they even built the Alaska Highway and even before they had the Gold Rush in Dawson City, which they never did. Therefore, it seems to me now that there is a land claim laying on the table, and we are dealing with the federal government. Why should YTG not get in there and say, hey, we have to join this thing together and get as much royalty from the minerals, as much royalty from the forestry, and whatever it is.

It seems to me to be of more benefit than fighting against some of those and being an obstacle instead of let us get more for the Yukon for everybody. That is what I am saying, and it does not seem like that at times.

**Ms. Hayden:** Do you think that, perhaps, the federal government is very good at dividing and conquering, as they are attempting to.

**Mr. Eikland:** Exactly, yes.

**Ms. Hayden:** I have discovered that at some of the hearings.

**Mr. Eikland:** That is what they have done to the native people for all these years. When they set up all these native organizations, that was their philosophy, to separate. They had how many different native organizations for a while in the Yukon: the Yukon Native Brotherhood, Yukon Indian Women's Association, you name it. How many did they have? There is only one reason why they do that: to keep people separated and have their own constitution, then they start fighting back and forth, saying you are not a Yukoner, and this and that.

So, they have a philosophy behind that. They are smart.

**Mrs. Firth:** Do you not think all governments are like that, though? It does not matter what level it is at. Does the government not have an advantage if they can divide and conquer people, then they get to make the decisions?

If we are all separate, then they can step in and say, you cannot make up your mind, and we can help you out and make the decision for you.

**Mr. Eikland:** We are all going to be followers, and that is no good. You have to be able to take the lead. I say, too, something like this here, this constitution is for the Yukon people. I do not know what the whole constitution says, but we should have a lawyer here to look at it and explain it to us, this is what it is now and what changes do we want to that. This lawyer would write a legal change to that constitution so that, then, it will go to the MLAs and the House and show this is what the people want, the lawyer wrote this up and now, Ottawa, do that.

What happens here with a lot of the things that we are discussing here today is that they will get scratched out and, somewhere down the road, maybe even as a product of the Legislature in Whitehorse, I do not know how they do it, that a lot of that stuff does not look important so let us get rid of it. You have to set it so they cannot get rid of any of that. Then they have to end up in court, and some of the things that we want in Burwash Landing, Destruction Bay and Beaver Creek are not put up in front on the table.

Here, we have a legal guy who legally says we can do this in the constitution. You cannot scratch that out.

**Mrs. Firth:** Put it in law.

I suppose this exercise that we are going through now is to get some idea of whether that is what people want to happen. From the information that we get, and the opinions we hear from people, they will look for some common opinions — most of the people said this or that — and, then, we present it to the government in the form of a report. That is the time where we will see if the government is going to call a lawyer in and say, look, the people of the Yukon want the Premier to be included at the First Ministers Conferences. The Yukon people want a law that says they can have a cabinet and it cannot be changed by a letter from the Minister of Indian Affairs.

That may be the end result of the exercise we are going through now.

I hope it is not going to just sit somewhere.

**Ms. Hayden:** Yes, so do I.

**Mr. Eikland:** You know, I get really tired of this top-heavy government. After all, we are the government. We are the ones who are paying the wages. It is about time we get something that we think we need here. We know what we need here in the constitution. Not only that, there are all kinds of other areas where we should have more forceful input, and we are not getting it.

**Ms. Hayden:** I want to be clear. The other point that you are making is that we should be — I hesitate to use the word using, but I cannot think of another one — using the land claims process to strengthen some of the powers that Barb has talked about. We should be doing that, working together within the land claims process, to do some of that.

**Mr. Eikland:** Exactly.

**Ms. Hayden:** That is what you were saying.

**Mr. Eikland:** There are all kinds of problems, like fisheries, that is just turned over to YTG. Again, there are going to be changes to that with the land claims settlement. There is a lot more that is eventually going to be turned over. It might be an advantage to be able to work together to get more. I do not know what the royalties are going to be on our land claims, but there is going to be a certain percentage, maybe two, three or four percent. If YTG gets in there and supports us, maybe we can get 10 percent, or eight percent, instead of just three. Instead of the Indian people getting just three or four or five percent of royalties, maybe we can double it if the YTG and the whole works get out there. We will get more money that way from oil, or whatever you find.

**Ms. Hayden:** Then, to take that a little further, you are saying that the money that goes in settlement stays within the Yukon, and it builds the Yukon.

**Mr. Eikland:** More or less, you say we need money. We cannot be a province now with 30,000 people. We have to have more money. It seems to me to get more money in our kitty now, the only chance we have right now is under a land claims settlement. The Indian people have a right from the federal government for a land claims settlement.

It seems to me that YTG should be really pushing with them for more, as much as we can possibly get. Right now, we only have 10 percent of the whole Yukon, and that is nothing. We have 25 percent of the population. You have to weigh things out a little bit, and why not have YTG come in there and say, fine, let us go for 25 percent of the territory, instead of 10 percent, for the Indian people. Let us go for more, because it is for all the Yukon people anyway.

The native people are going to lease the land to the white people, or whatever. They are not going to sit on the whole land. There is going to be development on some of that land in minerals and stuff. Why not get 10 percent of that from the federal government to do that, instead of three or four percent, whatever comes out of land claims?

That is my thinking. This is the right time to do that. After all, we are fighting for the Yukon people, no matter who you are. That is the way I look at it.

**Ms. Eikland:** It is called working together.

**Mr. Eikland:** Yes, because our common enemy is the federal government. Let us face it. They say they control everything. They control our constitution, so that is our enemy.

**Ms. O'Brien:** The scary thing is that the federal government has the power to say, you are being a nuisance up there, we will let B.C. annex you. We will give you to B.C. There is nothing really to stop them, is there?

**Ms. Hayden:** Not in law.

**Ms. O'Brien:** Personally, I would like to see something that would stop them.

**Ms. Cox:** All we have now is the letter. How would you go about making it a legal document?

**Mrs. Firth:** That was quite a controversial situation, the last time we tried to make it a legal document. It might not have been the proper route to take.

**Ms. Cox:** That was when?

**Ms. Hayden:** In 1982.

**Ms. Cox:** Right now, Ottawa could just turn around and

say, Yukon, we dissolve your Cabinet.

Ms. O'Brien: Yes, they could.

Ms. Cox: That does not sound very stable. We should have something more permanent.

Mrs. Firth: They tried to do it in 1982. They tried to enshrine the powers of the Cabinet here in our Legislature in the Yukon, and the federal government would not agree to it. Any laws that we make, as a Legislature, the federal government has to give assent to them, which means they say, okay, we agree that you are allowed to have it.

Ms. O'Brien: In other words, the federal government is to us what Indian Affairs is to the natives.

Mrs. Firth: Yes, that is right.

Ms. Hayden: Yes. Actually, it is the same department.

Mrs. Firth: The federal government would not agree to that change. I think the route that might have to be taken now is to sit down with the federal government and see what kind of constitutional changes they are prepared to talk to us about. That is why we want to hear from the Yukon people as to whether they think we should go forward with that kind of an exercise.

Ms. Hayden: Whether it matters to them.

Mr. Cook: I would like to add one thing. If any other group of 30,000 people in Canada were getting \$350 million ... the only other group I can think of that gets anywhere near that is ...

Coming from Ontario, I did not realize how ignorant I was about the Yukon. If those people find out there are only 30,000 people — I thought there was a couple of million, and I thought I was very intelligent — and I would not go to the government and demand provincehood, or anything like that. I would go very quietly and get what you can. If the city of Belleville, or something like that, in Ontario suddenly said we want \$350 million, they would be laughed right off the map.

I think you have to ... I did not realize that the territory did not have any income at all. That is probably something you should go after, where you have control of your own. I do not know about the resources, because it is the same thing. You have 30,000 people controlling the resources. That is asking ...

Ms. Hayden: The argument that is being given to us, and I will try to express it very briefly and clearly, is that if Prince Edward Island's population, for example, went down to 30,000, provincehood would not be taken away from them.

Mr. Cook: No.

Ms. Hayden: So, that is part of that other argument.

Mr. Cook: That is a different time frame. ...

Ms. Hayden: Absolutely.

Mr. Cook: People in the Yukon are pretty lucky, although I agree with Charlie that I think it is probably true that if the Yukon had worked all together for land claims, there would have been lots. I just wanted to give an opinion about John Q. Citizen in Toronto. ????

Ms. Hayden: Absolutely. There is definitely the population and dollars, and that is one of the questions. Should our population and economy be much greater before we look at any form of provincehood? That is why there is that option that is suggested: is there something in between that we should be looking at that would encompass a little more security, in

terms of running our own affairs, and being recognized nationally and, yet, not putting ourselves into poverty.

Mr. Cook: We could ask for a place at Meech Lake. There is no other group of 30,000 people, except perhaps for PEI.

Ms. Eikland: There is a boundary here. We have a boundary.

Ms. Eikland: There is a boundary, so you are whatever you call it: a province or a state or a territory or whatever. There is a boundary, so you should be represented.

Mr. Cant: I would like to present an argument to yours, Dave, and that is comparing us with Belleville, Ontario, or any town anywhere else of 30,000, the Yukon has a tremendous amount of wealth that is offered to the federal government through taxes for, as Bea mentioned, revenues in mines in the Yukon. I think about 95 percent of it goes to the federal. I think the only territorial revenues received from mining is just taxes on people who work there, personal income tax.

We offer them taxes in tourism, mining, everything that creates money in the economy. When I say we, it is the people who stay in the Yukon year-round to deal with the weather conditions and endure the hardships of being, as we say, cut off from the rest of Canada because of the 900 miles you have to travel on the Alaska Highway to get to Dawson Creek or down to Edmonton.

So, for that, we are offering a great deal to the federal government, being a resource of people who stay here year-round. For that, we may enjoy an income of \$350 million. We do have northern allowance and a higher wage, and so on, but the cost of living is quite a bit higher, too. I do not think it is just a giveaway, the \$350 million. I think it is pretty much a fair exchange, at times.

It is not like I want to be Donald Trump of the north, or something. I think we pull our weight pretty good, as northerners and Yukoners. We earn quite a bit of what we make, like travel costs. At times, we get travel for going out to meetings, and so on. It seems pretty good, the gas and hotel and so on, but the wear and tear on the vehicles, the wear and tear on the physical body having travelled three hours into town and three hours back, that adds up, as well, which is like unseen costs.

That is my tiny little argument to you, Dave.

Mrs. Firth: Could I just respond to that for a second? Just to give you the figures. We in the Yukon spend almost \$350 million a year. Of that, we contribute \$60 million in personal income tax and whatever taxation we get from fuel or whatever. So, our government contributes \$60 million, the feds put in the rest of the money to make it total \$350 million or so.

The question we have to ask ourselves as Yukoners, and that is why we are here, is do we want to continue to be beholden to the federal government to hand us money to spend, or do we want to say to the federal government, we want to make the decisions about what mines we are going to have, we want to get the money from the royalties of those mines, we want to generate our own revenue? If we wanted to do that, we would have to become a province or have some kind of provincial power, so we have the responsibility for those natural resources.



Then, we may have the ability, as Yukoners, to generate \$450 million in revenue. I am being hypothetical now, and just using this as an example, but it would be money that we had earned ourselves, and it was not the federal government saying, here you are, here is this money for you to spend. That is what you have to look at when you are making a decision.

Yukoners, according to a lot of constitutional experts, feel that we can be quite self-sufficient, because we have a wealth of natural resources here in the territory that may get into southern parts of Canada, and that is why we should be worried about the Meech Lake, because other parts of Canada do not want to lose the resources and revenues that they get from us, and we are quite happy for them to give us a couple hundred million dollars every year, so that we stop fighting to have control over our own resources.

That is how the argument goes round and round. We have to decide, as Yukoners, whether we want to continue living that way, whether we want to look at going toward provincial status, and whether we want to, one day, take the risk of saying yes, we can stand on our own feet and look after our own resources, and we can support ourselves and not have the federal government hand us out money as they see fit to hand it out.

**Mr. O'Brien:** It seems to me that the longer you wait for claiming provincial status, the more difficult it is going to be. Obviously, the provinces are looking at self-government in a lot more ways than they have in the past. Quebec is a good example.

You were talking a little bit about trying to get some health care for the area, but whose standards are you going to follow? Your own, or are you going to follow the federal government's standards?

I am from Ontario, and I am a professional occupational therapist and have been involved in helping to set up some professional standards for occupational therapists. We have a long hard battle to get them up to university standards, and all that sort of thing. The federal government would rather have OTs educated at the community college.

This is a good example. You are going to have engineering standards and all the professional standards that you want, and it is going to lead down to the quality of care that we will have. There would be a great advantage to having provincial status in at least that respect to all kinds of things.

I would be an advocate of going for provincial status and taking the risks. I think you would be better off.

**Mr. Cant:** What is the time element involved in this process?

**Ms. Hayden:** In terms of ours?

**Mr. Cant:** You go throughout the communities, and then combine all the information and address it to the Minister, or whomever you are going to address it to.

**Ms. Hayden:** Yes, we take it back to the Yukon Legislature in this spring sitting, whenever that is. It will not be until after we finish, which is the end of March, or April 2. Sometime probably in April.

One of the questions, as I said at the beginning, is how should the Yukon make its views known to the rest of Canada? The question says, through the Premier, through your Member of Parliament, through the Legislative Assembly, territory-

wide plebiscite, constitutional conference, all of the above or some other way? That is one of the questions in the green paper.

This is just the beginning of this process of getting some sense of how people are thinking about the whole issue and, then, taking that back to the Legislature, which then will take a next step, after it hears what Yukon people are saying.

So far, much of what we have heard has been yes, forward, carefully. I think that would encapsulate it.

**Mr. Cant:** Is there somebody we could write to, or address a lot of our questions to? I would like to compose a great deal more questions than this, just to inform us and educate us on what the difference is between provincial and territorial status, and so on.

**Mrs. Firth:** That is the message that we are getting from people as we go around. They want more information. If you want us to make this decision, we need more information. That has to come as a result of this Committee. What we will report in the report is that people want some more information. You sent us on the road to ask people this question, and they do not feel that they have enough information to make the proper decisions and right decisions, and they want the timing to be right.

That is something that we will recommend in the report. How the government deals with it, we will have to see. I do not see the government having any difficulty in sending information to people. It is just that we will have to see what form it is going to be in and what kind of information.

What is it you are looking for? Help us.

**Mr. Cant:** It is just a whole series of questions. These are just some of them, and we would have a lot more set up.

**Mrs. Firth:** Do you have something in writing that you could present to us, that we could put with this?

**Ms. Hayden:** Excuse me for just a minute. One of the things you could do would be to direct a letter to this Committee with all the questions, which we could include in our report.

**Mr. Cant:** Okay. That is more where I was coming from.

**Ms. Hayden:** The second part of that, I would ask if you have thoughts about how you would like that information to come back to you, in what form?

**Mr. Cant:** In dollars and cents.

**Mrs. Firth:** Could you photocopy it and give it to us immediately?

**Mr. Cant:** I am going to have to go over this at home.

**Ms. Hayden:** Sure. If you will do that, just send it to the Constitutional Committee, and it will get to us.

**Ms. O'Brien:** You said there have been surveys done to see ... whether the Yukon would be able to come up with enough money. I think that is something people need to know, not these vague "we might be able to have enough", and "quality of living would not have to go down."

You need a few facts to go on.

**Ms. Hayden:** Whether those facts even exist or not, we are not sure.

**Ms. O'Brien:** You were saying that there were certain surveys done.

**Mrs. Firth:** The thing is that there have been constitutional experts predict the ... future of the Yukon. Some economists may be able to give you some facts, but there are



a lot of other things that may influence it: who the government is, what the price of metals are, and all that kind of thing.

Personally as a Yukoner, I feel there is going to be some risk involved in making a decision on this.

Ms. O'Brien: I am sure there is.

Mrs. Firth: The point is really well taken.

Ms. O'Brien: We would like to have some idea about what the risks are.

Mrs. Firth: That is right, so we are not going to be blind.

Ms. Hayden: This is not a process that someone is looking at doing next month. What I called it before, I would call it again. It is something that governments do not always do, but what the Legislature as a whole tries to do occasionally is some long range planning. I think that is a lot of what we are into here.

Mr. Cant: Although my background has not been in political science, I know well enough that, to give an educated opinion, you have to have the information provided.

Mrs. Firth: Both sides of the story.

Ms. Hayden: Absolutely. So, if you will write something.

Mr. Cant: Sure.

Ms. Hayden: We have heard that before. We have heard it twice, and this is only our third meeting.

There are probably many more people feeling the same way.

Ms. Eikland: I think stuff like this has gone over to YTG already. Health is starting, and I think the steps have already been taken. Once you can establish and show Yukoners that the powers that be that are doing this are taken already and can be proven, that it is viable and it works, then more people would probably be a little more acceptable to the idea of provincial status. I know many that are not. I think it is the fear of being totally taxed.

That is the basic fear.

Mr. Cant: Like this GST tax and having to pull money out of your pocket for a dollar item and pay \$1.07. When I left Ontario, it was the same thing, but it was provincial sales tax. Now, they must be getting an extra 15 percent.

Then, you wonder if you are in the right country, that you are not standing across the border.

Ms. Hayden: That leads to another country. Is our relationship with Alaska or other northern jurisdictions important to us, our ties to other circumpolar areas?

Mr. Cant: For a lot of people here, their families extend far beyond the border. The connection between Alaska and here is vital.

Ms. Hayden: For many people, the line does not exist.

Mr. Eikland: There is a ... treaty that the States and Canada signed, but it only works one way. Natives cannot come in here and work without some kind of a visa, but we can work over there with no problem.

Mr. Johnson: That only works one way. I think it was in 1948.

Mr. Eikland: I think the treaty was signed both ways. I think they did away with some of it in 1948, when Canada did not recognize the ... treaty at all, but the States did, and they still do today.

If the native people came here and bought a whole bunch

of stuff, they do not pay tax on it when they go back. They do not pay duty. We go abroad and come back, we pay duty.

Ms. Eikland: Another part of that circumpolar thing in general, and they have circumpolar conferences, and what comes out of those is there is so much in common with those different countries being in the north, and those ties have to be there, whether it is Lapland or whatever. They have to be there. I think they have been there, but it is becoming more and more.

Mr. Eikland: Under the *Yukon Act*, there is not much in there on First Nations, except for one on hunting, or something.

Ms. Hayden: There sure is not.

Mr. Eikland: I think it is about time that they recognized the Yukon Territory, and recognized there were people here before the Gold Rush and before the highway. Maybe they should start recognizing the First Nations and that there were people here. That should be in the constitution some place. A lot of people are going to disagree, but that is a fact. If you want to go to Old Crow and check into where the anthropologists and everybody have been working, they can prove that it has been thousands of years that people have been here.

Ms. Hayden: Tens of thousands of years.

Mr. Eikland: That should be recognized in the Yukon constitution some place. There are some rights in there that should be recognized. I was born here before the highway. I do remember when the American army was coming in. We lived off the land. We had all kinds of regulations that made sense to us here — the Yukon Legislature and everything. Not asking anything. They make illegal things I used to do legally before under my rights.

To ... a lot of these conflicts, such as YTG is having with native people, why do they not recognize all those things, because they were here. Those were facts. The way we fished and hunted. We used to do it different, because we did not have shells and everything all the time. We had to make fish traps and different things, set hooks and all kinds of things, which are illegal now. Because it was legal then, we used to do it then. Those things should be recognized in the *Yukon Act* some place, because it would cut off a lot of the problems we are having right now with hunting and fishing regulations. Subsistence and culture are things that should be under the constitution of the Yukon because, after all, a lot of us are ancestors of the people who were here first in the Yukon Territory. Why is that not recognized? This was before the Gold Rush.

That would do away with a lot of conflicts right now on fishing and hunting and different things. We have all these young guys we bring up from the south with their southern ideas, and we give them head positions in the government. They tell us, who were here before the highway, how we live, how we should do things, how we should not do this. Let us start standing up as Yukon people and say, we do not have to listen to that. We do not have to be told. We are getting tired of that, when you guys start telling me what to do. After all, I am a good citizen. I think I respect the game. That is the way I was raised.

I remember seeing the first religions coming in here after the highway, all different types of religions. I had my own

religion, but it was not written in the Bible. I think that we have to start saying, recognize us a little bit somewhere.

The one way we are going to have to do that is if we have to hire a lawyer, or whatever, to write out what we want put in the constitution. If we have to take the federal government to court to get it in there, let us do that. Let us do those things. This is what the Yukon people want, not your say-so, yes it is okay. We will take it to court, and the Supreme Court will make that decision whether we can put this in the constitution or not.

Then, I would go on to other ideas. I never really agreed with party politics, because I think it has done us not too much good since it has been in. I believe there should be either a fourth party, or something called the Yukon's peoples party that everybody can belong to, and there is no fighting over you are a Conservative, you are a Liberal, you are NDP. There is no such argument.

We have to control our budgets, and so on. We should be effecting a financial committee, and we should give them a set length of time, five years, to try to straighten out the Yukon's financial problems. We have problems in the Yukon because, every time you elect a new government, they have a new idea of how to put their finances and how to spend the money. We do not have a steady level. We have to have a steady level in the Yukon. We do not have that.

We have to do something about that, because we are not going to go nowhere. If you look at the federal government, it is the same situation. It does not matter what party gets into the government in Canada, we are a deficit, and it does not matter who it is, they are never going to get it out of deficit the way it is. The only way you are going to do that is you are going to have to hire professional financial people and say, this is your mandate, and it is to say no to whomever it is, the Prime Minister, the head of the Yukon parliament. This financial committee has the power to say no. If they can see that the budget is not going to balance, or is not going to make money, that is the only way we are going to go in a positive direction.

Those are some points I bring up, because I think we have to do something. We are really in a schmozzle, not only in the Yukon, but Canada-wide.

**Ms. Hayden:** Are we talked out?

Thank you very much for coming.

*Adjourned at 3:55 p.m.*





**Yukon Legislative Assembly**  
27th Legislature

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Community Hall, Destruction Bay  
Wednesday, February 27, 1991 — 7:30 p.m.**



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

**MEMBERS OF THE SELECT COMMITTEE**  
Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

**STAFF**  
Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

**PARTICIPANTS**  
at the Destruction Bay Meeting of February 27, 1991

Biddell, David	Flumerfelt, Jim
Brewster, Bill (MLA)	Van Der Veen, Gary
Eikland, Mark	Wilson, Iris

**DESTRUCTION BAY, YUKON**

February 27, 1991 — 7:30 p.m.

**Ms. Hayden:** I would like to thank everyone for coming and welcome everyone to the meeting. I am Joyce Hayden, Chair of the Committee, and this is Bea Firth. We are listening to Yukoners' views on what they think Yukon's constitutional role in relation to the rest of Canada should be.

When we finish travelling to all the communities, we report back to the Legislature in the spring. After that report is tabled in the Legislature, we will be sending all this back to each community that we have been to. Meetings are quite informal, but we are recording so that we can report accurately what people have said.

There really is not that much more in terms of formalities. I suppose we could begin with whether people have opinions about where we are now and whether we should be moving in some direction, unless Bea has something further to add. We will add some questions as we go along. Does anybody have any issue they would like to comment on or statement they would like to make?

**Mr. Flumerfelt:** Would there be any economic benefits to being a province, with our low population?

**Ms. Hayden:** I guess I would turn that around and ask you if you think there would be any economic benefits. Of course, most of our money at the moment comes from the federal government, in terms of top-up money to a certain level that is negotiated.

**Mr. Flumerfelt:** Provinces get payments too, though.

**Ms. Hayden:** They get equalization payments based on per capita income and their population. Our per capita income is pretty high in comparison to many of the provinces, and our population is low. If we were to become a province, we might look at negotiating some kind of funding and, as well, having some control over resources. We have no idea of what our resource income would be. Apparently, there is no figure. The feds do not give us a figure of what that resource income is.

**Mr. Flumerfelt:** They keep that under their hat.

**Mrs. Firth:** The thing is, if we had control over our own resources as a province, and our revenue earning potential would be as great as we would want to make it, depending on how many mines opened up, we would then get the royalties. They would not all go to Ottawa in the form of taxation. On potential revenues from the Beaufort oil and gas, we are right now negotiating an arrangement for that.

Even though we have a small population, I think we could look at the pros and cons of the Yukon being self-sufficient economically, or whether we want to continue on as we are, where we do not have control of our natural resources, and the federal government just turns around and gives us money to operate and maintain our services here in the Yukon.

**Mr. Flumerfelt:** Right.

**Mrs. Firth:** The thing will be whether Yukon people want to move toward provincial status or not, whether they are happy with things the way they are, whether they would like more information about the situation so they can make a well-informed decision about whether it is time to go for provincial status.

**Mr. Flumerfelt:** To become economically viable enough to become a province, we have to have more long range economic development to draw big companies into the Yukon. We have to have more ... power, for instance, and better transportation to get their product out.

**Mrs. Firth:** You are talking about infrastructure.

**Mr. Flumerfelt:** If we went and developed all these things as a territory, and really started to go, would the federal government let us become a province in, say, 10 or 20 years down the road, or would they say no, leave things like they are?

**Ms. Hayden:** As you know, with the Meech Lake Accord, which was not signed, the situation would have required all 10 provinces, plus the federal government, to agree to a new province. As it stands now, it is called the "7 and 50" formula: seven provinces that have 50 percent of the population of Canada must agree before a new province can come in.

It is a question. One of the issues is the fact that we are governed by the *Yukon Act*, which is the federal act under the Department of Indian and Northern Affairs, and the Parliament could abolish our Legislature, and the Minister of Northern Affairs could say, no Cabinet. The government now operates with the authority of a letter from a former Minister of Northern Affairs.

Does that bother you? Would you like to see more security, in terms of the enfranchisement of the Yukon Territory, or does it matter?

**Mr. Van Der Veen:** In actuality, would we have more security if we could not prove that we could behave and handle the provincial status? Does the federal government have the right to take it away?

**Mrs. Firth:** Not once it is a province.

**Mr. Van Der Veen:** Even if we cannot handle it?

**Mrs. Firth:** Even for the provinces that are already in place, it does not matter if the population goes down, or their economic situation is becoming poor.

**Mr. Van Der Veen:** They just get more handouts from the federal government.

**Mrs. Firth:** They continue to get some support, and they continue to either raise taxes themselves or look at other ways of generating more revenue on their own. They cannot lose their provincial status. They have constitutions that protect their provincial status. That is something we do not have. The *Yukon Act* just acts as our constitution. It is a law, but it is not a territorial law. It is a federal law, as Joyce has said.

Right now, we do not have anything in federal or territorial law to protect our Legislative Assembly the way it is being run today, which means that we would still have elected members, but we would not have a Cabinet.

**Mr. Van Der Veen:** The general trend has been to give more and more power to the Legislative Assembly.

**Mrs. Firth:** Yes.

**Ms. Hayden:** Yes.

**Mr. Van Der Veen:** It is always more. They have not taken anything away.

**Ms. Hayden:** No, not since quite a number of years ago. One of the things we are hearing is people saying there may be something in between.

**Mr. Van Der Veen:** My concern is how much money this

is going to cost us. Already living in the north costs us far above what it does in other places, and it is going to cost a lot of money. Traditionally, money comes from businesses. It comes from people, too, but it comes from businesses, and there are not enough businesses. There are too many government people here. Territorial government employees are taxed, too, but that is just money going in a circle. It is not really income.

**Mrs. Firth:** It is not creating jobs or wealth.

**Mr. Van Der Veen:** If you take that number of people out of how many are in the Yukon, it is pretty tight to do anything. The trend is to protect the environment. I get the feeling up here that the people who live here are no longer interested in trying to be self-sufficient or anything. They are just willing to protect all the wilderness, stop all the mines, any idea that might burn up a tree or two.

**Mrs. Firth:** A question that we should be asking is, how important is this to you? We have been sent by the Legislature to ask people about the Yukon and the constitutional development, and whether you want to be a province or not, but maybe it is not really that important to people. Maybe it is not a big high on their priorities. I do not know.

**Mr. Van Der Veen:** I would agree that it is probably not very high on the list of priorities, but the fact that we might be prevented from becoming a province when we are ready is high on our list of priorities.

**Ms. Hayden:** So, that bothers you.

**Mr. Van Der Veen:** To have 10 other guys decide. We should be able to decide virtually by ourselves.

**Ms. Hayden:** We hear that.

**Mr. Van Der Veen:** I can see a few provinces agreeing, maybe half or something. Even the kind of agreement that is out there now seems a little one-sided, but if everybody has to

**Ms. Hayden:** So if, down the road, Yukon people decide at some point that they want to be a province, you want that still to be possible.

**Mr. Van Der Veen:** Yes, that is the way I see it. I disagree with a whole bunch of things being entrenched in the constitution of Canada. Like I said before, I think that should be a really simple forum but, in law or someplace, the right to become a province should be fairly easy if a place can prove that it can handle it. It is going to relieve the burden off the federal government in some way.

**Ms. Hayden:** Does it bother you at all when Yukon ministers, or whomever, go out and do not have a place at the negotiating tables, or that sort of thing? Would you see that as being an issue that we should attempt to change, like there should be a little more, someone said respect, that sort of thing, or is that an issue?

**Mr. Flumerfelt:** They do tend to ignore us a lot. I do not think they respect us as being part of Canada.

**Mr. Van Der Veen:** Also, it is the Prime Minister's job to represent us at those things. He is supposed to represent all the people so, in theory, he should have us in mind, too. I think we do that at home here quite often, too. The territorial government is quite willing to say, we represent all the people, therefore, this minority, or whomever, does not need to be represented at negotiations. That has happened quite a bit in

the past.

**Ms. Hayden:** What we want from others we should be remember to be doing ourselves.

**Mrs. Firth:** Practise what we preach.

**Ms. Hayden:** Good point.

**Mr. Van Der Veen:** In land claims, for instance, especially back at the early part. There were lots of different groups started up, claiming they needed to be represented.

**Mr. Flumerfelt:** It seems like if you do not have a lot of money behind you, and you represent a large lobby group, you do not get anywhere. They do not listen to little people anymore.

**Mrs. Firth:** They?

**Mr. Flumerfelt:** The government.

**Mr. Van Der Veen:** I think all the governments in Canada, territorial and provincial and federal, have become very top-heavy. It is supposed to feed up from the bottom, not down from the top. It might go for a few years with it coming down from the top, but we are smart enough in this country that we know we can revolt and rebel against it and make it stick. It gets to be like a dictatorship. When the head of a party says, this is the way this party is voting, for instance, if I elect Bill, I expect him to vote as his conscience leads, not as his party necessarily says, on every issue. Otherwise, what did we vote him in for?

If one guy is going to tell all the rest of the people in a party how to vote, what do we need anybody for? We should just have a dictator.

**Mrs. Firth:** So, you are saying that you would like to see things like that changed, or something done to it, before we look at going on to provincial status? Or is that just a concern?

**Mr. Van Der Veen:** It is just a concern. I am not going to say we have to change it before we get to provincehood. We are a country, and they are doing it right now.

**Ms. Hayden:** Do you have any feelings about what might be one of the next most important steps in terms of assuming more responsibility for ourselves as a territory, or the kinds of programs that we need? For example, we are negotiating for a health transfer. Along with that question goes the question of, is it important that we negotiate dollars along with programs, or should programs come first and worry about the dollars after? What is the next most important issue, that you would see? Resources are an issue, land is an issue. Do you have any thoughts around that at all?

**Mr. Van Der Veen:** The only thing I worry about the issues is whether the party in power looks to take over a department and uses it as a feather in their cap. I do not know if we really need to take over our health care program or not. To me, it seems to be operating fine. I worry that they take it over and liberalize it, or whatever, and use it as a political ploy. We gave you this, to buy a few votes, that type of thing.

**Ms. Hayden:** The federal government is very quickly trying to devolve, which is the current jargon, but to get rid of or to move to the provinces and territories most of the programs, so it is not just a one-way affair.

**Mrs. Firth:** The federal government has put into legislation law that protects the concerns you have about universal medicare, and your health services are not going to be taken away from you.

If it is transferred to YTG, then the territorial government can make decisions about other aspects of the delivery of health services.

**Mr. Van Der Veen:** I was worried about it the other way. We take it over and, then, we give more and, to me, they are already giving too much.

**Mrs. Firth:** I see what it is.

**Mr. Van Der Veen:** For instance, I think we should still pay for health care.

**Mrs. Firth:** That makes it clearer.

**Mr. Van Der Veen:** I see nothing wrong with the monthly payment.

**Mr. Flumerfelt:** There are lots of people who might be unable to afford to pay their health care, but there are those of us who can pay.

**Ms. Hayden:** So, it sounds as though dollars is an important issue, one way or the other, in terms of where we are at.

**Mr. Van Der Veen:** I think the people of the Yukon would be a lot more prepared to take care of themselves, to allow some development. Sure, we have to have wilderness and we have to protect it, but there has to be some development along with it.

Every time I go to a meeting, it seems protect it, we cannot do this.

**Mr. Biddell:** Between land claims and environmentalists, there is no room left for any industry at all, and you cannot do anything. If you are not going to have some long term industry here that is going to keep people in the territory, because it is all going to bring more money.

**Ms. Hayden:** So, jobs and industry are important.

**Mr. Biddell:** Definitely, if you are going toward a province. Right now, you have government and you have hotels.

**Ms. Hayden:** Mining.

**Mr. Biddell:** And one mine.

**Mr. Flumerfelt:** Look at the placer miners.

**Ms. Hayden:** There is more than one.

**Mr. Flumerfelt:** They are not year-round, but they do a lot of work in the summer.

**Mrs. Firth:** They are taking their fair share of abuse, though, too.

**Mr. Eikland:** Still, between land claims and environmentalists, how many have quit in the last five years?

**Mr. Van Der Veen:** How many are ... because of the hassle?

**Mr. Eikland:** There is so much frozen now, I do not think being a province, and there are other things that have to be settled first.

**Mr. Van Der Veen:** I do not think we could even talk about being a province if there is going to be any sort of inequality in the laws. When a law is written down, it applies to everybody equally, regardless of who you are, where you came from, or how long you have been here. If you own a large chunk of land, what you do on that can be your own affair. If you want to belong to the rest of society, then it is one law.

**Ms. Hayden:** Part of what I am hearing is that probably our best future is to remain a territory, perhaps with more powers, or not, some of the programs or the ability to be represented.

**Mr. Van Der Veen:** I think we can take over more programs and gain power, but we would have to be careful that some sort of balance is hit between the private sector and the government sector.

**Ms. Hayden:** More balance between the private and government sectors.

**Mrs. Firth:** More economic stability is what you are asking.

**Mr. Van Der Veen:** They have to keep both growing. All of a sudden, we could have all government handling all the programs, but they are only for government people, because that is all that is left in the Yukon, basically.

**Mrs. Firth:** Economic stability seems to be a theme that is coming up all the time and, again, the concern about a good balance of industry promotion and environmental concerns, and promoting small business in the private sector, before we start looking at provincial status. Am I interpreting that correctly?

**Mr. Flumerfelt:** On the same hand, though, if they try to run another Meech Lake thing by us, saying that they have to have 10 provinces say whether they are going to let us be a province or not, that has to be stopped.

**Ms. Hayden:** So, you have some concern about how we are viewed nationally. They tend to forget we exist.

**Mr. Flumerfelt:** Yes.

**Mr. Eikland:** I think the state of the country overall now, it should be fairly easy to become a province.

**Mr. Flumerfelt:** The department that has the most control over the Yukon is DIAND, is it not?

**Mrs. Firth:** Yes.

**Ms. Hayden:** Yes, absolutely. They are the department in control.

**Mr. Flumerfelt:** They have a hell of an empire going. They do not want to lose it. They are going to do everything they can to hold us down. At least, that is my feeling.

**Mrs. Firth:** That is a common theme that is coming forward. Yukoners are concerned about the rest of Canada wanting them to have control of their own lands and resources. So, if they want us to allow the rest of Canada to have it, they will not be too eager to have us be a province and take all that for ourselves.

**Mr. Van Der Veen:** I think so, too.

**Ms. Hayden:** In 1936, ... the Premier of B.C., and whomever was the Minister of Northern Affairs at that time made a deal that B.C. would take over the Yukon. It would have happened, except the Roman Catholic Church, at that time in B.C., said fine, but we want to have whatever rights the church has in the Yukon throughout B.C. If they had not raised a fuss, we would be part of B.C. now. It was forgotten, at that point.

There have certainly been moves over time, particularly by B.C., in my memory of WAC Bennett talking about the Yukon becoming part of B.C., and that kind of comes around every so often. There seems to be some feeling by at least one of the provinces that it would be worthwhile having the territory as part of its land mass. Whether that will ever happen again, who knows.

The other issue is that, to the federal government, people living in the far north establish our sovereignty over the



country. We do not know how much value there is in terms of resources, but there is certainly a value to the federal government in terms of having people here. It is something to keep a claim on the country.

**Mr. Flumerfelt:** They can claim their part of the Arctic.

**Mrs. Firth:** When it comes time to make the decision about provincial status, how do you want to be involved in that decision? Do you want the MLAs to represent your views and make the decision for you, or do you want to have a plebiscite or referendum?

**Mr. Van Der Veen:** I like those referendums.

**Mr. Flumerfelt:** I think so, too.

**Mr. Van Der Veen:** I think we have to have a lot more information.

**Ms. Hayden:** Yes, sure. That has been coming through loud and clear. This is sort of the initial interest-raising kind of meeting, but people are saying they need a lot more information about dollars and cents, about what it would mean, and all those kinds of things, before they could make that kind of decision.

I think we have heard that at every meeting.

**Mr. Van Der Veen:** I have no doubt that, with a few more people and a little more development, we could easily be a province. It would just take a little bit more than what we have. All the growth I have seen in the last little while has been in the government, especially when you go and look for an office in Whitehorse.

**Ms. Hayden:** Are links with Alaska important, as well as other northern jurisdictions?

**Mr. Flumerfelt:** I have heard people saying, and I have joked about it myself, about seceding and joining Alaska and having a new country.

**Mr. Eikland:** I like Alaska.

**Mr. Van Der Veen:** We look up there at their infrastructure. You are driving down the road in the middle of nowhere and there is a power line beside you and a light way off in the distance. You do not see that in the Yukon. You see a candle in the window, and he is probably getting hassled because he does not have a bathroom in his place by the building inspector or something. You are not allowed to live that way in this country.

To be necessarily involved, I do not see a lot of trading, or anything like that, even in comparison.

**Mr. Biddell:** They have all they need. They have a lot of money up there.

**Mr. Flumerfelt:** They have just as many problems with their federal government as we do with ours.

**Mr. Biddell:** They do, and they are a state already.

**Mr. Flumerfelt:** Yes, they are a state already.

**Mrs. Firth:** We have a legislative exchange, where the Alaskan representatives come to visit us in the Yukon one year and, the next year, we go and visit with them. We discuss common problems, and it is amazing the similarities between us and Alaska. I think the north country would be like that across northern Canada.

**Mr. Van Der Veen:** I agree there are a lot of similarities, but to have special trade pacts or something.

**Mr. Biddell:** It is kind of neat to have them beside us, already with more mines and oil and all that. We can kind of

sit back. We are progressing a little slower, and we can watch for what mistakes they are making. That is kind of a bonus, I think.

**Mrs. Firth:** So we do not have to make the same mistakes.

**Mr. Biddell:** You can learn by watching, and keep in contact with them and see what they are up to.

**Ms. Hayden:** One of the issues that has been raised periodically is the value, one way or another, both the financial value and other kinds of values, of clean water for the territory. I think Bill has talked quite eloquently about leaving something for our children, grandchildren and great grandchildren, and that sort of thing. Do you have any comments on that?

**Mr. Flumerfelt:** You have to have controlled development and environmental safeguards, because this country will not tolerate too much pollution, because it will never go away.

**Mrs. Firth:** The concern that was expressed there was with respect to provincial status, that we not exclude the option of future provincial status for our children and our grandchildren. What we do is going to have an impact on whether future generations are going to have the ability to become provinces, and that is the concern that I have heard Mr. Brewster express.

**Mr. Flumerfelt:** Absolutely.

**Mr. Van Der Veen:** It has to be protected.

**Ms. Hayden:** So, economic growth, careful development, protection for coming generations, jobs now, building the economy, and all those kinds of things. Is that what I am hearing that is important?

**Mr. Flumerfelt:** I think so.

**Ms. Hayden:** Slow and careful.

**Mr. Flumerfelt:** No raping and pillaging.

**Mr. Van Der Veen:** Not quite as slow as it has been for the last 10 years, either.

**Mr. Flumerfelt:** Right.

**Ms. Hayden:** So, speed it up. That is a good point.

**Mr. Van Der Veen:** You have to realize you cannot throw a pulp mill on the Yukon River and have it spewing in. If we are going to have a pulp mill, that is one thing we would have to realize and take care of it.

**Mr. Flumerfelt:** In the north, the growth and reproduction of trees is so slow, I think there should be a very limited harvesting of trees.

**Ms. Hayden:** It is usually 150 to 200 years for a tree to grow.

**Mr. Van Der Veen:** On the other hand, the spruce tree is not worth hardly anything up here, except for a piece of green. Nothing eats off it. It is not good for anything, really. I think we should use more trees.

**Mr. Flumerfelt:** Trees help keep the air clean. They produce oxygen.

**Mr. Van Der Veen:** How much does a spruce tree produce oxygen-wise, versus a leafy tree in northern Ontario, or some place.

**Mr. Flumerfelt:** I do not know.

**Mrs. Firth:** The economy and the environment are concerns, is what you are saying: economic versus environment.

**Mr. Van Der Veen:** For instance, if you took one square mile of spruce trees and totally annihilated it, and had a willow

patch three feet tall, in two years, what is producing more oxygen?

You have to look at those things. If you pave it, for sure it is dead. That is what they do down south.

**Ms. Hayden:** Is there some feeling for the uniqueness? We talk about down south, outside, the pavement, all that sort of stuff. Is there something you want to preserve in terms of what the territory is?

How about you, David? You have not been here all that long. You talked about living in a little community. Is it special for you to go to that little community?

**Mr. Biddell:** I am more comfortable. That is my personal feeling. You have the tourists coming in up at the restaurant when I was a waiter, they looked on to the lake out of the window, and it is so beautiful. They are surprised. Why are there not boats and recreation, and all that. I said, that is what makes it beautiful, right there.

**Ms. Hayden:** It was empty.

**Mr. Biddell:** You cannot always have that.

**Mrs. Firth:** Do you think you would lose that if we became a province?

**Mr. Biddell:** Not necessarily. It is just careful management, that is all. You cannot have industry without hurting the environment in some way, right, but you cannot get around it, until they start putting even more effort into cleanup devices and things that are going to help. Maybe someone is going to devise a way to clean up garbage coming out of pulp mills, or something like that, to make it environmentally safe. Put a little more money into that thinking. We need the industry, and we need more people to come but, at the same time, we are not going to pave over the beaches.

**Ms. Hayden:** Iris, you have not said anything.

**Ms. Wilson:** I am enjoying listening. I have not got much to say.

**Mr. Flumerfelt:** There is another aspect of development that I think a lot of us are missing, and that is winter recreation for tourism. I think the Yukon could have a world class ski hill, or ski facility, for instance, that would draw a lot of people. There are lots of places you could build one, and not in Whitehorse. I just got that in, for the heck of it.

**Mrs. Firth:** I cannot express an opinion here, but I can talk to that later.

**Mr. Flumerfelt:** With all the mountains and slopes, and the heavy snow we have in places, it could be developed.

**Mr. Biddell:** Watson Lake has a ski hill.

**Mr. Flumerfelt:** Watson Lake has a nice facility, but it is too small.

**Mr. Biddell:** There is no heli-skiing, or anything like that, and that brings a lot of people. That is good money. People love skiing.

**Mr. Flumerfelt:** We have a really good tourist industry in the summer but, come the end of September, it dies.

**Ms. Hayden:** The highway was empty today when we came down.

**Mr. Eikland:** Nice, eh?

**Ms. Hayden:** It was beautiful.

**Mr. Flumerfelt:** You should turn the Sourdough Rendezvous into a four month affair. It would bring more people in.

**Ms. Hayden:** You could have it travelling around the

territory.

**Mr. Biddell:** I do not know if there are any summer camps, or anything like that, in the Yukon. I never heard of any. Is there anything like that for the kids to do in the summer time?

**Mr. Flumerfelt:** There are a couple of Bible camps at Marsh Lake.

**Ms. Hayden:** Not the kind you are talking about, that are sort of elite.

**Mr. Flumerfelt:** To get the kids out there actually doing something.

**Ms. Hayden:** So that some would want to send their kids from Ontario to come up here.

**Mr. Flumerfelt:** Sure.

**Ms. Hayden:** Maybe from West Germany.

**Mrs. Firth:** Have you ever worked in a camp like that? Who ran it for you?

**Mr. Biddell:** Bnai Brith.

It was on Lake of the Woods, right across from Camp Steven, which was the YMCA.

**Mrs. Firth:** Was it private?

**Mr. Biddell:** It had two main Jewish sessions in the summer time, and all the rest of the sessions were open for people to rent it out.

**Mrs. Firth:** It was all privately funded. There was no government assistance.

**Mr. Biddell:** No, not that I am aware of.

It was not like a heavy Jewish religion camp, either. We had a 15-minute service in the morning outside. Each cabin took turns doing it on life or nature. Then, we would go and have breakfast and go canoeing. It was a total outdoors camp. We got the kids ready and took them on a trip. That is the kind of thing that really attracts.

**Ms. Hayden:** This is not my role, but one of the things I have often wondered about along that line is why we do not have a lot of the what I would call the Outward Bound type of camps in the territory. It would seem to me to be perfect for that.

**Mr. Biddell:** Yes.

**Ms. Hayden:** We do not seem to have them. They are privately run.

**Mrs. Firth:** If we do not have any more provincial discussion, we can just have some general discussion.

Does anyone have anything more to comment on provincial status or constitutional development?

**Ms. Hayden:** One of the requests that was made, and you were talking in terms of needing more information before making decisions, one of the other places we were at was actually developing some questions and were going to send them, asking for specific information about specific things. I do not know if that would interest any of you.

**Mr. Flumerfelt:** It is always good to have information.

**Ms. Hayden:** If you choose to do that, you might drop us a note and let us know what you would be interested in.

I do not think I have any more questions. Bea, do you?

**Mrs. Firth:** No.

**Mr. Eikland:** One of the main things is before we think of becoming a province is that more things have to get settled within the Yukon, like there is an environmental act out and

land claims and that have to be settled first. After that, people have to decide whether they would like this ... with nobody around, or whatever, along with how long they have been living here, if they appreciate that, or if they would be willing to change and have more people and having to be more self-supportive. That is pretty much about it.

**Ms. Hayden:** So, things should be settled. There needs to be some understanding of where we are, and then some decision on where we go.

**Mr. Elkland:** A few more rules on development within the Yukon settled before we can really start pushing for being self-supportive.

**Ms. Hayden:** Thank you all for coming. If you have any further comments or questions, please address them to the Constitutional Development Committee, care of YTG, and they will get to us. We will be presenting our report to the Legislature during the spring session, after which time copies will be sent to all the communities.

*Adjourned at 8:35 p.m.*



**Yukon Legislative Assembly**  
**27th Legislature**

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Kluane Park Inn, Haines Junction  
Thursday, February 28, 1991 — 7:30 p.m.**



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

**MEMBERS OF THE SELECT COMMITTEE**  
Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

**STAFF**  
Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

**PARTICIPANTS**  
at the Haines Junction Meeting of February 28, 1991

Brewster, Bill (MLA)	Stinson, Eric
Brewster, Ricky	Tomlin, Al
Butterfield, Pam	Tomlin, Tish
Riedl, Wolf	

## HAINES JUNCTION, YUKON

February 28, 1991 — 7:30 p.m.

**Ms. Hayden:** As you probably all know, Bea and I were appointed to the Constitutional Development Committee last year by the Yukon Legislature, and we were given the instruction to travel to every constituency throughout the territory. We chose to travel to all the communities, not just to one in each constituency. So, we held a meeting in Whitehorse, then went to Beaver Creek and have been coming down the highway, as you probably know.

Travelling with us are Patrick Michael and Missy Follwell, the Clerk and the Assistant Clerk from the Legislature. We also have with us tonight your MLA, Bill Brewster.

The reasons these meetings have been scheduled is to hear Yukon people's opinions on the constitutional development of the Yukon. For example, how do we fit into confederation? How do you want us to? Should we stay as a territory? Should we work toward provincehood, or should we develop something in between? Those are the general questions.

We are required to report back to the Legislature in the spring session. Our last trip is April 2, then the report will be written and tabled in the Legislature. We will then send copies back to each community.

I would ask you to sign in, so we can do that. The meetings are being taped so we can report accurately. We are accepting formal presentations. If you have none, we would then go directly into an informal conversation, if you like.

I do not know if you know the names of everyone, Missy, so we can be clear and have the record clear.

Do you have anything to add, Bea?

**Mrs. Firth:** No.

**Ms. Hayden:** Did anyone come with a formal presentation they wanted to make before we go into discussion?

Then let us just begin with some of the questions. I do not know if you have seen the green paper on constitutional development. Some of the questions it asks are: do you think we are progressing to self-government too fast or too slow? What are the most important next steps? I would just leave with that and, perhaps, we could begin there.

Should we be doing whatever we are doing faster, slower, or should we zip into provincehood?

**Mr. Tomlin:** What are you doing now?

**Ms. Hayden:** The negotiations with the federal government to bring the authority of varying programs under the territorial government. That process seems to be a slow negotiation for dollars and the authority, for example, the health transfer. Fisheries was transferred previously. We are in the midst of land claims. Perhaps this process should be going along with land claims.

The big question is, do we want to ensure the dollars are there with whatever programs we have, or do we go the other way: programs, and look to revenue from within?

**Mr. Tomlin:** Personally, I feel we are not ready for provincehood. We just do not have the people.

Secondly, I would like to see land claims settled. They have only been at it 18 years, and I do not know how long it is going to take. Thirdly, I would like to see the national park opened

up, so that you can drive through.

Fourthly, I would like to see the Alaska Highway fixed up from here to Beaver Creek.

**Ms. Hayden:** That is fair enough.

**Mrs. Firth:** I think you are listing an order of priorities, and this obviously does not have a high priority with you. That is not unusual with opinions we have heard from other Yukoners. It is a good opinion to express. It is exactly what we are after.

**Mr. Tomlin:** So, what can you do for us?

**Mrs. Firth:** We will open the park, we will get the road fixed up.

**Ms. Hayden:** One of the issues that faces the territory from time to time is the fact that we are governed under the Department of Indian and Northern Affairs through the *Yukon Act*, and by a letter from a former Minister of Northern Affairs that gives the territorial government its power.

Along with that, the federal government has the power to take away our Legislature, and the Minister of Northern Affairs has the power to take away our Cabinet and put in an administrator or a Commissioner again, or whatever.

Does that trouble you, or do you think that those powers should be enfranchised in some form? Should we be trying to negotiate some further establishment of the powers of the Yukon Legislature, other than a letter from the Minister of Northern Affairs?

**Ms. Tomlin:** I am sure they would never take away the powers that we have now, unless our government misuses them. I do not think we have that much to worry about, personally.

**Mr. Stinson:** Most Yukoners assume that either we remain a territory or we become a province. Right now, obviously, the constitution of Canada is under scrutiny, never mind about the Yukon.

I know that, in other Commonwealth countries like Australia, although I am not that familiar with their systems, but they have provinces and territories. There has to be something in between territorial status and provincial status. I am not sure what that is, but I think maybe we should be looking at something like that, as opposed to the yes and no question. Eventually, throughout the Yukon history, in 50 years maybe, we might be 50,000, 60,000, 70,000 people in the Yukon, and we will have just as many as probably Prince Edward Island with a lot more metals than they have.

That is something we have to look at. We are never going to have the population of the bigger provinces. That is a reality. What scares me is when the Ministers meet, and our Premier goes to these meetings and acts as an observer. It is like the municipalities in the land claims process. It is not a very comfortable feeling, sitting there knowing that they are making the decisions about your life, and there is no one there looking after your interests.

As a Yukoner, I do not particularly like it. At present, the way they can change things, it is seven provinces or 50 percent of the population, we know that is probably written for Ontario, because Ontario has the biggest population.

That scares me. If British Columbia, Alberta and the Prairie provinces decide, let us divide up the north, that could be a reality. Basically, who cares what two MPs think or, at the

most, 80,000 or 90,000 people. Who cares?

When it comes down to the crunch of economics, and they need the north, and the provinces are hurting, and I am thinking 50 years from now, they could do that as it presently exists. If the Meech Lake Accord has passed, they could have done it fairly easily.

That is what scares me. So, I would think that, as the Yukon moves constitutionally ahead into another area beyond just territorial status, although I do not know what you would call it, because territory sounds like the little kid, and the provinces are the parents, and the Canadian country would be the grandparents. That is what worries me. If you look at the history of the Yukon, what they had planned to do prior to World War II in the Yukon, that could have been a reality if the war did not break out.

**Ms. Hayden:** So, you would like to see some enfranchisement and solidification of those powers, of something in between being a territory and a province, but a little more security than we have now.

**Mr. Stinson:** Yes. You mentioned earlier that the Minister of Indian and Northern Affairs could, at their whim, say the Government of the Yukon no longer exists. I do not think one person thought that would be ...

**Ms. Hayden:** Sure, I know, but still.

**Mr. Stinson:** The thing is that that could happen, in theory.

**Ms. Hayden:** In theory, it is legal.

**Mr. Stinson:** We all know that sometimes politically decisions are made for the wrong reasons.

**Ms. Hayden:** The other thing I heard you say is that it bothers you when territorial leaders go to national conferences and have to sit outside the table, they are not allowed to make a statement or take part in the discussion. You would like further recognition and respect for our leaders.

**Mr. Stinson:** Maybe not full voting rights. If I was Ontario, and you are the Yukon and have equal rights as me, I would also keep them in the back. I am not saying we have to push it. Our Premier is always pushing for that, and what he is doing is just pushing them against a wall. In order to get around the wall, you have to whittle away at other little things they are willing to give you at the time and, gradually, the little things build into big things, and then you have some clout, and it is time to use it.

**Ms. Hayden:** So, you are also concerned about what happens down the road, 50 or 100 years from now, that children, grandchildren and great grandchildren have the option to become a province, or whatever they choose, that it not be closed entirely.

**Mr. Stinson:** One other thing that I think Mr. Tomlin mentioned is the access aspect of Kluane National Park. People in Winnipeg really do not care what Haines Junction people think. They are federal bureaucrats, and they do not live here, and the only pressure that you can put on them is basically on the local guys who are just doing their jobs and really have no say anyway.

The federal government owns a lot of land in the territory, but we have no say. I would think the territory should begin to take some land. I think they own one percent, or something. Obviously, the First Nations population would own 10 per-

cent, and the non-Indian population will own one percent, and the federal government will own the rest. It does not make sense to me.

**Ms. Hayden:** So, the devolution of land has to happen along with the settlement of land claims.

**Mr. Stinson:** You have to begin that. Living in a rural community, you resent people outside the community controlling the economics of the community. That was the argument in Whitehorse years ago, and it still is. The territorial government is fighting with Ottawa, and they are the bad guys. In this ... the territorial government is the bad guys.

The more autonomy you give a community, the more mature that community will become, and that is how the Yukon has matured over the last 20 years.

**Ms. Hayden:** So, we are talking about people needing control over their own lives and communities.

**Mrs. Firth:** What about the land claims? Are you in agreement that you would like to see that settled before?

**Mr. Stinson:** That is going to be settled by spring, is it not?

What spring are you talking about? You did not say what year.

**Mrs. Firth:** We already have the kind of government you are talking about, somewhere between the territorial and provincial status. We have responsibility for some areas, but not for others. Before we move on to other areas, like the land question you raised, health and human resources and some justice matters, do you feel that it is important that we get the land claims settled, as well?

**Mr. Stinson:** Definitely. We do not even know what the territory or the First Nations specifically want. We have an idea that they have obviously asked for more than they are going to get, but I think it is very unfair for the population of the Yukon to say, okay, let us start planning for things when the decisions have not yet been made, like what land will become First Nation land. Let us get that settled and, once that is done, let us move ahead from there.

**Ms. Hayden:** I am sure you will not be surprised to hear that we have been hearing that consistently.

Do others have opinions on those areas? We seem to have touched on all the questions in the green paper already.

**Mr. Riedl:** I think Tish has already said that once we have been given the democratic opportunity to manage our own affairs, or things that affect us the most, it is doubtful that they would be taken back, but I would never say never. In that scenario, I think Yukoners as a whole would appreciate having it enshrined somehow in some legislation beyond just the whim of a Minister of Indian Affairs. That is important.

I think we have quickly gotten used to a very close democratic process in the Yukon, where we have a large say in matters that concern us. The difficulty is that there are areas that all intertwine, and we control some of them, and others we do not. One that comes to mind is that we manage wildlife, but we do not manage habitat. We have a say over the living things, but we do not have a say over the quality of the environment that they live in.

With the future of the federal government for the next few years, and their financial woes, et cetera, I have a feeling that the territorial government is going to be leagues ahead of

issues like environmental protection, and a lot of things that matter a lot to Yukoners. We will be hamstrung by the fact that the federal government will not have the time, money or resources to keep up with where we would like to go. It is going to create a lot of frustrations for us.

On the whole aspect of provincehood, I am not sure exactly what that entails. With only 28,000 people, I have no idea where our revenues would come from as a province without federal transfer handouts.

**Ms. Hayden:** There would have to be. We had one presentation in Whitehorse that was definitely proposing provincehood, and his argument was that we would need to negotiate similar funding to what we have now, which is basically a top-up to a negotiated amount.

We bring in this much in terms of our income tax, but our budget is this much, and the rest of that comes from the feds by a negotiated agreement. His argument was that we would have to do that.

The way the provinces are now, they do equalization payments on a per capita income basis, and our per capita income is quite high in relation to the provinces. Under that formula, we would not probably qualify for any assistance, which would not be a good situation for us.

As our population is just about 30,000, there would need to continue to be the kind of funding that happens now. The question is, can something like that be negotiated, the best of both worlds, have the money and the authority, too? That is a great question.

He was suggesting that it was possible. I hear all the other sides of the argument, as well.

**Mrs. Firth:** It was Steve Smyth who did the presentation in Whitehorse, and his thesis was that we could be economically viable if we have responsibility and control over our own resources. He cited the Beaufort oil and gas revenues that we have the potential to receive money from. On mining operations, the money would come to us. It would not go to Ottawa. Essentially, the thesis was that if we control our own natural resources, we can determine our own destiny. Otherwise, we are dependent on the revenues being given to us by the senior government.

We have a tremendous wealth in the Yukon in natural resources, and Yukoners want to determine their own destiny and proceed to develop their own potential as much as they wanted to, or are we going to be content to sit back and accept this handout of dollars from the federal government.

I can remember back when Faro was in full swing, the revenues that were going from that mining company to the Ottawa government in revenues and taxes was in the millions: \$300 million. That would have been coming to us, and we would have been able to decide what to do with that money.

That was his thesis, and it presents an interesting challenge for people to debate and think about when they want to determine whether we want to make that decision or not.

**Mr. Tomlin:** The way mining is in the Yukon, it is boom and bust.

**Mrs. Firth:** That is right.

**Mr. Tomlin:** We have a lot of people who are against mining. We could be as poor as could be, if we go that route.

**Mr. Stinson:** There has to be a strategy developed. The

thing is, how I look at it, people are trying to make money, so what you do is get someone else to pay for the most expensive piece and, then, you take over. I think YTG is doing that with the hospital transfer. You got assurances that the feds are going to build a new hospital and, once they got that, they said okay, they would take the hospital over.

The thing is, there was the Yukon's road to resources policy of years ago. The Yukon has more roads, and they are pretty accessible. If you go to Alaska or the NWT, for a northern area, even if you consider the northern parts of provinces, we are more accessible to the resources to certain areas. Eventually, the Alaska Highway is the main artery that a lot of communities rely on and, if that can be upgraded to its full potential and start building new roads, and I think we all know where the resources are, then start planning on hydro sites and that sort of thing, or alternate energy, like oil in the Beaufort, use the federal government to pay for all the infrastructure now and, maybe by the year 2020 or 2030, it might be viable.

**Mr. Riedl:** If you look at the world situation, we would be swimming upstream on that one. Everywhere else, environmental concerns are increasing, ... companies are being asked to do more and more to reclaim, third world countries are pumping out stuff at much less than what it costs them. We know where a lot of the resources are now, with the copper in White River and all the other things, and nobody is beating down our door saying, please, let us develop these things. I think if we switched to a province, I do not see what the difference would be.

**Mrs. Firth:** I think the only difference is at the political level. Eric mentioned earlier that the politics does set the tone, and that decision would be made by the government, whether you had a government that wanted to encourage a certain direction. That goes hand in hand with Eric's comment about long term planning and having some visionary planning. I do not think we, as Yukoners, have any control over that, other than being participants in the political process and what we want to determine our future is going to be here.

**Ms. Hayden:** Pam or Ricky, we have not heard from you.

**Mrs. Brewster:** My thoughts were being conveyed. I feel that we do not have the population and, the way things are now, it is not going to increase. Maybe 50 years from now but, when I think back 35 years ago, we have not increased that much in that time, so it just does not look that good.

**Mrs. Firth:** It is difficult to try to present both sides of the argument. Something else that Joyce and I have heard as we have been at the meetings is that people would like some more information so they can make a well-informed decision and choice, and we would like to hear from you if that is important to you as well, and what kind of information you would want. Wolf, you would probably want dollar figures and comparisons.

**Mr. Riedl:** Does anybody have any idea what the revenues are to the federal government.

**Mrs. Firth:** From the Yukon? We would have to get that from the federal government, but we could certainly look at providing that kind of information.

**Ms. Hayden:** Whether they will give it to us or not, is another question. I suspect people have tried to get that before.

**Mr. Riedl:** The thing that puzzles me, that I do not know



much about is the proposal with Quebec that part of the power that is given to the federal government in terms of how things should be rearranged with provincial-federal relationships. What would that do, should that come about?

**Mrs. Firth:** It could change the whole structure of Canada, really. The potential is there. Then, we would again be looking as to where we fit in within that structure.

Their demands are quite interesting.

**Mr. Riedl:** From what I understand, other than Customs and the military, the provinces get everything else.

**Mrs. Firth:** There is a good article in *Maclean's* magazine listing out Quebec's position.

**Mr. Riedl:** If the federal government wanted to all of a sudden unload its expensive little holdings, of which we are one of them, would we be one of the first to go on the auction block to B.C.?

**Ms. Hayden:** In 1936, the then Premier of B.C., and whomever the Minister of Northern Affairs was at the time made a deal to give us to B.C. All that stopped the process was the Roman Catholic in British Columbia said, if we are going to have the Yukon, we want the same educational deal, or whatever it was, that the church has in the territory, and that ended the discussion. Thanks to the Catholic church, we still have a territory of our own.

I found that little piece of information quite fascinating.

Pam, anything?

**Ms. Butterfield:** No.

**Mrs. Firth:** What are your expectations from us going around the territory and doing this? Some people have said, there is going to be another report and it will lay on the shelf somewhere. Other people have asked for copies of it, so we have been getting lists of names.

What are your expectations, as Yukoners?

**Mr. Tomlin:** I do not think it will go very far.

**Mr. Stinson:** Right now, I think this is another road show. We are quite used to it. Over the last two years, we must have been to 20 or 30 public meetings, from the environment act to Kluane National Park, and people are just generally getting pretty apathetic. Obviously, there are a few keeners but, generally speaking, they are not even listening. I do not know what kind of draw you guys were in Beaver Creek, Burwash or Destruction Bay, but I would guess you did not have a whole pile of folks.

**Ms. Hayden:** More than here.

**Mrs. Firth:** In all fairness, we did go out and ask people to come out in Beaver Creek. We dragged three people out who were there from Riverdale and Porter Creek, who were on business there. In the small communities, where you can get around easily in a few hours to ask a few people to come. We did the same thing here. We asked a few people to come tonight, but I think that is a message that we have to look at. We were not expecting big turnouts, and this may be the reason why.

**Ms. Hayden:** My question would be, how does a government, or a Legislature, which is what this is, a legislative committee, involve people in decision-making, other than through a process something like this?

**Mr. Tomlin:** You have to start an ugly rumour and get everybody flaming mad, and then they will show up.

**Ms. Hayden:** We just sold the territory to Alaska. Speaking of Alaska, is it important to you that we have close ties, or closer, or less close ties with Alaska? Obviously, Alaska is not that far away from here, in many ways.

**Mr. Tomlin:** We have ties with Alaska. Their hockey team comes up here. This is in the sporting world, and this is a good deal, I think.

**Ms. Tomlin:** I think we need to have close ties and think of them as close neighbours, but we certainly do not want to be part of the United States.

**Mrs. Firth:** When it comes time to make the final decision about provincial status, do you, as Yukoners, want to be included in that decision in the form of a plebiscite or a referendum, or do you want the politicians to make the decision?

**Mr. Tomlin:** I prefer a referendum.

**Mr. Stinson:** Yes, I do, too.

That would probably be a pretty good election issue. The bottom line is, like anything, how much money is it going to cost me?

**Ms. Hayden:** That is right.

**Mr. Stinson:** You can talk until you are blue in the face about how wonderful it is being a Canadian, and how wonderful it is being a Yukoner, but it is a lot better if you have money and being a Yukoner. A lot of Canadians moved to the United States because there were limited opportunities in their opinion. We have a deficit of \$500 million, that is how much it costs to run the territory, I do not know, but to raise that, there has to be some pretty good assurances that you are going to have that in a year. With inflation and additional costs, 10 or 15 years from now, you are going to look at \$700 million for the territory, and you have 30,000 people.

**Ms. Hayden:** Are you saying, then, that you do not want to be a poor province, and you do not want to be taxed to death?

**Mr. Stinson:** How I look at it, we are probably one of the richest. If you look at Newfoundland or Prince Edward Island, they are poorer than we are, and they are provinces. I sometimes tell people from the south if it is a warm winter, do not tell your neighbours that it was warm up here, because they might start listening to what is going on up here, because they are paying all the bills. They are the ones suffering. Right now, there is a recession in Ontario. I do not see anybody hurting in the Yukon, and they are paying the bills to keep the Yukon in existence.

**Ms. Hayden:** Somebody said the other night, if it ain't broke, don't fix it.

**Mr. Tomlin:** That is right.

**Mr. Stinson:** You have to be proactive. You cannot sit until something breaks.

**Ms. Hayden:** That kind of careful negotiation for programs and the dollars that go with it, and greater recognition at national tables, and that kind of thing, fits with how you feel generally?

**Mr. Riedl:** On the recognition part, for example, when our people go to those national meetings and they are just allowed to listen, I can understand in one sense, but when it is on matters that affect us so directly, certain things like aboriginal issues or northern environmental issues, there should be some exception made that we are at least allowed to

speak on our own behalf.

**Ms. Hayden:** So, on the issues that affect us directly, it is important that we have some voice in, just as Mr. Tomlin was saying on the issue of the park, which affects you directly here. You need to have some say in.

**Mr. Stinson:** Right now, for land claims, if the federal government said that YTG would have to be involved, now, we know they are allowing YTG to be involved for political reasons, and they have to sell it to the Yukon. In theory, they could just say, we are going to talk to the First Nations, and we do not care what you guys think, and they can do that. They are not doing it for the obvious reasons, and that is the kind of thing Wolf is referring to. When they are discussing specific issues that will have a direct immediate impact on the Yukon, we should at least be able to voice our concerns about those things, so the Canadian public knows.

**Mrs. Firth:** I was just checking with the Clerk. I was under the impression that at all conferences the Ministers can go and represent Yukoners' points of views. The only one that they cannot is the First Ministers conference. I will check to make sure that it is all of them.

I know that, many years ago, there were a couple manpower, but I think that has changed. When our Ministers go to a ministerial conference somewhere else in Canada, they have an opportunity to sit at the table and represent Yukoners' positions on education, health, justice, manpower, whatever, unemployment but, when it comes to the Premiers of Canada sitting around the First Ministers table, we are only allowed observer status at those meetings. That is the only one we are talking about.

**Mr. Tomlin:** That is kind of funny, due to the fact that we have a Premier.

**Mrs. Firth:** We have a Premier in name only, because we are not a province. The Government Leader has the ability to call himself Premier because of that same letter we talked about allowing the elected Members of the Legislature to call themselves Cabinet Ministers and give themselves the title of the hon. Tony Penikett, and so on.

We do not have a Premier like the provinces do, because we are not a province yet. That is where the decisions become difficult to make.

**Mr. Stinson:** One thing that frustrates me is, you look at the unemployment insurance problems we have in Whitehorse. Why are those claims being processed in Vancouver? Why are they not being processed here and the decisions being made here, et cetera?

Look at the senior citizens having constant contact with Edmonton. The average senior citizen does not know who to get a hold of. Edmonton is in charge of Alberta and the Northwest Territories. These are little things, but let those programs be offered in the Yukon for Yukoners. It would not cost any more money.

**Ms. Hayden:** If you get the money to run the program along with the program.

**Mr. Stinson:** Let those decisions be made in the Yukon.

**Ms. Hayden:** I see. Have them move their offices.

**Mrs. Brewster:** So long as that is under federal jurisdiction, that is ...

**Mrs. Firth:** I wanted to mention that the unemployment

insurance program is a federal program. They do that in all the provinces, as well. It was quite interesting when I found out a note about the unemployment insurance and the concern you have as a community. I found out that, in other areas of Canada, in other provinces, if they have a slack period and do not have a lot of UI applications, some from other areas go to that particular place to be processed, because they do not have any work to do. That seems to be the rationale of what happened here. All of a sudden, everybody else in Canada had a lot of UI claims, too, so we were not able to send ours out to other places in B.C. and Alberta to have them processed, so we had to do all our own.

The whole UI thing is totally controlled by the federal government, for the provinces, as well as for us. It does create a big problem for MLAs and people at the local level.

**Mr. Brewster:** I would like to bring this in. This shows you what happens. The last three cases I tried to process, I was told it was none of my business, and the only person in the Yukon who can get any information is Audrey McLaughlin, and they will not give it to any MLA. Consequently, there was a big fight and it went to Ottawa. They are now letting me. They phoned within 24 hours, and said I could do it, and this shows you what Ottawa does.

We live with the people. The people talk to us every day, but we have no authority there, and I am not faulting Audrey. She is in Ottawa, and she has to be. That is what she was elected for, but she is the only one who can get the information. That is an example of what happens when you are a territory. You do not do that in the province. The MLAs there get the information when they want it, and they get it quick.

We run into one here the other day with John. He could not get the information, and I told him how to do it. That is stupid.

**Ms. Hayden:** It becomes very frustrating, when you are trying to deal with this.

**Mrs. Brewster:** This just shows you that, as long as you do not have control like the provinces, they are going to walk all over you.

**Mr. Stinson:** One thing, when we do assume control of things, like forestry, whatever we take on we do well. We just do not take it and ... Right now, I understand we have a lot of freshwater. The Yukon is responsible for freshwater fisheries.

**Ms. Hayden:** That is inland fisheries.

**Mr. Stinson:** How many person years are really employed? We were lucky enough to get one here for eight months.

**Mr. Riedl:** We have considerably more than the feds spent on it. They gave us a fraction of a person year, because their concern is ..., whereas now that the territory has taken it over, there are several positions that are allocated just for the freshwater fishery, and they are dedicating much more money in research.

I was talking to one of the fellows at federal Fisheries and ...

**Mr. Stinson:** That is a big step. With that .. it is great. Then, we can say we took it over and this is how we have managed it, and we have obviously run it better. Whatever we are going to do, we better run better than the way it was being run, to change the status quo.

**Mr. Riedl:** That is an excellent example. I can recall in

about 1982 submitting recommendations about fishing having to do with the Kathleen River and a number of other popular spots to the federal government, and getting no action, and trying to route that through Erik Nielsen at the time, and him promising to get something done. It was four or five or six years in the works, and we continued to get feedback saying, we are working on it. Somebody has to say something. It was minor changes, but things that had to do with conservation tactics on local waters that concerned people who knew about it. We got sucked into a black hole in the federal government.

Now, all those issues are right on the table and a lot of them are up for regulation changes within a year of having taken over freshwater fisheries.

At least, local representation does much.

Mrs. Firth: You can go to Whitehorse and knock on the Minister's door. You cannot do that in Ottawa.

Ms. Hayden: Are we talked out on the issue? Do you have anything more to say on it?

Mr. Stinson: Do we get a new flag, too?

Ms. Hayden: Do you have a design for one?

Mrs. Firth: Do you want us to go on another road show to see if Yukoners want another flag?

That would probably get people out.

Mr. Stinson: I think people are going to be out at the next couple of meetings.

Ms. Hayden: What is it?

Environment act?

The wildlife one is next week. We are sandwiched between wildlife and the environment.

Mrs. Firth: We recognize how high a priority the subject matter we are dealing with is with Yukoners.

Mr. Riedl: It was a high priority back in Chris Pearson's day.

Ms. Hayden: You are quite right.

Mr. Riedl: The Commissioner had so much control over all the things that went on, and we were not very happy with that. I think the gains that have been made since then have kind of put it on a back burner.

Ms. Hayden: Bea and others have talked about on what had happened in 1982 when the government at that time, Chris Pearson's government, brought in an act, it was the last time the Commissioner vetoed an act of the Legislature. They brought a piece of legislation into the Legislature that formalized what we have in effect now, the Cabinet and the government. It was vetoed by the Commissioner at the direction of the Minister of Northern Affairs.

So, they do veto some of our stuff at times. That was the last one.

Mr. Riedl: Lots of people remember back to Jimmy Smith's day when he was essentially minister of everything.

Mr. Stinson: Is Chris Pearson still in Texas?

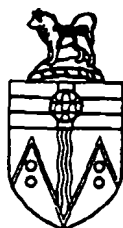
Ms. Hayden: As far as we know.

Mr. Stinson: Was he not representing the Yukon government?

Mrs. Firth: I think he was given a federal appointment.

Ms. Hayden: I guess we will wrap it up and chat a bit longer. Thank you very much. We appreciate your coming.

*Adjourned at 8:30 p.m.*



**Yukon Legislative Assembly**  
**27th Legislature**

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Committee Room, Yukon Legislative Assembly, Whitehorse  
Friday, March 1, 1991 — 12:00 Noon**



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

**MEMBERS OF THE SELECT COMMITTEE**  
Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

**STAFF**  
Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

**PARTICIPANTS**  
at the Whitehorse (Legislative Assembly Committee Room)  
Meeting with Vuntat Gwich'in Tribal Council of March 1, 1991

Kay, Roger (Chief)  
Njootli, Stanley

## WHITEHORSE, YUKON

March 1, 1991 — 12:00 Noon

**Ms. Hayden:** As you may know, the Legislature appointed Bea Firth and myself, as MLAs on what is called the Constitutional Development Committee to travel around the territory and hear people's comments on the things that were included in this green paper on constitutional development. They asked us to hear people's opinions on issues like where should the territory fit in relation to Ottawa; should we be staying as we are, working toward more authority within Canada; becoming a province; or does that matter to you?

We were specifically not talking about self-government issues, because we do not have the information or the authority. As you very well know, that process is going between yourselves and the federal government. Although it certainly is part of the process of the Yukon becoming more independent, it is not part of this green paper, for all the reasons that you would probably be more aware of than I am.

We will report what we learn. We will travel to every constituency in the territory, and we will report during the spring session what we hear. So far, we have held a meeting in Whitehorse and gone to Beaver Creek, Burwash Landing, Destruction Bay and Haines Junction, then back here to Whitehorse again. On Tuesday, we go to Dawson City. We have a scheduled visit to Old Crow on April 2.

My question would be, with the things that matter to you and with what you are doing, does it matter where the territory fits into the Canadian confederation? How much do things like the Meech Lake Accord matter, which would have had some effect on us?

**Mr. Kay:** One of the questions I have is, through this constitutional change that the government is proposing, is this going to change us into a province? For this, we do have our concerns. We do not have the funding to run it, and stuff like that. There is not enough development going on. If we change to a province, areas like ours would be pressured to development. We are not against development ... That is one of my concerns. Are we going to be changing to a province?

**Ms. Hayden:** As I understand the reason for this paper, it is to find out whether people have those kinds of concerns, and whether people are wanting to push toward provincehood and whether they do have concerns about it. So far, we are hearing that most people have similar kinds of concerns to yours. Where will the dollars come from? Will we be poor? They do not want to be a poor province. What about the environment? What about the economy? We need to build a strong economy.

Those are the kinds of things we have been hearing, and that is kind of what you are saying, as well.

**Mr. Njootli:** We do not have a crystal ball to see what the future is going to be looking like, in terms of constitutional development and provincial development, or what is in it to remain territorial or look toward provincehood. It depends solely on the financial existence of the Yukon, and how you are going to develop their resources and become more independent in that matter.

It definitely will take some careful planning. We would not

want to be an embarrassment to the Government of Canada and the imperialistic existence of Britain to say that we are failures in the Yukon.

**Mrs. Firth:** You are not completely against provincial status, though? You just want to see that we do it gradually. I know you would like to see the land claims settled before we start becoming a province. That seems to be a position that is represented by all the Indian people, and the non-Indian community is saying the same thing, too.

**Mr. Njootli:** If we view the agreements in terms of just looking at it as it exists right now, if we look at it in the manner of saying that it is a good agreement in terms of the protection of the environment, and it is good for native people in that manner. The Yukon being what it is, it is a unique place. There is a lot of opportunity for development in terms of tourism.

The transfer of responsibilities and finances would have to come along with it, also. Take for example the other provinces right now. Some of their transfer dollars from the federal government operate the province. So, it is a matter of balancing the economy.

**Ms. Hayden:** We are not hearing any desire on anyone's part to be a province just for the sake of being a province, and being a poor province.

**Mr. Njootli:** If you are looking at the basic fundamentals of the Yukon, what is there for resources to develop, and what are the prices in terms of the global scale. That would be a key to developing a province. If you do not have that, the prices are not there, then you cannot develop. Otherwise, you develop the resources at a minimum cost and pollute the country and the Yukon. It is going to cost money to have sound development.

There is a lot of major comprehensive development to have provincehood. That is down the road. It is not going to happen overnight. Having all those thoughts in mind, it is not going to happen right away.

We would have to seriously look at the transfer of responsibility in terms of health and in the social area, and we would have to participate in those areas.

**Ms. Hayden:** You see the health transfer ...

**Mr. Njootli:** Right now, you look at Northern Affairs, and you look at their budget from the Auditor General's report as to how much dollars they are transferring to YTG. They would lose those dollars. Northern Affairs is a good part of the economy of the Yukon. They transfer a lot of those dollars to YTG. So, where does that go? I do not know.

That type of transfer is happening without our participation or consultation, as Indian people in the Yukon.

**Mrs. Firth:** What transfer is that?

**Ms. Hayden:** The health transfer is not.

**Mr. Njootli:** In terms of the economy and in the economic sector. It is hard to say, because I do not know ..., but it is in the Auditor General's report.

**Ms. Hayden:** The Department of Indian and Northern Affairs has the authority and the control of the territory, in terms of the Parliament of Canada could bring in an act to abolish our Legislature. Yet, there is nothing enshrined in any constitution, or in the *Yukon Act*, that says they could not do that. The Minister of Indian and Northern Affairs could abolish our Cabinet. All we operate under now is a letter from Jake

Epp in 1979, when he was Minister, giving authority for self-government, if you like, of the Legislature.

Does that concern you? Is that a problem? Do you think we, as a Legislature, should be attempting to enshrine more security of our position in the *Yukon Act*, or in legislation of some kind, short of being a province? Provinces have that. They cannot be abolished. It does not matter if everybody moves out of a province: they are still a province. It does not matter how poor they may be: they are still a province.

For example, in 1936, the Minister of Northern Affairs and the Premier of B.C. made a deal to give the Yukon to B.C. It was stopped by the Roman Catholic Church.

Mr. Njootli: The last one out of the Yukon blow out the candle?

Ms. Hayden: Exactly. They were going to give away your land to B.C.

Mrs. Firth: That was a long time ago, though.

Ms. Hayden: It is still that same mentality, though?

Mr. Njootli: I think it would take some doing, in terms of how we want to evolve legally in terms of the constitution in the Yukon. We would retain some good constitutional people and expertise to look at how solid we are as a territory or provincehood, or our jurisdiction as a government in the Yukon, which we are part of as Canadian citizens, other than section 35(1).

That might lead into what the electoral boundaries would be, in terms of how you would look at elections.

Mrs. Firth: Are you concerned about that in Old Crow?

Mr. Kay: We would be affected. I would like to see a special committee established, other than the constitutional, to look at the electoral boundaries before it goes ahead. It is a concern of ours, especially in Old Crow, being a small number.

Mrs. Firth: What is your concern, specifically?

Mr. Kay: Having one representative for a number of communities will not meet our needs, and that is a concern we have. We do not know what the future holds for us. You have to be careful. Things are changing too fast.

Mrs. Firth: So, you would like to see something done with respect to the boundaries before we look at moving toward provincial status. Is that what you are saying, or am I reading that wrong?

Mr. Njootli: Which comes first? I do not know. Some of the discussions that are happening right now, in terms of electoral boundaries, the existing electoral boundaries are great. It is good as it is.

Ms. Hayden: There is probably pressure to change it.

Mr. Njootli: There is pressure to change it because of the electoral boundaries in the Yukon because of the population sizes in some areas.

Mrs. Firth: There have been precedents set in other provinces, too.

Mr. Njootli: Generally, I think people are asking for more central control, in terms of the government. If we were looking at what we want in the 1990s and after is a much more democratic government and election system. I think that is what we are after.

Mrs. Firth: You do not think we have that now?

Mr. Njootli: We have that now, and we would like to keep it that way. The problem we would have, the discussion

that we had, is we have someone, for example, our closest neighbour is Dawson. If they change that boundary, we would be swallowed up by Dawson. If we are swallowed by Dawson, then they control the agenda as to what is going to happen in the north Yukon.

Mrs. Firth: That is the way it used to be.

Mr. Njootli: At that point in time, there was more concern about our lifestyle and the uniqueness we live in in Old Crow. The general public is more ambitious today than it was 10 or 15 years ago outside of Old Crow.

We would like to have participation as native people in the constitutional development, in terms of the transfer.

Ms. Hayden: One of the suggestions that was made to us in Burwash was that YTG should be working with First Nations people through the land claim process to gain more power and authority over programs. That was part of a broader statement of how things are. A lot of that is happening now through the claims process, but that comment was made. Do you have any thoughts about that.

Mrs. Firth: That is sort of like what Stanley has been saying. When the transfers of particular areas of responsibility come to the YTG from the federal government, the Indian people want to be a part of that process, that you want to be at least consulted on what is happening, like the health transfer.

Ms. Hayden: The way it was presented was the other way around, that what is happening now through the claims process, YTG should be talking with the First Nations in terms of building into that process more of this transfer of power, if you like, for the whole territory. I am just saying this was a comment by one person. If you do not want to comment, that is fine.

Mr. Njootli: The community is working on is in the .... area. We have wilderness programs, and that is really effective at the grass roots level. It works. It results on the social ... and educates people, and it works. Whereas, if we went along with the existing system, I think it would be less effective in terms of people upgrading themselves socially.

Ms. Hayden: There needs to be some changes or a continuation of some of the things that have been done, and more emphasis on what happens at the community level.

Mr. Njootli: It is going to be a difficult task. How are you going to knock down a whole department? It is an empire by itself. In the Yukon, how many millions do they get a year?

Ms. Hayden: I do not know.

Mrs. Firth: They just gave them a whole bunch more.

Mr. Njootli: It was \$365 million a year to the Indian Affairs department in the Yukon. The actual dollars coming down to Indian people is 32 cents for every dollar.

Ms. Hayden: It is five percent, or something: not very much.

Mrs. Firth: They just gave them ...

Mr. Njootli: It is an empire. How are we going to knock that empire, to say it is not justifiable, and the expenditures in Canada are not justifiable just to maintain the department, for the department to justify their imperialistic view over a race of people? I think any party in the Yukon would agree with that. That is not fair.

Mrs. Firth: It is not just over you, either. It is over all of us in the Yukon.

**Mr. Njootli:** It is dollars coming from taxpayers in Canada.

**Mrs. Firth:** They have control over all of us as well.

**Mr. Njootli:** How do you break that down to make it a much more democratic system? How do you knock that empire down, to say that is not fair?

**Mrs. Firth:** Take their money away.

**Ms. Hayden:** That is part of what this is about. How do we get more of the power from Indian Affairs?

**Mr. Njootli:** They have their foot in the door to the Treasury Board. In the north, the Department of Northern Affairs is the queen bee of the Yukon. They are not going to let anybody else in the door to the Treasury Board. They have their foot in the door, and they are keeping everybody else out.

**Mrs. Firth:** If we have provincial status, one day, you would see that there would be no necessity for that department any more, except perhaps the Indian Affairs portion may still remain, because they still serve the Indian population in other provinces. If we were a province, and we had control over our natural resources, and responsible government here, then I do not see what the Department of Northern Affairs would have to do any more for us.

**Mr. Kay:** How is this constitutional document going to affect our community? Is it going to override our constitution?

**Ms. Hayden:** All that is going to happen with this is we will take a report back to the Legislature. We will have all the transcripts, because we are taping it. It will go back to the Legislature, and they will hear, for example, that Old Crow people, the Gwich'in people, want representation from Old Crow, as well as the other things that you have talked about.

Then, it is up to the Legislature where it goes next. If it continues on the same way as what we have been hearing, people are saying, we do not want change quickly, be careful, look after the environment, make sure there is enough dollars, go slow. The territory has some resources that are unique, like clean water, and let us be careful.

We are not so far hearing that anyone wants to jump into provincehood tomorrow. It would be my understanding that the Legislature is simply trying to get a feeling for what people are thinking about this sort of thing, and we are certainly getting the same message from everyone so far. My hunch is that it will be similar, as we travel around.

It was a little bit different in Whitehorse, The rural communities we have been in so far have all given the same message of go slow, be careful, make sure there is enough money, look after the environment, make sure there is enough jobs, make sure claims are settled, do not rush into things, maybe provincehood some day for our kids, 50 or 100 years down the road, but do not let them shut the door so it can never happen, but do not rush in.

In those terms, there will not be any direct effect to your community, period, other than that you have put your voice into the same thing that other people have.

**Mrs. Firth:** The question that the people in Old Crow are going to want answers to is, if the territory becomes a province, how is that going to affect Old Crow. That is what all the communities are going to want to know, and that is essentially what you are asking. That is something that will be for future debate, depending on funding and your land claims, whether

that is settled or not.

**Mr. Njootli:** Based on what Roger has said, having a sound development, we are not against development, but having sound development, and what that leads to in terms of the quartz and placer mining acts, and the mineral and oil and gas acts. Those are all controlled by the Government of Canada.

In legal terms, those acts probably do supersede an environment when it comes into play in the Yukon. If you look at all the ... from Ottawa, in terms of those types of things, we are dictated to as Yukoners. We have no control over those. We cannot collect royalties, and we cannot control it, in terms of having sound development.

We do have a say in it, we can apply pressure, but it is an act, and it has not been changed. My concern would be that it is a matter of not stepping across a line and saying, today, we have provincehood. After a certain time you step across the magic line, and now you are a province and have all these responsibilities.

I would see a slow phasing into provincehood. One of the bigger ones would be the act that relates to mining and oil and gas. Those are difficult tasks to deal with, but that is the one that has the most impact and effect on the Yukon. It is not a matter of trying to stop it. It is a matter of rewriting the act for Yukoners, one that is beneficial to them and the Yukon people control it.

**Mrs. Firth:** The question is the control over resources.

**Mr. Njootli:** There is the possibility of looking at that and moving in that direction.

**Mrs. Firth:** When you settle your land, the Indian people will have control over the resources on their lands. That is what provincial status is all about. If the Yukon moves toward provincial status, if the Yukon people develop a mine, you get the revenues. It does not go to Ottawa. That is where the economic potential comes in.

**Mr. Njootli:** The greatest economic opportunity for Yukon right now is tourism. That is their own independence. That is one thing they are relying on for their independence, tourism. It brings in a lot of dollars to the Yukon.

When you come up to Old Crow, we can discuss specific issues in terms of what we want. There would be no way around talking about self-government in Old Crow.

**Ms. Hayden:** Oh, yes.

**Mrs. Firth:** Oh, yes.

**Mr. Njootli:** I do not know what the Council for Yukon Indians would have to say in terms of constitutional development. I cannot speak for them. We do not have the mandate to do that. You have to talk to them in terms of constitutional development for Yukon Indians in the Yukon.

**Mrs. Firth:** We have been talking with Judy for a bit, on whether they are going to actually make a presentation to us or not. As you know, they have a lot on their plate right now.

**Mr. Njootli:** They did not make a presentation?

**Ms. Hayden:** Not yet.

**Mr. Njootli:** I thought they did.

**Ms. Hayden:** We have two more meetings in Whitehorse, on March 13 and March 27, or we could set up a special meeting in the afternoon.

**Mrs. Firth:** We are going to visit all the communities and



the people so we can hear from the people living in the communities, but we have sent letters to all the bands. If you wanted to put something in writing and send it to the Committee, we would also welcome that.

**Ms. Hayden:** There are two final questions I have. One has to do with how important it is that we have good ties or communications with other northern regions, Alaska, Greenland, the Northwest Territories, or whatever. I know your people go across the border. How about other areas, like Greenland, for example?

**Mr. Kay:** I think that would be a good idea, in terms of the protection of the environment. You cannot let the Soviet Union, or somebody else, go and test an atomic bomb out there somewhere that is going to affect the reindeer herd, or they come north and affecting our ... The ties would be very important in that sense, and on fishing, too.

If we are not very careful, we will be out of fish in 10 years. It is very important that we get other aboriginal people involved in terms of protecting the environment in other countries. Right now, we are fighting for the 1002 lands. That has been on the back burner for a number of years now. Sooner or later, it is going to fall through. If that goes ahead, we will be affected deeply.

Right now, there is no caribou near Old Crow. I do not know if the fire has anything to do with it, or if there is just too much snow. Damage to the environment does affect communities very much. People have to move elsewhere. There is change in the whole community, and that is scary.

**Ms. Hayden:** The other question was, does it matter to you when, particularly the Premier, or your leaders, goes to national meetings and does not have a voice, has to stay outside or sit on the edge? Does that matter to you, as Yukon people, or is it nothing?

**Mr. Njootli:** I think that is a political issue. It is a matter of who is the Premier of the Yukon or who is the federal government in Canada. It is definitely political as to how much recognition we are going to have, and how much participation we are going to have within the Government of Canada.

There would be a lot of changes. You would be looking at the resources we have in the Yukon, we are dictated to by Ottawa. We are the users of those resources, but we are dictated to by Ottawa. They have the authority on matters of natural resources and subsurface resources. I do not know what kind of discussions you guys are along in in terms of offshore drilling in the Yukon. The last I saw of that was Reagan and Mulroney on TV moving the boundary. Mulroney moved the boundary over this way, and Reagan moved it back the other way. That is the last I saw on offshore development.

**Mrs. Firth:** Are you talking particularly about the northern coastline of the Yukon?

**Mr. Njootli:** Yes.

**Mrs. Firth:** That is between the Northwest Territories, the Yukon and the federal government. They are the ones that are determining whether the Yukon is going to be able to have control of their offshore or not. The northern oil and gas accord that is being negotiated right now is talking about the Yukon getting some revenue from it.

I think you, as the most northern people in the Yukon, would be more interested in seeing us have proper control of

that coast for our own uses, but that is a decision the federal government has to make, whether it is going to continue to be the Northwest Territories, or whether they are going to be prepared to give it to the Yukon.

**Mr. Njootli:** What would be relevant is ... existing in the Northwest Territories. In terms of their offshore, who has control over it right now?

**Mrs. Firth:** They have just negotiated an agreement with the federal government to get some of the revenues.

**Mr. Njootli:** British Columbia, as a province, what kind of jurisdiction do they have on their offshore?

**Mrs. Firth:** They have some control over that.

**Mr. Njootli:** Newfoundland does not seem to have any.

**Mrs. Firth:** We do not even legally have a shore.

**Ms. Hayden:** We come to a peak up there, just at the end of land, and they say Canada and Alaska have this after we come to this Herschel Island peak.

**Mrs. Firth:** It has been given to the Northwest Territories. That would have to be a change in the *Yukon Act*, and the *Northwest Territories Act*. So, the responsibility lies with the federal government saying that the line should be drawn here, the Northwest Territories should have this, where their boundary ends, and the Yukon should have this, where their boundary begins. That is a decision the federal government has to make.

**Mr. Njootli:** The other question I would have is if there is any discussion by Cabinet on the headwaters of the Yukon River and how that affects the Yukon if there is development on the headwaters of the Yukon River down in B.C. Is there any type of discussion or dialogue developed on that for protection of that area? It will affect the waters.

**Ms. Hayden:** There are three-way agreements that have been signed. It is a bit fuzzy in my head. It was with the Northwest Territories and the Yukon, with B.C. and the Yukon, and I think with Alberta and the Yukon, about protection of the headwaters, and that sort of thing.

That was quite a while ago.

**Mr. Njootli:** We would have an interest in terms of what type of control or jurisdiction the Yukon would have on the offshore.

They would always have surface rights, but they do not have any subsurface rights in those areas.

**Mrs. Firth:** In your land claims, you will get surface and subsurface rights. Is that not part of the land claims?

**Mr. Njootli:** Yes.

**Mrs. Firth:** That is what other Yukoners would get, if they had provincial status, maybe, if they could negotiate that, if the rest of Canada wanted to let the Yukon have complete control of their natural resources, or if they still wanted to be partners in it.

We have a very wealthy territory here, when it comes to natural resources. The money that the federal government gets in taxes, revenues and royalties from mines and our other industry, there is a potential there for a lot of money to be made. I am sure you, as Indian people, know that when you are negotiating your land claims. That is why you want control of your lands, so you have the potential to earn money on your land.

**Mr. Kay:** In terms of development of a constitution, as

Stanley was saying, we would like to be part of the discussion, even at the drafting stage. For me, I feel a bit scared about it because of development. There is more potential development in our country. If we ever become a province, we would be pressured by the other provinces to develop it. We are only a small group of people to fight them off. Even though we say we have land claims protection, you do not really know how secure that is. It has been discussed for the past 18 years now.

It scares me because, living in B.C. and what is happening down there, many people are being walked over. Those are the kinds of things I am afraid of, and just destroying the whole environment with nothing left there. It would be a shame to see that. There is a lot of wildlife in that area. Some of them do not even exist in the southern part of the Yukon any more.

I do not know how long we could put a stand on that as the Gwich'in nation, but we are going to keep trying. We will keep fighting it. We are trying to protect it, especially the headwaters of the Porcupine. That is a really sensitive area. It is a fine area for fishing and habitat, and the moose population in that area.

We would like to be part of it when discussion takes place. I do not know what CYI's position is. I have no idea. Maybe in our next discussion we will have their discussion.

Ms. Hayden: You have provided a lot. I thank you.

Mr. Njootli: There are those two concerns I have. One is the electoral boundaries, and to be separated from this constitution and have a special committee established.

Ms. Hayden: It is separate. It is not part of this at all.

Mr. Njootli: There are a couple more things I would like to add. It is within the claims discussion, and negotiators have in their mandate different things with us people, but there is a proposed territorial park at Big Squirrel and ... River. That is probably something down the road that is going to take place. We are in discussion on having some type of management regime in that area. That is still under claims negotiation.

Any type of wilderness area that would be protected within our area, whether it comes from territorial or provincial after settlement, we would like to participate in that.

The other matter that really affects is land use planning. Within that land use planning agreement that was agreed to four years ago, and it has been in the planning stage for the last two years and is now in a dilemma because of the Inuvialuit taking it to arbitration. Taking that for example, we in the Yukon, as Yukon people, have no jurisdiction over that. That comes from Ottawa. The dollars come from Ottawa. It comes from Northern Affairs. Because of the bureaucracy up there and the bureaucracy down here, we cannot come up with a solid plan. I have never seen a planned Yukon that everyone agrees to, just because of the jurisdiction question and where it comes from.

You can never have a solid plan. Nobody ever agrees to a plan. It is another matter of the politics in the Yukon. Northern Affairs get their mandate from Ottawa to plan something in the Yukon, but then it conflicts with what Yukon people want. We can never agree, because of the lack of accountability and planning. That happened in the land use planning for the North Yukon.

We definitely had the energy and motivation to see some type of plan in the North Yukon area in terms of northern land

use planning. It never took place; it never happened.

That is just one example. The big question in the Auditor General's report is, why is there no plan, after spending so many millions of dollars in the Yukon?

There needs to be a transfer of some kind of responsibility to the Yukon, and the native people and the Yukon government. If we want to have a solid plan, and I am speaking out of turn here and I am going to get hell for it, but I would like it if we had an order-in-council that says that native people in the Yukon and the Government of the Yukon can participate in planning for the Yukon. They do not have that.

We get into the hands of the bureaucrats and it does not go anywhere. You cannot blame them. It is just a matter of an order-in-council and which jurisdiction it comes from.

It is a waste of time and money.

Ms. Hayden: Which is very frustrating.

Mr. Njootli: I would not mind being deputy minister for one year and coordinate all these discussions in terms of the major issues relative to the Yukon.

Mrs. Firth: Of Indian Affairs and Northern Development?

Mr. Njootli: Yukon government.

Mr. Kay: Every two years, the Gwich'in nation and Arctic Village in Alaska, people from the Northwest Territories, Alaska and the Yukon, all Gwich'in, gather every two years and talk about issues like this. They do not necessarily concern Old Crow, but the Gwich'in nation.

We have not been funded through any organization. I would like to see something that comes from the Yukon government to partly fund this and keep it going every two years. It is just a big general assembly that goes for about a week. They talk about their language, they talk about the history of our people, they talk about the environment and international issues, how it is going to affect us. It is a learning experience for all of us.

That is where a lot of our nation get their knowledge from watching what is coming and is ahead of us, how do we protect things.

Ms. Hayden: Are we talked out?

Mr. Njootli: Are you going to have another meeting with CYI?

Ms. Hayden: I hope we will have a meeting with CYI.

Mrs. Firth: It is up to them. We will not be sitting down like this and talking to CYI. We have sent information out, and we are expecting them to make a presentation to the Committee with respect to what the Indian people's view is that they represent. The reason we are meeting with you now is because the leaders were not going to be in the community of Old Crow when we had planned to go up there. On our last opportunity to go, on April 2, I understand some of you may not be there then as well.

You are the only people we are meeting with under these circumstances. It was because you could not accommodate the Committee.

Ms. Hayden: Thank you for coming.

*Adjourned at 1:05 p.m.*





**Yukon Legislative Assembly**  
**27th Legislature**

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Robert Service School, Dawson City  
Tuesday, March 5, 1991 — 7:30 p.m.**



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

**MEMBERS OF THE SELECT COMMITTEE**  
Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

**STAFF**  
Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

**PARTICIPANTS**  
at the Dawson City Meeting of March 5, 1991

Berger, Fred	Kaplicky, Jan
Berger, Palma	Kosuta, Kathy
Bowie, Bill	Mendelsohn, Roger
Dann, Norm	Nagano, Debbie
Davidson, Dan	Ryant, Ronald
Hendley, Gail	Shannon, Harold
Joseph-Rear, Angie	Webster, Art (MLA)

## DAWSON CITY, YUKON

March 5, 1991 — 7:30 p.m.

**Ms. Hayden:** Bea and I were appointed by the Yukon Legislature last year and instructed to travel around the territory to every constituency to hear people's opinions on if the Yukon should proceed with constitutional development. For example, that might mean how do we fit into confederation, as a territory; do we want to work toward provincehood; are we happy the way we are; would we like to see something in between?

We will travel to every constituency. We are in Old Crow on April 2. We will do a report and report back to the Legislature. The Legislature will then choose what it will do with the report. You might call this an exercise in long range planning for the Yukon Territory, a look at where we would like to have the Yukon be, not just tomorrow, but in years to come.

The logistics for the meeting are that they are taped so we can report accurately; they are very informal. If you have a written presentation that you want to give, that is quite appropriate. If not, we will have a group discussion. We will begin with some of the questions that are in the green paper. Bea, do you have something to add?

**Mrs. Firth:** No.

**Ms. Hayden:** Some of the questions are: are we progressing to self-government too quickly; are the changes too fast or too slow; what are the most important next steps to self-government; should the Yukon be required to have a large population and economy for provincehood? Do you think we should be heading toward provincehood?

**Mr. Mendelsohn:** Maybe I will get the ball rolling on that. My opinion is no, things are going pretty good right now. I feel with provincehood we are going to get into a whole mess of new rules and get bogged down. We enjoy a certain freedom in the territory, and I think that is unique to us, compared to other parts of Canada. I am quite happy with the way things are right now.

**Ms. Hendley:** I have always felt the way Roger has. I would like it to be the way it was 15 years ago. There are so many rules and regulations coming into effect, both local and federal. They seem to be coming thick and fast.

Is there anywhere where there is some kind of an outline showing the advantages and disadvantages of province versus territory? I have never seen anything, and I would like to know what we are giving up, or what we are not getting into: something simplistic, so we can all see it laid out in front of us.

**Ms. Hayden:** You are not alone. Others are asking for the same kind of material. I think that will be part of our report, that people are asking for much more information and for specific information before they make any decisions about anything. Would that capsulize what you are saying?

**Ms. Hendley:** Yes. Until I find something different, or something really advantageous to working toward provincehood, I like the territory the way it is.

**Mr. Mendelsohn:** Maybe you could outline if you know anything about how it will affect us. Most people would be concerned about the financial part of it. Are we going to wind

up with a provincial sales tax and higher over-all tax?

**Ms. Hayden:** This is a first step in the process to see whether people even have any interest toward heading that way, so that kind of planning has not been done. One of the big questions is, as you indicate, where does the money come from? So much of our money now comes directly as a federal top-up. We negotiate a certain amount of money. We have about this much of our income, and the rest of it comes from the feds. Some people, in their presentations, say we would simply negotiate that kind of money from the federal government.

However, if we were to go to equalization payments, they are based on per capita income, and we have a very high per capita income with a very low per capita. On that basis, we could not function.

**Mr. Mendelsohn:** When you say high per capita income ...

**Ms. Hayden:** In comparison to Nova Scotia, for example.

**Mr. Mendelsohn:** For the same kind of work. We cannot forget just how much a loaf of bread or a gallon of gas costs, too, so that brings us down quite a bit.

**Mrs. Firth:** On the specific question you have with respect to taxes, that decision would still be made by us as a province, as we can make that decision as a territory. Right now, the government has the ability to put a sales tax here in the Yukon, if they wanted to. That would not change if we became a province. We could still make that decision ourselves at the political level. That would depend on our financial situation, whether the government of the day felt that they had to take that measure.

The ability of having taxes put on us would not change any from what we have now. The decision would have to be made, depending on whether we could support ourselves as a province or not. I think that is the question people have.

We get a tremendous amount of money from the federal government right now to pay for everything that goes on in the Yukon, for all the operating costs and the capital structures, the schools. People are concerned that may be lost or reduced if we become our own province.

When you look on the other side of the question you are asking, you want a list of the pros and cons, or the up and down side, if we were a province and had the ability to gain revenues from our natural resources, if we had control of the land and the mining revenues. We could, on the other hand, be a very wealthy province, because we could promote mining. We could go in whatever direction the people of the Yukon wanted to go in.

Those are the two.

**Mr. Mendelsohn:** Right now, and for a number of years, mining is very unattractive. I am speaking about base minerals, lead, zinc and iron. We have that resource, but I do not think anybody would want to start a mine because of the low world price of these minerals.

South America and Australia produce these minerals dirt cheap, whereas I do not think we could rely on the mining industry to support the Yukon.

**Mr. Shannon:** Finances will be the answer, whether there is an advantage in staying the way we are, financial-wise with the federal, or into a province, whether we get more revenue

or grant, or whatever you want to call them. Also, government-wise, would we have more government or less? It appears to me that we have a lot of government right now. Everybody is working for the government, either federal or territorial. If it was not for that, I think Dawson would dry up.

The financial aspect is very important, one way or the other. If we could arrange long term commitments from the federal government, that would be an advantage to stay as we are, so we could look ahead for the next five or 10 years and have that guaranteed revenue.

**Ms. Hayden:** Could I interrupt for just a second? Missy, are you needing people to identify themselves the first time?

**Ms. Follwell:** We are okay.

**Ms. Berger:** I was going to say, that is the financial side of things. But if we became a province, we would have control over the environment in the Yukon. I think of Dawson now. People say Dawson is sitting on a time bomb, with control over only Dawson City. What goes on around it is controlled by the feds, and they can let whatever industries they want start up. The decisions are made either in Whitehorse or Ottawa, and we do not have any say, we do not have a voice. We are not big enough to have a voice against Ottawa. Yet, these people with access to Ottawa can do anything they like around Dawson. Our streams are polluted; our drinking water is getting very polluted; and there is nowhere for people to expand or control this.

If we were a province, perhaps we would have more control over our environment.

**Ms. Hayden:** Perhaps, at least, control over the land, as land claims are settled, and there is devolution of land to the territory.

**Mr. Mendelsohn:** I think a moment ago we were talking about a commitment from the federal government to have long-lasting financial income. I think that commitment is there already. Every year, they faithfully send their cheque to the Yukon. What more could we want than that? I think we have it pretty easy here.

Getting into provincehood, again, I do not know why I think this, but I think of the licence plate issue and the little gold banner. Being under the control of a territorial government, we have been a little bit different from the rest of Canada, in that we are not a province. To me, that is a little extra freedom that, personally, I enjoy. With provincehood, I think we are going to get tied down with government, more taxes, as well as other expenses.

The federal government has control over the land. I do not know if I completely follow you, Palma, but I think they are doing all right. There are so many restrictions out there, nobody can go out there and cut down the trees unless they have permission from a trapper, like myself. They send me notes and maps, and I have to look at it and agree with it. The point is that they do look after that.

There are rules for water and other resources, and I do not think those are going to be disturbed, whether it is federal or territorial. They are always going to be there. Nobody is going to want to drink dirty water.

**Ms. Berger:** I do not think they send enough people up to police this to make sure it stays.

**Mr. Mendelsohn:** That is a good point.

**Ms. Berger:** The feds do not really care. I think the Klondike Valley is one of the best lakes areas in the Yukon. Then, that miner from the States was allowed to come up and stake in that area and get federal government money to build a road through this trapper's line into there. Again, it is federal against a local thing.

**Mrs. Firth:** Is that federal government money or territorial?

**Ms. Berger:** Federal is mining, and the trapping and renewable resources is territorial.

**Mrs. Firth:** The money for the road.

**Ms. Hayden:** Roads are territorial.

**Mrs. Firth:** That is territorial. That is what I thought it was.

**Ms. Kosuta:** Whether or not we want to become a province, we are moving in that direction already, through the devolution process. My concern with provincehood is basically financial. Do we have the population base to support that kind of endeavour? I think we are moving toward more and more responsible government through devolution. For example, resource revenue-sharing: if the northern accord goes through, we might have some advantages there.

I would not want to see the Yukon, at this point, become a province, because I do not think we have the population base to sustain any immediate responsibility for all those different program areas. I think we should continue to move in that direction, and take on certain program areas, where there are either strong policy reasons for wanting to have more responsibility, or where we can see a real financial advantage to having more responsibility. Resource revenue-sharing would be one area that would give us tremendous advantage.

I do not think we should jump right into being a province.

**Ms. Hayden:** That was going to be my next question, and you have spoken to it, whether or not people think we should be assuming more programs, and is it important to make sure the dollars come with the programs, or should the programs come first, then look for the dollars?

**Ms. Kosuta:** No, we should never do that. You guys will run into a lot of problems if you do it that way. I think it is a reality that we do want to see more. We would like to do things a little bit differently than in the rest of Canada, but we would like to have more responsibility for what is done here, at the same time. We should not try to take it all on at once.

**Ms. Hayden:** So, you are saying somewhere in between.

**Mr. Berger:** The thing is, we do not do anything differently. We are making the same mistakes as the rest of Canada. We developed the southern area of Canada. We are creating a ... government area here, where we have a large concentration of people in one little place like Whitehorse, and the rest of the country has nothing to say.

Fifteen years ago, I was all for provincial status and more independence from the federal government, but the direction we are going right now, I am totally against it. Another theory is, down the line, people in Dawson, Mayo, Watson Lake will not have anything to say, because the voting population will be in Whitehorse.

Politically, we are creating a monster, and it is exactly the same problem as Canada faces today; the development took place in the southern part of Canada along the U.S. border. The

provinces are facing the dilemma that there is no development in the northern area, no transportation system in place, and we are facing exactly the same thing. We have not learned anything.

**Ms. Hayden:** Are you concerned about the possible re-arrangement of the boundaries issue?

**Mr. Berger:** It is going to come. You cannot deny the right to people. The concentration is in Whitehorse. The people have the right to more representation. You cannot say that you are going to give the same representation in Old Crow, unless you would ... the same as you give 10,000 people in Whitehorse.

That is where the problem lies. As I say, we have not learned a darn thing.

**Ms. Hayden:** How would you see that it should be done different?

**Mr. Berger:** First of all, we need to have a government in place in Whitehorse that ... put a stop to development there. Enough is enough. We need to be serious about decentralization. We need to decentralize jobs and whole spectrums of government in other areas of the country to create the basis so industry will follow. This is normally the case.

Right now, we are concentrating everything in Whitehorse because, unfortunately, the politicians look ahead to the next election, and you are probably no exception.

**Mr. Shannon:** I cannot follow that a little bit, because it is not practical to decentralize in the Yukon.

**Mr. Berger:** Why not?

**Mr. Shannon:** You are going to send some department up here, but it just puts them at a disadvantage, as far as I can see.

**Mr. Berger:** We have instant communication today. We have fax machines, we have television, we have a computer that could be linked up instantly to any place in Canada. Surely we can link them up in the Yukon.

**Ms. Hendley:** Initially, it would be expensive and unpractical to decentralize but, if it were done heavily enough, things might balance out a bit in the future. We have only done a little bit right now. Sure, departments are complaining that it is not practical but, maybe if they got at it and decentralized more, got right serious about it, businesses would be moving to these outlying areas, and the outlying areas would start to grow.

**Mr. Shannon:** I just cannot see what any decentralization will aid Dawson City, for instance.

**Mr. Berger:** It is quite simple. It creates a demand for private industry that follows the services. This is exactly what the government does: provide a needed service. Unfortunately, the private industry is not interested in moving to the Yukon, unless there is something here. If there is nothing to sell, there would be no stores open here. If you do not have a payroll, people cannot buy anything. You need to have a payroll and the basis of the infrastructure needs to be government.

**Mr. Shannon:** It looks to me like we are over-serviced already.

**Mr. Berger:** In what case?

**Mr. Shannon:** We have housing, we have social assistance. We have a lot of services here for the size of the place.

**Mr. Berger:** You have whole departments sitting down in Whitehorse, growing in leaps and bounds every year.

**Mr. Shannon:** That is where the action is.

**Mr. Berger:** That is why we need to move it out. It is as simple as that.

**Ms. Hayden:** Do other people have feelings about this? I see Angie nodding.

**Ms. Joseph-Rear:** I was just agreeing with Fred. Right at this time, there might be a lot of services in Dawson, but how you get to them, I do not know. Right at this point in time, we do not have a social worker, and human rights. There is a terrible need for it because of child welfare. They have jurisdiction over child welfare at this time, and there are children out there that have a need, and it is the responsibility of YTG, through their social services, yet they do not have a worker to work with these children. They are forced to go to other people. Other people are taking over the job and are not being paid for it; it is just another load for them, as well as for the school.

We have I do not know how many students here. Last year, the band put in some dollars just to get a tutor for the high school, and not just for the band students, but for all students that were having problems. There again, you see a problem with no funding from the Education department. You are talking about constitutional development and pushing for provincial status. I do not know what is going to take place in time. There is a lot of homework to be done.

I am just speaking of this for myself.

**Ms. Hayden:** Do people feel that the door should be kept open for generations for your grandchildren or great grandchildren, who may see a difference in the territory and choose provincehood? Does it make a difference to you if it is closed, as it probably would have been effectively if the Meech Lake Accord had passed?

Does it matter?

**Ms. Joseph-Rear:** To tell you the truth, you are looking at a 10 year old child in the political field now, and they are really asking questions when the Meech Lake Accord was happening. Young people were talking about it. They are even more aware of what is going on around them.

**Ms. Kosuta:** With the whole issue of provincehood, you cannot address this in isolation from the rest of the country. You are talking about children and grandchildren. We do not know if there will be a Canada when our children and grandchildren grow up. At this point, it seems kind of doubtful.

That is another point I wanted to raise. Provincehood is only one option, or moving toward it. There are other options.

**Ms. Hayden:** What would you see? We are not saying that it should or should not be provincehood. This is just a question. What would you like to see?

**Ms. Kosuta:** Personally, I believe we should continue to move slowly toward that goal, but I do not think we should do it overnight. Other options where B.C., back in the 1930s, wanted to annex us, is always an option, although perhaps not for us living here, but certainly for them. North of Canada is looked at as a hinterland by the rest of Canada, and annexation is one option.

Another option would be to join them voluntarily, which I do not really think is viable. Another option would be, if Quebec separates, the whole picture changes. You might end



up with two or three different countries, where Canada is one. You might end up with a northern arrangement. You might even end up, with free trade and multilateral trade negotiations, joining Alaska. All those things are possibilities.

For now, doing what you are doing right now with devolution is the right direction to be taking. With decentralization the way it is working, I am disappointed. They made an announcement. When was it, Fred, last spring? It was about 100 jobs in the next three years would be decentralized. When I look at the ones that Dawson was given, I am disappointed. They do not present additional opportunities in terms of people who are already living here. There are a few part-time secretarial jobs, and one municipal advisor position that was originally based in Whitehorse and has just recently been moved.

I know, with decentralization, the government did say they were not planning to create more jobs, but I think if you had more like whole departments moving, if that is actually what you want to do to decentralize government, I think it would be a better way of doing it.

Out of decentralization, I was hoping to see not just bureaucrats moving to the smaller communities but, if some of them refused, it would present additional opportunities within the smaller communities for jobs. I was hoping that would happen. I do not think it will. I know you do not want to create a bigger government, but perhaps if a whole department moved, you would find five or 10 people who did not want to go, so that would mean five or 10 jobs that might be coming up here that would not otherwise exist.

If you did have the whole department, you would have what Fred said, the need for more services, and that would give a real kick to the local economy.

**Mr. Berger:** It is not only the departments I am looking at. I am looking at the sections of government, like Yukon College. Yukon College should never have been built in Whitehorse. It should have been built some place else to create a more viable economy for Faro, for example. You would have had a second industry in Faro, except having had one .... could shut down tomorrow, and ...

Today, I am looking at, and trying to promote, is decentralizing Yukon College, to get sections of the Yukon College moved to the outlying areas. I am asking to have the arts and the teaching section moved to Dawson City, and build a section of the Yukon College in Dawson.

I am the chairman of the Yukon Development Corporation. If we are really serious about it, we have no business being in Whitehorse. It should be moved some place else, if they are really a Yukon development corporation. There are things like this that go on in Whitehorse every day. They have no business being in Whitehorse. They should be moved some place else. The government itself can stay there, but sections of government should be moved out of there.

Yukon Housing Corporation could be moved out of Whitehorse. That would create a lot of jobs in the outlying areas and a viable base for an economy.

Then, you can actually look and demand from the federal government more responsibility, because we are responsible. Right now, we are irresponsible, you are not responsible.

**Mrs. Firth:** That option of decentralization by moving

departments was presented to the government, and they turned it down and decided to do it the way they are doing it.

**Ms. Kosuta:** They are giving us a little bit, instead of a lot.

**Mrs. Firth:** Instead of moving whole departments.

**Ms. Kosuta:** It is a piecemeal approach, and I think a lot of them will create inefficiencies. I do not think it is the right way to go about doing it.

**Mrs. Firth:** The provinces are decentralizing right now, too, so that is something you would still be able to do with provincial status.

**Ms. Kosuta:** They are moving larger blocks, though. I saw the news last night. I think it was Saskatchewan and Manitoba. They had taken a whole section of vital statistics that dealt with marriage certificates and that type of thing, and moved it 300 miles from Winnipeg.

**Ms. Hayden:** Norm, you have not said anything yet.

**Mr. Dann:** She said everything I could say. In terms of our options within Canada, I think we are moving toward provincial status, but that for me is not a question. We will get there some day. I do not think it is going to be in the short term. I think we are even looking at my children's grandchildren, because we just do not have the population to support things. Where is Canada going to be at that time? I think our option as a northern country is more viable than us remaining part of Canada, or whatever, or perhaps a separation into a northern country and dealing with the north. We understand how each other operates more on a north of 60 basis, than we do 60 and south.

Because a lot of us come from the south, we understand how the south works, but they do not understand how the north works, whereas our brothers in Alaska, or in Greenland, understand the problems we deal with far better than somebody in Toronto. That puts me closer to somebody in Igloodik than somebody in Vancouver, which is much closer. We understand each other better.

I know a lot of Alaskans feel the same way. They feel much the same way as we do about Washington and the southern States as we feel about Ottawa and Ontario and Quebec. I have even had it suggested to me that we dig a canal across the 60th Parallel, make a northern passage and charge everybody for its use. But that was fun around a beer or two.

That is basically the way I see it. If Canada stays viable as it is, I think the Yukon will eventually become a province, because we are working toward that anyway. We are taking more responsibility for things, decentralizing. Even though it is sort of piecemeal right now, the concept is still new, because we went the other way for so long. Now, we are beginning to turn it around and go back the other way.

We have to look at the concept of economics, too, because the whole of North America, right now, is being developed as an economic block, with the free trade agreement with Mexico, United States and Canada all in one. North America is becoming a trade block in opposition to the Pacific Rim trade block and the European trade block. We are going to have to deal in that and be part of that, just because we are part of Canada. We really do not call the shots on our own economy. Those shots are going to be called in the south for the foreseeable future, as far as we can see, because we are a capitalist

country and have free enterprise.

It is hard to say. We are moving toward provincehood. I am in favour of that, as long as Canada stands as it is. If there is a change, and Canada breaks up, I think we should have our options as a northern country developed, and move away from the southern polarity.

**Ms. Hayden:** Angie, I saw you nodding. One of the questions we are asking is, should we have circumpolar ties? Should we have ties across the north? Should we continue those, or try to increase them?

**Mr. Mendelsohn:** How would that work? Could you enlighten us a little bit?

**Ms. Hayden:** At the present time, there is a considerable amount of circumpolar conference meetings, and that sort of thing, of the northern countries. I am told by people who go to them that there is, as Norm said, a considerable amount of similarities in problems and problem solving. The question has to do with whether or not we look that way more than we look to Ottawa, perhaps, or something.

**Mr. Kaplicky:** In the sense of technology, there is good cooperation between different areas. Other than that, I do not know whether there is any real advantage.

**Mr. Mendelsohn:** No, I do not think there is any advantage there. What have we got to trade between each other? All our materials go south, anyway.

**Ms. Hendley:** We have the Yukon Territory, the Northwest Territories, and it is just like they are worlds apart. There does not seem to be any interaction between the two of them. What the Northwest Territories has learned could be passed on over here, and maybe vice versa, if we have anything to give them, but there is absolutely no communication right there, and they are not that far away. They have a lot to offer.

Why are we not taking advantage of it?

**Mr. Kaplicky:** We are isolated, to a certain extent. That is part of the problem.

**Ms. Hendley:** Like Fred said, there are faxes, phones and television. There has to be ways and means.

**Mr. Kaplicky:** Yes, but that does not aid the economy that much.

**Mrs. Firth:** Maybe they are working competitively, as opposed to working together.

**Mr. Kaplicky:** You mean the territories?

**Mrs. Firth:** Competing against each other.

**Ms. Hendley:** I have never felt in competition with them. It is almost like they do not even exist, and I am sure they feel the same way about us.

**Mr. Berger:** There have to be certain trade restrictions. You cannot input needs slotted in the Northwest Territories, and things like this. If you come up with closer ties and a better health system that is acceptable to both sides, you could create a better trading system and exchange ideas at the same time.

We have the meat market. In the Northwest Territories, north of Inuvik, Tuktoyaktuk, the caribou and reindeer up there. They could not sell them in the Yukon because of the health regulations, and so on. There are things like that would need to be studied to be acceptable to both places, thereby creating market conditions.

There are buffalo in the Northwest Territories. We could not import them, except on special occasions when the Governor

General comes around. Then, we can eat buffalo meat. Any other time, it is not allowable. It is things like this, and we isolate ourselves by coming up with laws that protect ourselves. We are not protecting ourselves. We only hinder ourselves to grow. This is where the problem lies.

**Ms. Hendley:** There is not a lot of unity, when you cannot move across your own borders.

**Mr. Berger:** To go back to the other question of provincial status, I would rather see the federal government fighting for more responsibility, like over land and over things like health and welfare, where there is a double standard right that creates a hardship in the whole of the Yukon, and with extra costs involved that Canada, as a whole, cannot ... never mind the Yukon alone.

It is stupid things like this. They should be straightened out to say, you take on the responsibility, but we are not going to cut the umbilical cord to Ottawa, because we need them. We need to be assisted by Ottawa yet. Where there is a duplication of services, wipe the Ottawa standards out and leave them in the hands of the Yukon.

That I would fight for and agree with. The rest of them, no.

**Ms. Hayden:** Devolution of programs, when it makes sense and when it is practical.

**Mr. Berger:** Sure, where it really makes good, common economic sense. Here in Dawson, we have a nursing station. We lost a hospital because of Ottawa saying we do not need a hospital, but we created a nursing station, and the federal government built a senior citizen home, separated from each other. There is a kitchen in one and a kitchen in the other one. There are laundry facilities in one, and laundry facilities in the other one.

**Ms. Hayden:** It really makes sense, does it not?

**Mr. Berger:** It makes no sense whatsoever. A retarded person could think better than bureaucrats do, just because they are on a power trip. Who is suffering from it? The people are suffering. We cannot get any services here, because the nursing station is too small. When you are sick, you need to be moved to Whitehorse. The senior citizens home cannot have anybody there, because there is only one person in charge there, so we move them to Whitehorse. A week later, they are dead, because nobody can visit them.

What kind of system are we? It is really stupid.

There is no other expression for it. It is really stupid, just because there are some bureaucrats on both ends, in Whitehorse and in Ottawa, trying to create a power play for themselves and saying, we are important. That is what it amounts to.

Again, unfortunately, it seems to be the style of politicians today that they take credit when everything goes good, and they do not say anything when the things are not going good. Nobody has guts enough to speak up anymore today and say, I am making the policies. No, we let the bureaucrats make the policies. If they make the wrong one, we step on them. They make the right one, we take the credit.

It is the same thing in Ottawa and in Whitehorse, too. This is what is really wrong with our system today.

**Ms. Berger:** Do you not think a bit of that goes back to what we were saying the other night that the people do not follow things enough?

**Mr. Berger:** Yes but, in the same talk, there seems to be a standard to some extent in Canada that, unless you are a lawyer, you are not going to be elected as an MP in Ottawa. Nobody else seems to be in the standard of some people who have the brains or common sense to be an MP. Unfortunately, most of the MPs we have today have no common sense. They do not even know what it is. All they know is where their paycheck is coming from, and that is all.

**Ms. Joseph-Rear:** They have their bureaucrats, though. The whole government has bureaucrats. They are not real politicians. They do not speak out for the people they represent. To me, all government is taking the place of bureaucrats.

**Ms. Kosuta:** Do you know what is really different? Ten or 15 years ago in the Yukon, if you were going to have this type of discussion, you would not be here right now. You would probably have it in the Legislature.

I think things are starting to change. They have changed to some extent, and I think it is getting better. People are being asked more about what they think about different issues. They are being consulted more. Politicians, at least here in the Yukon, are starting to listen more to what people are saying. There is always room for improvement but, compared to the rest of the country, I do not think we are in quite as bad shape as they are, yet.

On the circumpolar issue, I just wanted to make a comment. I know there have been some travels to various countries on different circumpolar expeditions, and I agree with Fred that I think increasing our ties with the NWT would be a smart thing to do, especially for us here in Dawson and in Whitehorse, where there is new emphasis on agriculture. There is a new abattoir planned in Whitehorse. We have some of the best agricultural land right here around Dawson, and there is an opportunity for trade with the NWT, especially with Inuvik, going up the Dempster. If we can get some trade barriers loosened between us, I think that would be helpful.

I also think we should be looking to Alaska, as well, but I do not necessarily think we should be looking to Sweden, Norway or Greenland, but maybe keeping it more on this continent, although Sweden has some excellent ideas, especially when it comes to forestry, and things like that.

**Ms. Hendley:** There is nothing wrong with exporting ideas.

**Ms. Kosuta:** I do not know if we have to go there and participate directly with them as much as we should be concentrating first with the NWT and, then, maybe Alaska. They have the population base to support some new manufacturing and small industries that we can develop here in the Yukon, if we start getting more responsibility over our land and resources. There are some small manufacturing opportunities that we may be able to market over there, using the free trade agreement.

**Mr. Berger:** I do not think there is anything wrong with going to Sweden, Finland, Norway or any other country. If you see something different, you get different ideas.

**Ms. Kosuta:** It is a matter of concentration.

**Mr. Berger:** The thing you have to be aware of is that you cannot import what they grow over there, for the simple reason that they a totally different climate over there, but we could get ideas, and that is the whole thing. From one idea,

you can build up into something else again.

**Ms. Kosuta:** It is a matter of where you are going to put your priorities. Would you put your priorities in going to Sweden for a particular reason, or would you rather go to Yellowknife, or whatever?

**Mr. Berger:** It depends on who does it better.

**Ms. Hayden:** The other thing that has been happening is that people have been coming to the Yukon. There has been a circumpolar health conference, and circumpolar education, an agricultural one coming up. Some of that cross-fertilization happens here.

**Ms. Kosuta:** You have to look at the benefits. It is a matter of costs and time frame. If you deal with the NWT, will you be able to get something out of it faster, cheaper than going to Sweden, for example? Although I know that you do get good ideas, and I personally think it is not a bad idea to go to some of these countries, there is a tendency of people to think, oh, another free trip for some MP and his bureaucrats. Maybe going to Yellowknife would not look quite as outrageous as going to Sweden.

**Ms. Hayden:** I hope it does not look too bad, because I am going over there during spring break to find out the mistakes they made on their health act, so we can try not to repeat them.

**Ms. Kosuta:** We do have a new health act already, do we not?

**Ms. Hayden:** Yes, but I mean in the health transfer.

**Ms. Kosuta:** You are going to Yellowknife?

**Ms. Hayden:** They have already had their transfer.

Does it matter at all to you how your Yukon leader is treated outside of the territory in national conferences? There is a question in the green paper somewhere about that.

**Ms. Berger:** I would say yes, because he represents us.

**Ms. Hayden:** How he is treated is how the Yukon is treated or respected?

**Ms. Berger:** Yes.

**Mr. Berger:** I do not know how you are going to change this.

**Ms. Hayden:** It is a good question, is it not?

**Mr. Berger:** When I was in the Legislature 15 years ago, there was a ruckus because of us calling ourselves a legislature. Even on the local level in Whitehorse, the media said it was outrageous that we would take the law in our own hand and change the name. That is all it was, just a change of name.

I do not know how you are going to go about changing the attitude in the provincial capitals and the federal capital. People are quite ignorant of what goes on. Once again, we can be tolerable about this little person coming down from the Yukon. We are going to show him where we are going to keep him.

I do not know how you are going to change them. I have no idea.

The only thing is to keep hammering away and keep showing up at those places and say, I am here. Do you want to listen to me or not? Maybe sometimes there is a little bit humiliating, but I think you have to take it.

**Ms. Hayden:** There has certainly been some movement over the years.

**Mr. Berger:** It is an evolution. How are you going to

speed this up? All of a sudden, they are trying to be more powerful than you are and trying to show you where the power is, even if it is only by name and how you get seated, whether you get seated on the left side, the right side, behind, in front or two rows back. It makes no difference. There is a certain amount of symbolism, even in Ottawa. .... it still happens, and it is still in existence.

**Mrs. Firth:** Do you think if we had full provincial status that our Premier would be recognized, as the other Premiers are?

**Mr. Berger:** Again, you get it from the larger provinces. Back in Ottawa, they are going to demand that they sit in the front row, next left and right to the Prime Minister.

**Mrs. Firth:** I am not talking about seating and things. I am talking about provincial status. Along with provincial status, does the Premier get to have equal rights at the First Ministers Conferences?

**Mr. Berger:** I do not think that should be necessary. If we are really concerned, and Canada is really concerned to have one Canada, then everybody should be treated equally. This is what we are not. Right now, we are treated as a colony to some warped mind down east. That is what it really amounts to.

**Ms. Berger:** Ontario and Quebec are the power provinces and, already, whatever they say seems to go, and anybody on either side of them is not nearly as important as anyone from Quebec or Ontario. I think that sort of thing would continue, whether we are a province or a territory.

**Mrs. Firth:** As a province, then, we would be equal in the sense with other provinces that our Premier would be a Premier and would be allowed to sit at the table. This is what the issue is in the green paper, that our Premier goes to the conferences but is allowed to be there only as an observer. That is because we are not a full-fledged province.

If we were a full-fledged province, then our Premier would be a Premier as the other Premiers of the provinces, and they would have the right to speak at that table.

**Ms. Kosuta:** I agree with Fred, where he is saying it is a process of evolution. Just recently, the Finance ministers had a meeting and, for the first time, the ministers from the NWT and the Yukon had a substantial role to play at those meetings. That was not because provincehood is suddenly being created for the two territories. That was because politicians and people down south are finally starting to realize that we do need the recognition. Over time, like Fred said, you just have to keep going there, being insulted and grin and bear it and, eventually, they may be shamed into letting us join and sit at that table as an equal partner.

**Mrs. Firth:** Even if we are not a province?

**Ms. Kosuta:** Even though we are not a province.

**Mr. Berger:** Even the Prime Minister broke down not too long ago, and actually called our Premier by name. That is a step in that direction. Maybe some other people will take an example from that and do the same thing.

**Ms. Kosuta:** I think it will happen over time. As long as you keep going there and being visible, you have to be recognized sooner or later.

**Mr. Berger:** I think this is what needs to come out in the debate that goes on with what kind of Canada do we want. The

emphasis has to be on equality in all parts of Canada, regardless of whether you are a so-called territory or a province. We need to be equal to everybody and with everybody. This applies to people and everything.

Unless we are this, there are going to be problems in Canada. There are two founding nations, all of a sudden. Who gave us the right to say there are two founding nations? We have a multicultural country here, and we come from all over the world. We had native people who had been living here for thousands of years. Two races say, we are the founding nations?

**Ms. Hendley:** Do we clap?

**Mr. Berger:** This is where the problem is. The French say, we are better than the English, and the English say they are better than the French because they defeated them.

**Ms. Kosuta:** Nobody else really cares.

**Mr. Berger:** This is what needs to be pointed out, over and over again. It may sound like a stuck record, but this is what needs to be done in Canada.

We need to have real equality all across the country. We need to give the people in Newfoundland exactly the same chance as the people in the Yukon. Then, you have a country. Right now, you have nothing. You have a patchwork of have and have-not provinces, and that is all.

The haves say, this is mine, and I do not want to share it with you. That is not Canada.

**Mr. Mendelsohn:** I do not think that is ever going to change.

**Mr. Berger:** It has to change.

**Mr. Mendelsohn:** It should change, but you know what they say: everybody is equal, but some are more equal. I think that will always be.

**Mr. Berger:** It is a danger, like Kathy says. The thing is, they are going to take it a step further. If we do not change, we will not have a country in a few years, let alone 100 years, unless we smarten up and change and say, we are Canada.

**Ms. Hayden:** Roger, you talked about the uniqueness of the Yukon being important, and we have heard this before. What does that mean to you?

**Mr. Mendelsohn:** Being a Yukoner?

**Ms. Hayden:** No, the uniqueness of the Yukon. Freedom, clean water, independence.

**Mr. Mendelsohn:** That is part of it. For myself, just seeing the mountains, the forests, the clean rivers and streams — although some of them are getting dirty now — this separates me from Canada. I do not think I would ever want to go south. I know I would not want to live south.

**Mr. Shannon:** There are too many people down there.

**Mr. Mendelsohn:** That is part of it, but I feel like I have grown roots here. I do not know if I can find the words, maybe look up Robert Service and I might find it there.

It is a better quality of life. It is a freer environment. Even with our government, we are closer to our territorial government than we would be if we were living in B.C. or Ontario. Certainly, it is just about impossible to find contact with the federal government.

I know more people here than I would outside, and I find people sort of care about people more so than they would outside.

**Ms. Hayden:** There is still some of that here.

**Mr. Mendelsohn:** When we call ourselves Yukoners, we identify to the same sort of northern, north of 60 and the freedoms and the land.

**Mr. Shannon:** There is the frontier syndrome there, or whatever you want to call it.

**Mr. Mendelsohn:** That is true for some, but not everybody shares that sort of frontier life. Even in Dawson, there have been so many changes, and I cannot really see that the frontier is still here. I cannot see any frontier life there.

**Ms. Berger:** Do you not feel that we are losing a bit of control? Look just right outside Dawson, where a mining outfit of some people who do not even live in Canada can just destroy that whole hillside.

**Mr. Mendelsohn:** Absolutely, and that should not be allowed. I have talked to Art Webster on that, why our government, territorial or federal, allow Americans or any other foreigners in here to dig up the land and, when they are finished with it, they leave it. They even leave their garbage.

**Ms. Berger:** They have not tested their water yet, but I can see the beginning of algae and stuff growing in what was a clear dredge pond for the last 50 or 60 years. We had the same thing at Bear Creek, when the mining effluents came down there. What was a clear dredge pond since 1920 or something began to grow algae. Now, it has green algae, baby blue algae, and long tendrils of algae, and we cannot canoe there like we used to.

Then, here is this same thing happening right next door to Dawson. This is where I think we are losing our frontier and our control.

**Mr. Mendelsohn:** We are also losing our country too, in the sense that our minerals and wealth are going somewhere else.

**Ms. Berger:** They are taken out by people who do not even live here, and have no interest in this country. That is why I would like to see more control.

**Mr. Shannon:** On the other hand, if we did not have that American input in mining over the last 10 years, the economy would not be nearly as prosperous as it is now, either.

The Americans have brought a lot of money into the country.

**Ms. Berger:** Was the balance there of what they took out and what they gave us, and what we are cleaning up afterward?

**Mr. Mendelsohn:** Another thing, people who are in the placer mining business cannot go to Alaska and stake claims and start up a mining outfit. Is that fair?

**Mr. Berger:** The problem is, in Alaska, they cannot do those things anymore what they can do in the Yukon, neither can the do it in B.C. In B.C., you have to save every ounce of topsoil. Here in the Yukon, you just wash it away. To heck with it, we do not need it. We talk about Dawson being an agricultural area but, if we keep on going like we are, there will be no agricultural area left. We will have to wait another million years to get any topsoil.

**Ms. Kosuta:** That is because we are subject to a 70 year old piece of federal legislation.

**Mr. Berger:** This is what the whole thing is. It is ridiculous to have a double jurisdiction. Like, the Yukon looks after certain freshwater fish, but we are not looking after the

salmon, because they are an international fish.

We are looking after certain other things in the mining field, but we are not looking after the soil, because the soil could be eroded and blown in the wind, and somebody else has to look after that. That system does not make any sense.

It is the colonial status that is imposed on the territories, and some people have to dislodge that particular field.

**Ms. Kosuta:** That is part of the territorial government's responsibility, for the people to tell them, in the devolution process, what should be considered a priority. Maybe the devolution of non-renewable resources should be looked at as a priority, not just the oil and gas, but the minerals as well.

I do not think there would be any argument from the people living here in Dawson with that. Then, you have to look at other interests, too, to see what they would think of that.

Right now, there is work being done on all the legislation that affects placer and quartz mining, and inland waters. When those acts are amended, they will be amended by the federal government, because that is the body that is responsible for that legislation.

If we are unsatisfied with those amendments when they go through, maybe that is the time to push the territorial government to start looking at devolution in that area.

**Mr. Berger:** I think it should have been done last November, ... amendments to the mining act. We were informed a week before the deadline for input had to be in Ottawa that, if you want to have any input, you better hurry up. This was just before Christmas time. Those are the ridiculous ... that came out of this.

Once again, I did not see anybody in the territorial government really loudly protesting it, either, and making a lot of noise about it. I agree with Kathy that, when the responsibility lies with the federal government, tell the people ... and what are we going to go after first, and how are we going to go after these things.

**Ms. Hayden:** Does it trouble you that the territorial government's power — and you were talking about colonial power — operates at the whim of the Minister of the Department of Indian and Northern Affairs by way of a letter in 1979, which gives the Legislature the power to have all elected members in cabinet.

In theory, the Commissioner could abolish Cabinet and an act of Parliament could abolish our Legislature. Does that trouble you at all, or do you think it has gone along for so long now that nothing will change?

**Mr. Davidson:** They tried to pull that rug out from under us three years ago during the Meech Lake arguments, and they were unsuccessful. At that point, it was recognized by the courts that, by exercise of custom, there was some existence, aside from Jake Epp's imagination.

**Ms. Hayden:** So, you feel the custom and the precedent is enough?

**Mr. Davidson:** It helps. The more we write down in constitutions, the less the old British concept of understood law applies. The closer we get to the American concept of having everything written down, and reformed and amended 18 times, the farther away we get from the idea of British common law, which used to be what governed us. I suppose, at some point, it would get to the point where we were so far

away from that, that understanding a precedent no longer has any effect. We have to be careful about that.

On the other hand, we also move in the direction of legal rulings having more impact on the actual way things are interpreted. That helps. It is a two-edged sword, and you never know exactly where it is going to strike.

Ms. Hayden: We have gone the route of most of it. Did you have some thoughts?

Mr. Davidson: No. I wanted to listen a bit longer upstairs. If the Minister agrees, we will be getting out of school on May 31 next year.

Ms. Hayden: Really? I was going to say, is it a yes or a no?

Mr. Davidson: It is a definite yes.

Ms. Hayden: Are we talked out?

Ms. Berger: We want Yukon maybe not to enter provincehood, but more power.

Ms. Hayden: More power, carefully, with the dollars.

Ms. Berger: Yes.

Ms. Hayden: Some respect nationally, if we can manage to get it.

Ms. Berger: Be recognized that we exist nationally.

Ms. Hayden: Not close the door forever, but we are not sure where the country will be in a few years, so we do not know what that means. What else have we heard generally? Some local issues around decentralization.

Ms. Berger: Decentralization and, like Kathy said, more meetings like this, too, to keep us more in touch, and it makes us stronger as a territory, and makes us more aware of things.

It is so good to see Whitehorse people getting out to the outlying areas. Thank you both.

Ms. Kosuta: So, what happens with this?

Ms. Hayden: After we have been to all the communities, we write a report, which is a report of what you say. The transcript will be there. From that, we will find the common themes, based on the questions that are in here. I do not know, but I think you have found most of those questions were answered, if you have read the questions in the green paper. You have talked on all those issues tonight. Taking those questions, the report will be written.

So far, we have heard much of what you say. The themes continue to be similar. We were up the North Highway. The one thing that we did not hear tonight was anyone saying land claims must be settled. Perhaps that is just a given, is it?

Mr. Berger: I think that is a foregone conclusion. The land claim is ... I think there is no reason to talk about it. It is going to be done. It is a fact.

Ms. Hayden: Also, to proceed with devolution of programs, slowly and carefully, with dollars.

Mr. Shannon: Is this a guide to the territorial government?

Ms. Hayden: Yes. It stays in the territory. We take it back to our Legislature.

Mr. Shannon: It is not going to be tied into the Spicer Commission?

Ms. Hayden: No, we have nothing to do with the Spicer Commission, although we are on the same circuit.

Mr. Shannon: Just on a little smaller scale.

Ms. Hayden: We certainly are a little smaller scale.

Mr. Davidson: It is not costing quite as much money.

Ms. Hayden: No, not quite as much money.

Ms. Kosuta: Is your report going to result in some changes, in terms of new legislation, for example?

Ms. Hayden: Suppose, for example, everyone around the territory had said, we want provincehood within 10 years. Then, I would guess, the Legislature would be saying, how do we need to proceed to make this happen much faster? One of the questions that is in the green paper is, how do you want us to let the rest of Canada know what your decisions are: by referendum, by your Premier, by your Legislature, whatever? What I am hearing is that your decisions are aimed within the territory at the MLAs, the Legislature, and that you are saying, do much of what you are doing now, just do it carefully, so it does not require new legislation. We are proceeding toward devolution. We are negotiating the dollars to go with it.

Mrs. Firth: What happens to the report is entirely up to the government. We are simply the messengers from the Legislative Assembly. We were sent to listen to people and to gather common themes, not to express our opinions or our views, to raise points to generate discussion, which is what we have done. The report will be tabled in the House. Whatever happens as a result of that report is up to the government. It could mean legislation; it could mean anything.

Mr. Berger: At the same time, it is going to be up to the people. Once you table it, it becomes a public document.

Ms. Hayden: That is right.

Mr. Berger: The people could demand, a few years down the line, they could say, this is what we talked about, this is what the report was made of, and you guys did not follow it.

Ms. Hayden: We will send copies of the report back to you, either to each individual or it has been talked about sending it back to the libraries and post offices.

They will be available in your community.

Mr. Mendelsohn: When will we know that they are available? Sometimes these things can slip into the library, and maybe go unnoticed.

Ms. Hayden: That is a good question. We will know, because it will be filed during the spring session.

Mrs. Firth: Joyce and I will have our names on the report that comes as the members of the Committee appointed by the Legislature. The report will be tabled in the Legislature. Whether it is debated by the Members of the Legislative Assembly or not remains to be seen.

After that, what happens to the report is entirely in the hands of the government. We are going to make a recommendation to the government that people in the communities wanted to have copies of the report. How they distribute the copies of the report we can suggest to them, but how they do it is entirely up to the government. We can make suggestions to address the concern you have of not knowing when they are available. We can suggest to them that they make a public announcement that the reports on the constitutional committee are now available and check your communities for the reports.

We will make that kind of suggestion, but what happens to the report once we table it in the Legislature is entirely up to the government.

Ms. Hayden: We no longer have control over it.

Here is your MLA, Mr. Webster.

**Mr. Webster:** Did you hear the results of the meeting upstairs?

**Ms. Hayden:** Yes. It is a yes.

**Mrs. Firth:** We are writing it into the report.

**Mr. Webster:** That is evolution for you.

**Mrs. Firth:** We tried that before, but it was not favourable.

**Mr. Berger:** I would like to emphasize once more that one of the key elements in the Yukon, and the well-being that the Yukon is going to have in the future, is to stop the growth of Whitehorse. To me, that is one of the key elements of any kind of development in the territory.

If you continue having the growth of Whitehorse continue as it is right now, I think it is about five percent or more a year, you can foresee the day when there will be no communities left. You are going to have everything in Whitehorse. Like I said, it would be politically impossible to live in the Yukon. That is the key element, and it needs to be really looked at hard and long by the government.

I am looking at it as living in a country like this. Where I come from, Austria, it was a large country at the First World War. After the war, it was cut back to a country with seven million people, with an area mass of three-quarters of Vancouver Island, and one large city in there with over two million people in it. This was the capital, Vienna. Vienna naturally had the voting power and the political power over the rest of the country. Even to this day, there is constant friction there. We see that in Canada, where you have a concentration of people in Toronto, Montreal and Vancouver. Alberta is a little different, but in Regina and Winnipeg. You go into the hinterlands of those provinces, and there is absolutely nothing. There are no services there, there are no transportation links there, there is nothing.

That is what we are creating here in the Yukon and, again, this is why I said I disagreed with Kathy that we did not learn anything from Canada in the past. We made the same mistakes all over again. Unless we stop this, we are going to be an impossible country to live in.

**Mr. Davidson:** We had it once here. There were 30,000 or 40,000 people.

**Mr. Berger:** Again, the bureaucrats looked at it and said Whitehorse was easier to service, there was a highway going through there, there was a major airport there, easier transportation links, it was linked up with the armed forces communication network, so we moved the capital there.

We are suffering today because of that, the whole territory. I am willing to make a bet that Dawson would not be as big today as Whitehorse is. Maybe Dawson would have 5,000 or 6,000, but not 20,000.

**Mr. Davidson:** We would probably have had two major centres in the Yukon, balancing each other.

**Mr. Berger:** Exactly. This is what we need.

The other problem is, having the Whitehorse capital there as it is right now, we are importing people who are only there for two or three years sometimes. They are telling us how to live and where to live, what we can do and what kind of paper we can use, and things like that.

Some of those people never set foot anywhere outside of Whitehorse.

**Ms. Hayden:** It reminds me of when the Selkirk Band were moved across the river to Pelly, because it was easier access. It is similar kind of thinking to what you are saying. It was easier access for the bureaucrats. It was done here, too.

**Ms. Joseph-Rear:** It was done in Mayo, and all over the Yukon.

**Mr. Davidson:** Moosehide did it in two directions.

**Ms. Kosuta:** Once to make room for the miners, and the next time to make it easier for the bureaucrats.

**Mr. Berger:** That is the thing we need to stop. It is just about too late, actually, but there is still a hope that we can do something. We need to diversify the economy of the smaller communities of the territory. We need to create a base economy for those places, that some of those people do not have today.

**Mr. Shannon:** I cannot see it, Fred. I know what you are talking about, but it has to be practical, it has to be economical. The sawmill in Watson Lake is a good example.

**Mr. Berger:** It is not a good example.

**Mr. Shannon:** It will not work.

It was tried.

**Mr. Berger:** You are wrong, because I was right there. You are totally wrong, and I will argue with this day and night. We relied on private enterprise, and private enterprise dragged it in the mud. That is what happened. Without any ideas about sawmills, I could run a sawmill better than those people could.

**Ms. Hayden:** Have we just about wrapped this meeting up? I would like to thank everyone for coming.

*Adjourned at 9:00 p.m.*



**Yukon Legislative Assembly**  
27th Legislature

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

Community Hall, Mayo  
Wednesday, March 6, 1991 — 7:30 p.m.



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## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

**MEMBERS OF THE SELECT COMMITTEE**  
Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

### **STAFF**

Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

**PARTICIPANTS**  
at the Mayo Meeting of March 6, 1991

Davies, Sue	Martel, Leo
Hager, Robert (Chief)	Mehaffey, Hal
Heasley, Dennis	Peter, Albert
Lindstrom, Cal	Ronaghan, Joyce
Lindstrom, Jan	Snider, (Rev.) Ken
McGinty, Vera	Van Bibber, Sr., Pat

## MAYO, YUKON

March 6, 1991 — 7:30 p.m.

**Ms. Hayden:** Last year, Bea and I were appointed to the Constitutional Development Select Committee by the Legislature, and we were told that our task was to travel to each constituency to hear what your opinions are on constitutional development. Do people who live in the Yukon want to become a province? Do we want to stay just as we are? Do we see something in between?

People have a number of opinions about it, and we would like to hear yours.

We report back to the Legislature this spring. We finish our final meeting in Old Crow on April 2, and then the report will be written and the transcript will be done. The report will be written, and copies will be sent out to each community that we have been to.

The meetings are very informal. There are a number of questions in the green paper that we go over in one form or another, more or less in a discussion way. As I said before, the meetings are taped so we can report back accurately to the Legislature.

The first question that we usually ask is, are we progressing too slowly or too quickly toward self-government? Do you have any feelings or opinions about that?

What are the most important next steps that we take? I would just leave that with you to see if you have any feelings about that.

**Ms. Ronaghan:** Personally, I would have a lot of problems with progressing toward provincehood. About 10 years back, when mineral exploration was at a high point and the economy of the Yukon looked really good, it seemed feasible that maybe it would be all right to be a province. Now, with the mineral development and mines at a really low ebb, and the possibility with so much opposition to any development, I am afraid, if we were to become a province, we would be a have-not province. The taxes that we would have to pay would be phenomenal, I think. I do not think that we could afford it.

**Mr. Heasley:** I have not done a lot of thinking about constitutional matters, but one of the things that I really want to hear about is, if we become a province, what would we have that we do not already have.

**Ms. Hayden:** That is a good question.

**Mr. Heasley:** Is it purely a political thing? Is there some material gained by becoming a province?

**Ms. Hayden:** I would turn that around and ask you, does it mean anything to you? Would you see there being any advantage in being a province?

**Mr. Heasley:** If, by becoming a province, Ottawa would take us a bit more seriously, that would be on the plus side. There may be some economic things, I do not know, that might be quite a bit on the down side.

**Ms. Hayden:** Part of what you are saying is that you would need a lot more information before you could make any kind of decision about the economics of it.

**Mr. Heasley:** I suppose the economics is a major thing and is probably on everybody's mind right now.

**Mrs. Firth:** What we do not have now that we would if we were a province would be more control over our own natural resources and, therefore, more control over decision making as to how we wanted to develop those natural resources.

**Mr. Heasley:** The Yukon itself would have that?

**Mrs. Firth:** Yes. For example, we only have control over a very small portion of land in the Yukon. We do not have control over health services yet. We do not have control over some judiciary matters. We are not a full-fledged province in the sense that we have a Premier and our legislative process is protected in a constitution for the Yukon. Those are the kinds of things that we do not have that other provinces do.

**Ms. Hayden:** However, I suppose the other side of that is the question, is it not just possible, but preferable, to continue negotiating those kinds of programs, authorities, whatever you want to call them. For example, health is in the midst of transfer right now. If so, what ones would you see as being the next step?

The first question is, is it the transfer of programs to the territory that is important, control over our own resources and lives, or the concept of provincehood?

**Mr. Martel:** There, again, even if you have control over resources, environmentalists have the last word. Whomever is holding it, you still have to go through the same thing, no matter if it is federal or provincial. Being a very small population, I do not think even PEI ...

**Ms. Hayden:** They have 157,000; we have 37,000.

**Mr. Martel:** We would be the small guy on the block.

**Mr. Mehaffey:** I would have a concern about all the control of the land and the resources staying in the hands of Ottawa. The question I would have is whether there is not a way, along with devolution of the programs, like you said the health transfer, to devolve that kind of control and have more local control without going the whole step of becoming a province. It is not evident that it is such a good thing. I do not know what the percentage is — 95 percent federal money?

**Ms. Hayden:** There is some argument about whether it is 60 percent or 80 percent, but it is a good chunk.

**Mr. Mehaffey:** To have that much of the total land area controlled by ...

**Ms. Hayden:** You mean land? I thought you were talking about dollars. I am not sure.

**Mr. Mehaffey:** A pretty big percentage is federal land. It seems like that might not be the best thing, to have all that control vested in Northern Affairs. There are probably enough responsible people to at least control the policies and procedures here. So, there might be an alternative way to do that, along with program devolution, rather than going the whole step and try to become a province and claiming you are self-sufficient as a province.

**Ms. Hayden:** The other question was, do people think we should be heading for provincehood, staying as we are, or something in between. They may be talking about the devolution of programs.

I am sure you will not be surprised to hear that what you are saying is what we have been hearing all around the territory. There has been much the same response wherever we have been so far.

What would you see as the next step? What is the most important? Is it land. Health is on the way. What issues are important here? One of the things we have heard-is people want the claims to be settled, and that that is very important.

Another area is, do you want the door left open in the future for provincehood, or do you think other provinces should have the right to say whether we can eventually become a province, whether it is 10, 50 or 100 years from now?

Mr. Heasley: I think the door should be left open. I do not like the idea of other people deciding, like that thing on Meech Lake, where a bunch of people sit around and decide whether or not we are worthy to join and on what terms.

Ms. Ronaghan: Granted, it is not nice to have them say the Yukon cannot join unless everyone agrees. That may not be nice to say but, just because somebody said it, does not mean that we should all be knocking the door down trying to become a province, just on the principle of the thing. We cannot afford to become a province. That is the bottom line. If people are running around saying, we have to become a province because everybody says we cannot, which is just about the attitude, the bottom line is that we cannot afford to become a province. Somebody has to pay the bills.

Ms. Hayden: To explain this process a little more, it is seen as a long range planning process, and a check to see what the Yukon is doing, the way that devolution is happening at the present time, if that is what people want, or if they want it somehow speeded up, or if people are happy with the kind of measured evolution that we have.

I would see it as that form of long range planning. Planning by asking people how they feel and what they think about it.

Ms. Davies: I do not know a whole lot about the land claims process with self-government, or the devolution plans, but it sort of looks to me like one group of the population is looking at settling a claim that, within that, is going to have a structure of government. Then, everybody else is looking at feds, provincial and territorial, and what our relationship is. Maybe we have to have a whole different plan altogether when land claims is finished, if different First Nations are looking at having control of their area. What we are calling a province or territory might be a whole different structure.

I do not know, because I do not know a whole lot of what is in the different proposals but I think we are either thinking really narrowly to be looking at what the other provinces have, and we are a territory, and we either become like them with our relationship to the federal government, or stay the way we are, or something different. If you are only looking at that, on the one hand, you are saying that land claims are important and it is important to be settled but, really, it is not going to be of consequence, because we are molding this other structure we want. They all have to go together.

Ms. Hayden: It is not in a molding process yet, I can assure you. I think that is part of the problem of travelling around the territory. It is very difficult for people to accept that we really are doing a long range kind of checking out and planning. It will be quite a different territory, and how will we put it together into something that is really good for everyone. That is the big question.

Ms. McGinty: I have a real concern about the electoral boundaries and the possibility that Whitehorse may hold the

balance of power in the Yukon Legislature. To bring it even closer to home, that issue is extremely high in my thoughts about constitutional change and what that means. From what I have read and seen, the possibilities of Whitehorse basically running this territory are real. To me, that is incredibly unacceptable.

Ms. Hayden: There was the McLaughlin decision that was brought down in British Columbia, where they had to go to within 25 percent of representation by population, so that Atlin, for example, now becomes part of a huge land mass constituency. Vancouver has I have no idea how many more.

If redistribution goes on a straight per capita basis like that, it would obviously be exactly that.

One can assume that there might be a court challenge, if redistribution does not happen. I do not know what will happen. I hear what you are saying about the representation from rural communities.

Mrs. Firth: Are you asking if that can be stopped?

Ms. McGinty: I do not know. I just really felt that I wanted to say that. When I knew you were coming around, I wanted to talk about that. I do not know what the solution is, or if there is one that could even be suggested, but I think that it cannot go unsaid. It has to be addressed in some fashion and in some place. It cannot go unaddressed. I think that people in the rural communities, if they would just think about it for a second, it is a very alarming thought.

Ms. Davies: I understood that there is going to be a committee going around during the summer sometime to some of the communities to talk about boundary issues.

Mrs. Firth: I have not heard that.

Ms. Hayden: There has been none named yet.

Ms. Davies: Is this the group?

Ms. Hayden: No.

Mrs. Firth: Although we have been hearing that concern about the electoral boundaries. It is because there are challenges taking place in B.C., Saskatchewan and Manitoba, and there are precedents that have been set. It is on the basis of representation by population. I do not know if there is any way that you could change that now that the precedents have been set in the courts. The chance of it happening here is just as likely as of it happening in other areas of Canada. All that has to happen is for one or two people in Whitehorse to file a complaint and say they are not represented fairly, compared to other voters, and the precedent goes on and on.

Ms. Davies: Looking at constitutional development, this committee should make some comment about that. In the rural areas, it is a concern.

Ms. Hayden: If people tell us that, we certainly will.

Ms. Davies: We could conceivably have all rural Yukon as one vote, and Whitehorse as 10. That is how it could end up.

Ms. McGinty: That is one of your challenges in writing this report. From my perspective, I think it is very high on your list of concerns from the communities.

Mrs. Firth: It is not a constitutional issue. We are simply asking about constitutional matters, like whether the Yukon should be a province or not, do you think the rest of Canada wants us to be a province, but we have heard the issue about electoral boundaries raised at our meetings. That is all we will

be able to report on is that we heard it raised as a concern from rural Yukon. We are not at liberty to make any recommendations about it. It is not in our mandate to do that.

It would have to be a different committee go around, like an electoral boundaries commission. The government has the ability to set up that kind of a commission to look at redefining the boundaries of the constituencies, and so on, but they have not done that. Of course, there is always the aspect of a court challenge.

Our mandate is simply to bring forward concerns that were raised specifically with respect to constitutional development, but we can also raise things that came up on a regular basis. This is about the third time we have heard this.

**Mr. Mehaffey:** I would think, separate and apart from the electoral boundaries, addressing the concern that, when you were looking at what kind of government the Yukon might have and how it might be structured, which I would think you would do as part of this report, there must be some way to address that issue and build in some kind of controls.

**Ms. Davies:** Guaranteed representation for rural areas.

**Mr. Mehaffey:** I do not know if that is constitutional or not, but certainly delegation of authority and control and devolution of government departments and those kinds of things would go some ways toward answering that. What we see now, and we see this frequently, the policies, programs and things that are developed and put forth for the whole Yukon are probably most applicable to the Whitehorse area, and they address the kind of land concerns, social program concerns and school concerns that are appropriate to Whitehorse, but do not really match when they come to Mayo or Ross River or other places. So, there needs to be more control delegated somehow to the local areas. Whether you get that by enlarging a municipal boundary to include a bigger area and putting more of that in their hands, which does not have anything to do with the electoral system for the Yukon at large, there are things that one could think of.

It would seem to me that, in looking at what the Yukon government might look like, that could be addressed, separate and apart from trying to worry about one man, one vote electoral boundaries. You do not violate that.

**Ms. Hayden:** There may be ways around that.

**Mr. Mehaffey:** I think there probably are ways around that, without violating that kind of principle.

**Ms. Hayden:** One of the things for me is a very real curiosity about what we could do to make the territory a place that is a good place for us all to live. For me, I see the claims process as part of that, and I see that something else needs to be developed at the same time, so that we understand how we can all benefit through the whole process. I do not know how that is going to happen.

These meetings and this report will just be one small step in that process.

**Mrs. Firth:** The concern you raised about the municipal controls and that is not really within the mandate of the committee that Joyce and I are on. Those kinds of decisions would probably be made at a political level and at the level when the government gets this report and decides what they are going to do with the information in it, whether they want to look at different forms of government, or what they decide

to do with respect to devolution and electoral boundaries, and all the rest of it.

We can bring forward the observation about the concern from the rural areas about electoral boundary redefinition.

Do you think other areas of Canada would object to us becoming a province, since we are now tied to the constitution, after Meech Lake falling apart, where seven provinces with 50 percent of the population have the say?

**Ms. Lindstrom:** Half of them do not even know where we are.

Would it help to get recognition? How much would we lose by becoming a province, in funding, or would we gain some funding?

**Ms. Hayden:** Under the process that now happens with the provinces, we would very obviously lose if we had the same process, because it is an equalization payment that is based on per capita income. The Yukon Territory has a very high per capita income, compared to Nova Scotia or Quebec. What happens now is we generate a small amount of income, and the rest of it is topped up by the feds to a certain level that is negotiated.

One presentation that was made suggested there was no reason why that kind of financial agreement could not continue to be negotiated.

**Ms. Ronaghan:** In a case like that, I think the other provinces probably would object to us being a province, if we were to get special consideration. If they realized how much less it was going to cost Canada if we were to become a province, they would say sure, become a province, quick.

**Mr. Martel:** Jump off the bridge.

**Mr. Lindstrom:** I think the economy of the Yukon is too low right now. It is not just the Yukon, it is world-wide.

**Ms. Hayden:** It is all over the country.

**Mr. Lindstrom:** Ten years ago, when three or four mines were going, with lots of placer miners and all that, that would have been the time to go. If you look at it today, and look back, maybe it was a good thing we did not. There was talk about it then. To me, we have been talking about it. It comes up in the news every once in a while. I feel that it is a poor time now. I do not know why.

**Mr. Martel:** Our population base is too small. It would never be a good time. You cannot forget that we live in a climate where you cannot work all year around. There are only a few places where you can work year-round here. Mayo cannot work year-round. It gets too cold in the winter time.

**Mr. Lindstrom:** We worked here year-round for years.

**Mr. Martel:** When it gets to 50 below, even your machinery breaks down. There is a point of temperature here that, logically, you cannot work. It is not like you were south. Even in Whitehorse, they could work year-round, because the temperatures are way warmer there than they are here or any other place, even Dawson or anywhere north.

So, you have a whole big section of the Yukon where it is only a summer-time job, almost.

**Mr. Lindstrom:** The mining industry goes all winter. ... freeze-ups and one thing and another that create more problems.

**Mr. Martel:** That all comes into cost. The mining industry, with everything going downhill, it is the cost all the

time. Here it is boom and bust. It has been like that ever since the Yukon has been around.

**Ms. Lindstrom:** Feast or famine.

**Mr. Martel:** That is right. Oil stove and wood stove: in good times, the oil stove; in bad times, the wood stove.

**Ms. Hayden:** The Yukon government's power is under the *Yukon Act*. Only because of a ministerial letter does the Legislature have the power to choose its own Cabinet and to make its own laws. By ministerial letter, I mean the Minister of Indian and Northern Affairs.

By the same token, those powers could be taken away by a letter. That is certain in theory. Whether that would really happen or not is a point. Does that trouble you at all? Do you think we should be attempting to establish or enshrine whatever authority we have in some kind of legislation, or does it matter?

**Ms. McGinty:** The feds have the ultimate authority anyway. They will take that away, too.

**Ms. Hayden:** The feds have the power, by an act of Parliament, to take away our elected Legislature. If it were enshrined in some kind of legislation, they could not.

**Ms. Ronaghan:** Are you suggesting amending the *Yukon Act*?

**Ms. Hayden:** I guess that is what it would be, an amendment. In 1982, as I understand it, was the last veto the Commissioner used. At that time, the Legislature attempted to pass an act setting out the powers of the Legislative Assembly. It was vetoed by the Commissioner.

**Mrs. Firth:** It was not passed by the federal government.

**Ms. Hayden:** In theory, they still have total control of the territory.

**Ms. Ronaghan:** Day to day life, dealing with the territorial or the federal government, there is not that much difference.

I cannot see any.

Not too long ago, the Yukon government gained control of the airports. Since that time, I have been told that really was not such a good idea. At least when it was Transport Canada, things got done. Now, things are not getting done.

**Ms. Hayden:** It makes you a little leary, does it not?

**Ms. Ronaghan:** Yes, it does.

**Mr. Lindstrom:** I am sure when the federal government wants to get rid of something, there is a reason behind it. They will give it to the States, but get rid of it. It makes no difference, although we do get handouts from the federal government.

**Mr. Martel:** There is another thing that might throw a big monkey wrench in this, and that is whatever Quebec is going to do.

**Ms. Hayden:** Good point.

**Mr. Martel:** That might cut a lot of our funding, depending on where they go. There is only so much money to go around the table.

**Ms. Lindstrom:** Even if they decided to separate, and they had more money, that does not mean to say we are going to get any more of the pie.

**Mrs. Firth:** We will probably get less. Everyone will have less.

**Ms. Lindstrom:** So will Quebec, because they are going to lose financially, because the big businesses are moving out.

**Mr. Martel:** The point there is that they do not care.

**Ms. Lindstrom:** Some do, some do not.

**Mr. Martel:** The point is that now you have a majority of the population, and they do not care any more. They want their own way. I think they are going to go, but I might be wrong. If they do go, then all of us are going to suffer. We are going to suffer the most here, because we are the smallest population. The federal government starts cutting up the pie, they are going to say, what do we have to lose up there. That is only one vote up there.

**Ms. Lindstrom:** Does the west not already subsidize the east, meaning Quebec?

**Ms. Hayden:** Ontario, B.C. and Alberta are the provinces that kick in the most equalization payments. Quebec receives some, and the Maritimes. Saskatchewan is pretty well even.

**Mr. Martel:** Before the oil thing, .. supporting the rest. Now, it is turned around, but that all started a long time ago. That is not something that just boiled over five minutes ago.

**Ms. Lindstrom:** No, it has been going on for a long time.

**Mr. Martel:** It has been going on for a long time. As much as we can talk about this now, we might have to sit back here a year from now and say, well, we have to go this way now because of whatever happened back there.

**Ms. Hayden:** It is interesting that you raised it, because someone raised almost the identical issue last night in Dawson City, that any discussion about this kind of thing could be premature, because we do not know what will happen, if Quebec goes, to the rest of Canada.

**Mr. Martel:** The thing is, even today, they were talking about the Spicer Commission and that Quebec already knows where it is going. The rest of Canada is just saying, maybe it will go, maybe it will not. Quebec knows where it is going. The rest of the people are kind of blasé about that. You do not find anybody blasé in Quebec.

**Ms. Lindstrom:** From what I heard on the news the other night, their party is pretty well split down the middle, too, as to whether they are going to or not.

**Mr. Martel:** Some people are trying to stop it now. The majority of the population wants to go. That is a big point. Now, you have politicians that say, let us slow down a bit, but the wave has already started, and it is going to be hard to stop that wave.

Being in the Yukon, it is going to affect us greatly. I suspect we are going to be the ones that are hit the hardest.

**Ms. Hayden:** Why is that?

**Mr. Martel:** Because of the money that will not be there. We all know that the Yukon is heavily subsidized.

**Ms. Hayden:** Although, in terms of what the provinces receive, it is probably nickels and dimes. Still, in terms of the population per capita, it is a lot.

**Mr. Martel:** That is right. I am pretty sure, living in Keno, it costs somebody somewhere to keep me up there, like keeping somebody here in Mayo, too, costs a lot of money. If the money is not there, what are you going to do? There are a lot of places in Newfoundland, because it is a province ... The federal government could push us into the position of being a province, then cut our funding. They could tell us, here is what the other guys get, and you get the same thing.

To me, I think it is too early to be discussing this. We should

be discussing what we should do if that happens, and try to find some kind of plan to find our way out of this.

**Mr. MacDonald:** Could I make a written submission to drop off to the Committee, unless you want to babysit my hockey players for a little while?

**Ms. Hayden:** Absolutely. Do you want to read it to us? They can come.

**Mr. MacDonald:** I have two copies here for each of you.

**Ms. Hayden:** You do not want to read it into the record?

**Mr. MacDonald:** It is a three page thing, so I would rather not.

**Ms. Hayden:** Thank you very much.

We will have this made part of the transcript, when it is being transcribed. Would you mind telling us what the premise is that you make in this?

**Mr. MacDonald:** In a capsule summary, I think we are a little early. There are too many changes going on in Canada right now. We have to deal with the question of Quebec. Being as one-quarter of our population here in the Yukon is aboriginal, and we still have not defined aboriginal self-government, once we do, in our constitution, that could directly affect anything that comes out of this Committee.

I think we are a little early. We should wait until Canada defines itself and, then, proceed as to how the Yukon is going to fit into the framework.

**Ms. Hayden:** Does anybody else have anything to comment on that? Does that fit with how other people are feeling?

**Mr. Lindstrom:** It is one of the issues. Nobody knows. A miner does not know what direction he can go in until everything is settled. Big game and everything is limited. Until the final signatures, nobody can say, we are going to do this for sure.

**Mrs. Firth:** Howard, do you want to read your submission into the record?

**Mr. MacDonald:** It took me about three hours to write it, and I do not think I can read it that fast.

**Ms. Hayden:** We will include it. We will give it to the people who are transcribing and make it part of the Mayo meeting.

**Mr. MacDonald:** One other comment I would make on that is that I think, whenever we do consider provincehood, I would almost like to see it being done as a national referendum, maybe part of a federal election. We will all know when it is time to become a province. If there is a big split, it is not going to happen but, if we are all in favour of it, we will go for it. Then, it will be up to the people here to explain to the rest of the country exactly why we want to be a province.

**Ms. Hayden:** So, you would like to see it as a national referendum?

**Mr. MacDonald:** I would. Once we have settled amongst ourselves that we want provincial status, then it should be a national referendum.

I am quite leary of leaving it in the hands of political and federal politicians, dealing in back rooms, with 10 or 20 people deciding our fate. I would rather have us talking to the people of Quebec, Ontario, the Maritimes, saying this is why we want to be a province, this is why we feel we can do it. Any province with a hidden agenda, and this has been floating around for 10 years about i.e. B.C., Saskatchewan, Alberta, whatever, they

would have to publicly state why they were against the Yukon becoming a province.

Doing it as a national referendum would be better.

**Ms. Hayden:** If, as you say, we will know, as Yukoners, when the time is ripe here, would you see that same kind of thing happening within the territory of a plebiscite or a referendum?

**Mr. MacDonald:** Yes, I think that would be the only way. People would have to speak up on whether they were happy with it.

**Ms. Hayden:** So that everyone has a chance to have their say.

**Mr. MacDonald:** I really cannot see it happening that quickly, because we are just not financially prepared for it. About 83 percent of our territorial budget is transfer payments and, until we get that figure down, it is impossible. Even that is in question. A lot of the territorial politicians are unhappy with the amount of transfer payments we have been receiving. The municipalities are unhappy with the amount of money they are receiving from the territorial government, and on it goes.

Until we do get some more economic stimulus in the Yukon, provincehood is a long way away.

**Mr. Martel:** What I would be afraid of is that, if the country does break up, the others pushing us to be a province. The rest of Canada does not know that we are heavily subsidized here. They do not know where the Yukon is but, once the pie gets smaller, they will try to find out where all the money is going. Then, they might want to push us to provincehood: pay your own way. We have our stuff to take care of here. That is my biggest concern if the country breaks up, is that we might be pushed into a corner, and they will tell us, fly now.

**Mr. MacDonald:** I do not think it is a foregone conclusion yet that the country is going to dismantle. We might be looking at a greatly redefined Canada, quite different from what we are aware of now. I think there is going to be a lot of thought put into this, especially by the people of Quebec and the people of Canada.

**Ms. Hayden:** We are just discussing whether Canada is going to come apart.

**Mr. Mehaffey:** Or whether Yukon should become part of Canada.

**Ms. Hayden:** On that note, are circumpolar ties important to us, ties with other northern regions, whether it is Alaska, Northwest Territories, Greenland, Russia, or any of the circumpolar countries?

**Mr. MacDonald:** I think they are very important, and not just from a cultural standpoint, but also from a trade standpoint. The world is rapidly evolving into trading blocks. We have the northwest trading block: British Columbia, Alaska, Washington, Oregon and Alberta. That could become a powerful trading block within the scope of world trade. Where do we fit in?

I do not think our Legislature is adequately addressing that. I think we should start. We cannot live off that 83 percent much longer. We are going to have to determine some other means, and that means is going to be trade, whether it is with Alaska, circumpolar countries, who is to say? In a way, some of it is

starting now. There are the tours in Siberia that David Locks and Bill Klassen are implementing. That is a start. It is things like that that we might have to start pushing.

Mr. Peter: I agree with Howard. I think it is probably some time where we have to look at the similarities between northern countries. In some instances, we may have more common issues or examples with other northern countries than we do with southern Canada. Specifically in Yukon's case, the Porcupine caribou is one good example of a common item between the Yukon and Alaska. Yukon salmon is another one. There are ongoing negotiations dealing with Yukon salmon. Those are things that make Yukon unique, compared to other parts of Canada. Probably because of their own evolution, southern Canada has relationships and arrangements with northern States, whereas the Yukon is just beginning to explore that whole relationship with Alaska. Those few things, from a community point of view, have a direct bearing. In Mayo's case, the salmon is one example. The Porcupine caribou may not be as great to Mayo as to Old Crow, but there are those kinds of things. The caribou do not recognize what jurisdiction it they are in.

You need to look at that kind of development of relationships between the Yukon and Alaska, and the Yukon and other northern countries. Our location makes us common in terms of the weather, different factors that we have to take into account, like the cost of bringing things into the Yukon. There are a lot of things that should be looked at in terms of circumpolar relationships.

From what I understand, that has begun, in terms of these meetings that have occurred over the years.

Ms. McGinty: As a delegate to the circumpolar health conference in Whitehorse, I was absolutely amazed not necessarily at the similarities, because I suspected such, but just exactly how close the similarities were as opposed to the differences. There were many more similarities than there were differences, specifically because it was a health conference. In the areas of community development and social development, and the building of people, and the fact that Canadians are really advanced in that area, as compared to another country. As compared to places like Sweden and Norway, we certainly are not as developed as we might be in the areas of social development in northern lands. It was very interesting and well worth attending.

Ms. Hayden: Are there any other issues? I think we have pretty well touched on them all.

Ms. Davies: I do not know if this falls into the area of things that your committee looks at, but I really question the practicality of having party politics in the territory on a territorial basis. Even though I am involved, to some extent, in it, I can see nationally the need for parties. I have a lot of difficulty, with the territory having such a small population base, at having a number of political parties.

I remember, years ago, you voted the best person for your area, and everybody sat in the Legislature and picked an executive and dealt with things of concern to the whole territory.

I do not know if that is an area that you look at in your constitutional development.

Ms. Hayden: Anything that people raise.

Ms. Davies: I do not know how it works in the NWT without the party politics, but I know how it was before. I am not saying it is not working well having parties. I just think the territory is very small, and that may not be the best way to approach things.

Mrs. Firth: The last discussion I had with some of the Members in the Northwest Territories, they were telling me that they would probably be running along party lines in the next election.

Ms. Ronaghan: I would agree with Sue. It would be different if common sense came into party politics. When one party thinks of it, that is great, and the other party is then absolutely against it, whether it is a good idea or not. That is what I say about common sense. It would be all right to have parties if they could agree once in a while, when something is good. They just so very seldom ever do. When the Legislature is in, there is too much petty bickering about things that are not important, whereas they should be talking about things that are good for the territory.

Ms. Davies: There are basic philosophical differences between the parties, but it seems that, in the end, even though one party might be in power and have very specific policy ideas, they are so influenced by any interest group, by any group that mobilizes itself politically and gets the media; even though they might say their stand is a certain way, in the end, they buckle under to all kinds of things and try to do what seems the best for everybody to keep everybody happy.

I do not really see people going really solid party lines.

Ms. Hayden: Do you think that did not happen before, when they were not labelled with parties?

Ms. Davies: I am sure that people cliqued off in groups of similar ideas and that. I think more like Howard was saying about a referendum vote. I think there should be more referendums in the territory on lots of things. It should be more of a participatory democracy, where people get involved and, if they do not have a vote or say anything, then it does not happen. If they really care about something, they make it happen. That really does not leave a lot of space for parties.

Ms. Hayden: How do other people feel about that, in terms of referendum voting?

Ms. McGinty: Lately, the whole concept of getting Yukon to voice their concern with all kinds of areas, like the education act and the economic development paper, have been positive, that people have been able to work together and say what they feel. That is a really good thing.

With the education act, or the child care act — those examples come to mind only because I was involved in them — people felt some success because what they said was at least considered. I am not sure that everybody's voice was heard when it came time to write the legislation, but at least people were made to feel heard. I think that is a good thing.

I agree with Sue. Participatory democracy means a lot of things. In my mind, it also gives a lot of responsibility to people. If you go full circle, it also means there is a responsibility for community development, people development and literacy, so that people are able to participate in an equal fashion.

As you know, 1990 was the year of literacy, and there were all kinds of articles written. One that comes to mind right now



was one written by Peter Gzowski, when he said, do we truly have a democracy when so many millions of people are illiterate in our country and are not able to read even a newspaper on which to make a decision on whether they did or did not support an issue. I think that simply saying participatory democracy is one thing; along with that comes a whole lot of other responsibilities on government.

**Mr. Martel:** There is one thing wrong about referendums. If you are a minority, you can get trampled on by the majority. That is one thing that is bad about that. Politicians can go with the wave but, once the vote is down and the majority speaks, if the majority wants to go against a certain minority, you have nothing to say. The majority says that is the way we go.

**Ms. Davies:** Lots of times, you vote for a politician because they say a certain line and, then after they get in, they are swayed by everything else, and you do not see the things they prioritized.

**Mr. Martel:** I know, but look at California. They had language laws. Once you put the vote down, the politician washes his hands of that. The people voted. If you are a minority in there, you suffer. That is one thing that is bad about it. That is why Quebec wanted to abolish the Senate. They do not want anybody to have a veto power. They wanted a veto power to protect their minority. People did not understand why. I did not understand until the end what the whole fuss was about. All of a sudden, I saw the light. I said, I see why they want that veto power, because they are a minority, and they want to protect that.

If you had referendums, but you put in a law that a minority could have veto power over the law, anything that would adversely affect them, it would be okay because you would not infringe on anybody's rights. As long as you do not infringe on anybody's rights.

**Ms. Lindstrom:** It is pretty hard to do, though, if one says yes, and the other one says, veto that, that is against my principles and rights, and the other guy says, but that is against my rights. So, the majority would have to have the rule.

**Mr. Martel:** The thing is when it becomes cultural. The majority vetoed the Indians. Culturally, we are the majority here.

**Ms. Lindstrom:** Statistically speaking, I do not know. Are you a minority?

**Ms. Hayden:** Yes, 19 percent of the Yukon Territory.

**Ms. Lindstrom:** I mean across Canada.

**Mr. Martel:** That is always the danger with a referendum. You have a bunch of guys who are allowed to wear turbans. If you had a referendum, they would never be able to wear a turban. Even though I would vote against it, I would say, maybe it is a good idea in the long run, because you become more ...

**Ms. Lindstrom:** Each person has to vote by their own heart. Do I feel this is right?

**Mr. Martel:** There again, this is why this country is so backward, because people do not understand that you cannot infringe on other people's rights. If this country would understand that, we would not have any problems at all.

**Ms. Lindstrom:** We would have world problems, then.

**Mr. Martel:** That is our only problem. That is why

Quebec said, you guys do not want to let us run our little plot of land like we want, we will go somewhere else.

**Ms. Ronaghan:** The problem is that, every time somebody stands up and says, I demand my rights, they are infringing on somebody else's, every time.

**Mr. Martel:** Not necessarily.

**Ms. Ronaghan:** Yes. You think about it. Every time somebody says, this is my right, he is not thinking about what it is doing to this person or that person. If I demand my rights here or there, chances are I am infringing on somebody else's.

**Ms. Lindstrom:** That is right. It is a two way edge.

**Ms. Ronaghan:** Along with rights come responsibilities.

**Ms. Hayden:** To bring it back, if we were to have a referendum on constitutional development in the territory, and this was where we started with this, that that would be the way to do it?

**Ms. Ronaghan:** I think that is the only way to do it.

**Ms. Lindstrom:** I think it is the way that is right.

**Mrs. Firth:** That is a common opinion we have heard. People want to be involved in that decision.

**Ms. Ronaghan:** The problem with committees like yours travelling around, how many people do you really talk to? We are what percentage of the people of Mayo? Committees actually talk to a very small percentage of people. Whereas, if you have a referendum, you might get 50 percent at least, if you are lucky.

**Ms. McGinty:** Forty percent would vote.

**Ms. Lindstrom:** That is 40 percent who are exercising their rights.

**Ms. McGinty:** That just confirms what I just talked about, and that was whether or not they are educationally, or whatever, prepared to accept their responsibility or role in society.

**Ms. Lindstrom:** We still have the same problem, the way it is now.

**Mr. Peter:** The point Vera raises is an important one. Before you can ask somebody to make a decision, at least try to inform or educate them on what it is they are deciding on. You need more than a one night with the two of you and a small handful of us, especially for something as important as the future political development of the Yukon, and that is what we are talking about.

**Ms. Hayden:** One of the things we have heard in every community is that people are saying, before we make any kind of decision about anything, we need to have more information, we need to know what it would cost us, we need to be better informed, whatever that may mean, in terms of how that is done.

**Mr. Peter:** Ideally, if we could have a situation where, after both of you leave Mayo, there is something here for the rest of Mayo to do while you are continuing on your travels, if it is some sort of educational program for the school, because it is really their future we are talking about, and something else that can perhaps be carried on other evenings, when people have more time to come out to meetings. Just so it is more than one night, and it is something that we, as Mayo people, can do after you have carried on down the road to other communities.

A repeat of something like this, for example, tonight you have 13 or 14 people. After a month of community discussion,



if we can call it that, you come back again and see how many people fill the room. That is almost some kind of an indicator of the sense of people, if you can go and multiply this by four times, obviously something is happening.

Mr. Martel: Is there going to be another committee? Is this the committee on the constitution, like Spicer is doing? No?

What do we do in 18 months? We are not even preparing ourselves for what the rest of the country is going to do. They have been saying all the time, get off your ass and move a bit, talk and let us know what you are going to do.

I thought this was going to be it. I thought this was the thing to see.

Ms. Hayden: An educational kind of thing?

Mr. Martel: Where the Yukon was going to head for.

Ms. Hayden: In many ways, that is part of the questions in the green paper.

Mr. Martel: We do not have any contingency plan if something goes wrong.

Ms. Hayden: What you are saying is, if we had a chart that says, if we went this way, this is what it would cost and, if we did that, that is what it would cost.

Mr. Martel: Yes, something to chew on, at least. You look at it and say, these are our options.

Ms. Lindstrom: You are looking for guarantees.

Mr. Martel: I am not looking for guarantees. I want to try to see what is going to happen. If things do go bad back east, it is going to affect us here. Somebody should be saying, this is what might happen, not that it is going to happen. At least, you have some kind of an idea.

Ms. Lindstrom: Everybody will have ulcers.

Ms. Hayden: If it does not, how will that affect us. I suspect that no one knows.

Mr. Peter: The other point, in any kind of constitutional development, is that it is not going to happen overnight.

Ms. Hayden: We are not talking this year or next year.

Mr. Peter: It took the provincial and federal government over 30 years just to agree on an amending formula. Here, we are starting from scratch.

Ms. Hayden: We are just the seed that gets planted.

Mr. Snider: It is an opportunity for the Yukon to be really positive about what we want. If we are reactive to what other people might do, God only knows. We must have a thousand possibilities, because nobody really knows. What has happened is one province has set an agenda, and everybody else has to somehow measure to that, where it is an opportunity for the Yukon to say something really positive.

I just came from the 10th anniversary of the Bishop's enthronement. When the Yukon had the first opportunity to choose its own bishop, we did a funny thing. We decided an election on the basis ... ecclesiastical province of British Columbia. We included agendas from the five dioceses in the ecclesiastical province. That is all five dioceses in British Columbia will be part of our election, which meant a third of the people in that election were from British Columbia. That was a way of being in contact with the rest of the church, at least in one of the four provinces in Canada in the church. We did that, and that was innovative as blazes. I was part of it, and it is funny when you look back. Nobody else had done that

ever before. When the Diocese of Toronto elects a bishop, they never ask anybody else from any other diocese to be part of that. If they wanted you to run, they would ask you, but they would never ask you to be part of it. So, it was an innovative thing.

Everybody started to write from smaller dioceses that had the same problem of being sort of isolated. They started to write to say, what is this about. We want to know about it; it is very interesting. We had an opportunity to do something to make our own statement that fits into the whole scheme of things. It is pretty hard to know where everybody else is going to go. The trick is, where are we going to go. We have enough dynamics to deal with in the Yukon and, if we could be really creative and have the fabric of the Yukon really pulling together, that might be a fair contribution to the national picture, without being radical.

We could say, we are going to go in arms and join Alaska, and that would really get lots of attention, more attention than participation at the Canada Winter Games.

Ms. Davies: We will use the Arctic Winter Games as the basis of our new constitution. Whomever gets to go to that can join this country here. We will just have it circumpolar.

Mr. Snider: That has been talked about before: if you join Alaska, or threaten that. That is about the mentality that is starting to exist at certain places. That is what I hear, anyway. I might misread it, but I think somebody sets the agenda, and everybody else is supposed to worry and scare and put more stuff on the table and say, will that satisfy, and all this kind of thing. The Yukon has an opportunity to be far more creative than that. We do not have that many people. I think it is interesting what we can say to the country. I do not think we can say anything new and startling, but if we work with the dynamics that we have, that is enough to keep people here entertained for a while, anyway. I think that would be a real contribution in the picture. That is the way it looks to me.

Ms. Hayden: We have previously heard people saying, we think that we are somewhat unique and we want to stay that way, and that is kind of what I am hearing you saying, is that we have an opportunity, if we have the creativity to put something different together.

Mr. Snider: At the environmental meeting we had the other day, there was a bit of discussion about rights and freedoms on the environmental act. Somehow, that is a very American way of approaching the subject. I do not know if it is politically dangerous for anybody to say there are responsibilities of Yukon citizens about the environment. Is that authoritarian? I wondered that at the time. Nobody brought it up, but I wondered. Do the citizens of the Yukon have a responsibility about the environment, not just rights or opportunities. That is not the right word. I think it is rights and freedoms.

You have to protect rights and freedoms, but it would be interesting to see if there were responsibilities. I do not know how you would do that without politically being oppressive. It seems to me that, if somebody is making a mess of things, is it just an individual telling on somebody? Is that all that is happening, or is it a citizen protecting the whole rights of the territory by reporting something?

It is like craftsmen in the workplace. Would a person be

protected if they assert the rights of the whole more common good. For a socialist government, I think it would be a dangerous kind of thing. I thought of that, but I did not bring it up at that time. I think it is something to think about, though. Are you really sticking your neck out too far? I think that is a pretty legitimate thing to look at. If everybody is riding on the train and protecting their own interests, like the average of everybody's protection of their own interest could mean the environment keeps going the way it has been going, and we end up fighting over a piece of cloth that evaporated because there was acid on it, we put it in water, and there was nothing left of it when it came.

It seems to me that the responsibility side of it should be an issue that is raised. If I understood Erik Nielsen all the time he was hammering away, he was talking about responsible government as a noun, and not a verb, but you have to bring both of them together, if I understood what he was talking about. I think he advanced that fairly eloquently to give people something to really think about.

**Mr. Hager:** I have quite a few concerns with this, myself. Being an Indian person, the constitution that means so much to us, as we are just now negotiating land claims, I have a fear of a constitution. We Indian people have fought quite a bit at First Ministers Conferences to try to be recognized in the constitution, which we had never been before. We had always been under the *Indian Act*. Now, we are catching on to what constitution means to us. So, we want to get involved in it. We are doing everything we can to be recognized as aboriginal people across Canada and have our own say to get our people in a strong society of First Nations right across Canada.

My biggest concern in this community is, how am I going to sell my self-government into a constitution if non-natives do not understand it? As Indian people, the Na-Cho Nayak Dun is working with the village council here. My biggest concern to them, that I brought out, was how do we really get people to recognize land claims here? How do we get the support of all non-native and native people to settle the land claim here in Mayo?

My biggest ... to them is we have one big joint community meeting here of all regions: Keno, Elsa, Stewart, all the head business and mining, as we did in 1983, when we brought our land claim to the table with the non-natives. That is the sort of thing we want to do now, and we want to get people to really understand self-government. That is where we would be coming in.

It is too bad that, too soon, you guys come along. If we had that meeting, I think you would clearly understand where we are coming from. I think we will have Albert coordinating the meeting that is going to take place probably April 27.

**Mr. Peter:** I think some time in April. We are trying to get the three party negotiators — federal, territorial and CYI chief negotiators — to attend, too. They are kind of bound by their schedule.

**Mr. Hager:** Ourselves, too, what Quebec is asking and the Indian people are asking another thing, too, and the government is really not in favour of aboriginal people across Canada. That is one of the things that the land claim would have to answer for. That is why we are negotiating land claims, to make sure we will be recognized in the constitution.

As I see you two coming up, what do you have here? What information do the people have? Some time along the line, like our MLA, look at where... some times. He gets elected and appointed to be a minister, then some time we do not see him around here. If the government knew this was so important, why do they not hire five people in this community. Cal does not have a job, and his wife. People who do not have a job need those kinds of jobs. Why do they not get these people out in the community to do this kind of a survey? If you come here, they would have an answer for you guys. There would probably be more people at this meeting.

**Ms. Lindstrom:** Instead of bringing in outside groups to do it, who leave again and have no impact.

**Mr. Hager:** The government always wants a big centre. Look at how big Ottawa is, and all the people working there. Whitehorse is like Ottawa to us. Everybody works there. They do the work there and then try to pump it to us at the community level, and people just shoot it down. It is just a waste of money. Look at the constitution. Ten years of working on it, and where did it get to? It is back to phase one again. How many billions of dollars have been spent on this constitution? The lawyers and consultants make lots of money, but how about us people?

**Mr. Snider:** Robert, did you think the whole national thing of self-government the First Nations were doing is what everybody should make a decision about, or were the First Nations of Yukon advancing that in the constitutional discussion of the Yukon?

**Mr. Hager:** We want to sell our package to the non-natives, and we want to educate them. We also need education for non-natives, also. We have to fit something in right here, somewhere along the line, for Indian people to be recognized in the constitution. Right now, the Prime Minister can take a vote and throw the *Indian Act* out tomorrow but, if we get recognized in the constitution, that will never be. We will not have to worry about that year after year.

**Mr. Snider:** Would a creative approach to the Yukon constitution meet part of that objective?

**Ms. Hayden:** Not for Indian people.

**Ms. Lindstrom:** I favour the natives' point, because I believe they have their rights and they should be recognized.

**Ms. Hayden:** Absolutely. I do not argue with that.

**Mr. Martel:** It is deeper than that. You go on one small point, but it is way bigger than just self-government. That is only the tip of the iceberg. It is the same thing with Quebec. They focus on one little point, but it is just the tip of the iceberg.

**Ms. Lindstrom:** I realize it is just the tip of the iceberg but, as the First Nations were here, they invited us to come and live with them.

**Mr. Martel:** The French say the same about the English. That is a common starting point for any discussion.

**Ms. Lindstrom:** I realize that. I was raised French.

**Mr. Snider:** Has there not been 20 years of discussion in the Yukon about the relations of native and Caucasian people? I think a lot of water has gone under the bridge, and probably a lot of lost opportunities, but I think a whole lot of people have done a lot of sweating though, trying to figure out what this whole deal involves, without a lot of good information. I sense there has been a lot of growth from where it started when we

first heard about it.

The first thing I ever heard was in 1968, when they said, it will take about nine months to get this all settled. We were down to pretty simple things that are really of no import that were the fighting issues. For example, somebody in the Klondike Valley was going to level out the tailings piles and plant grass. That was really a big deal. There were far more important issues in land claims than that. Is that not the opportunity that is there now for Yukon people to really look at it?

I think that should be our statement to the nation. In Quebec, you have the government pouring tremendous resources in to get a yes vote, to getting hydro extended in northern Quebec and sending water to the New England States. I think there is going to be a lot of twisting of arms. In the Yukon, the proportion is far better. There has been far more exposure to some of the aspirations, so there is probably more understanding.

We showed a video in the church for visitors about the rationale about land claims. It would be good if all people were fairly conversant with that and exposed to it, not with just heat, but with light. That is part of the discussion that Robert is talking about. Self-government is just like a balloon in the sky for me, and I do not exactly know what that means. I would love to hear what different people say about it, and if everybody agrees. Do you know what I mean? I am not being sarcastic, but that is just the way. I heard an Indian minister once and I said, when the missionaries come, what do they talk about? This was in the 1910s and 1920s. He said, they teach you about the Bible. I said, what do they tell you about what is going on? He said, some minister had a picture in the Bible of a balloon, and some white guys were supposed to be travelling through the country in this thing. What did they say about that thing? They said if we saw it, do not shoot it.

We have to develop some sensitivity to where people are. If a small community in the Yukon cannot do it, I do not think the nation will do it. That is my guess, because there is too much estrangement. I think we have a lot of that in the Yukon, but we have a lot of possibility that people have had exposure for a long period of time. If we have not gained any ground in 20 years, I do not think we will make it. We are at a good time for people to be rational, to be exposed, to be considerate, and to say, how can we work a legitimate thing out?

I think it is a good opportunity, if we do not blow it. There is no way I figure the Yukon is going to wag the whole nation but, if we made our contribution, it might be something that really started to be really good here. Different from the Northwest Territories, because the proportion is different, but the exposure is a different kind of exposure and a different kind of experience, and that has something to say for it, too.

If the First Nations people can have a really good crack at it, and people will listen, you are going to have rednecks and racists, and you have to live with that. The effort is worth it, and something good might come.

Mr. Hager: Also, it is almost like I keep after the government for an information officer for the non-natives here. What do the non-natives get for information in this community? There is nothing. The chief negotiator comes up here and has meetings similar to this every time we are negotiating. That is the only information non-natives get here. Our session is open

to anybody, as we are negotiating along. That is the only information we can give out to the people.

Even myself, I get criticism for not giving out enough information and living here. It is just lack of funding and resources. We would surely like to get people involved in what is going on. It is a government responsibility. People from Keno, Elsa, and Stewart should be represented. The government is not pumping out money to get these people out to the negotiations table. Land claims is part of the constitution, for sure.

Ms. Davies: As I said at the beginning, I do not think we can start looking at all at the Yukon in terms of all of Canada until we look at what has happened with land claims and what kind of a social order or system we have here. I think people have to realize there are going to be changes. You cannot negotiate a land claim of this magnitude for so long, and just be expecting it is going to somehow fit in to the nice system that is already there. Now, let us start looking at the federal agreement. It cannot. People will be really disappointed if it is some piecemeal little thing.

Ms. Hayden: I would be very surprised if that is what they think.

Mr. Hager: Even ... said you are going to explode, not only for Indian people here. As we look at it, it is also going to explode for non-natives. That is why we are jointly negotiating the whole thing, not only as a native people.

Mr. Snider: If it worked, it would be to everybody's benefit. I think that is the key.

Mr. Hager: That is why we want to get an answer by the community meeting we want to have. This is where my fear comes in. Is it going to be favourable to everybody? If it is not, then we have to take different routes, just go and ... native land claim itself. That is something we have to get answered at that meeting. Maybe the first meeting would do it, or the second or third meeting.

Mr. Snider: I think the biggest thing to fear is fear. If everybody holds back and nobody talks to anybody else, everybody can guess what everybody else thinks, and everybody could be an expert on what everybody else thinks. You do not really know until you test it and work it out. I think the population of the territory is small enough to really have a good crack at that.

Ms. Hayden: So, what you are saying is that it is an advantage to have a small population?

Mr. Snider: Yes, we have to live with all the ramifications but, if we do not make it here, I do not see that a province like Ontario, British Columbia, Quebec, all kinds of places, although I think New Brunswick might, with aboriginal and Caucasian people, I would not guarantee they are going to jump for what Robert or Albert says, but the possibility is there. There has been enough exposure over enough period of time that some of their fears might be worked out, and they see some of the things that are possible, and some of the structures. I think I could be as schizophrenic as anybody. You might be a redneck person and fear, like the first things you heard in 1968 when the whole thing started, what this is going to do, and people said there was going to be apartheid, and on we go. Everybody plays on all kinds of fear, but there are all kinds of opportunity now with things getting worked out.

My guess is there is a fair bit of support for the aboriginal people getting their thing under control. It would clear the deck and change the rules, and people would know where they stand. That was the argument I heard Erik Nielsen advancing right at the start of it. You thought that he was going to build a mine or something, but he was talking that everybody would know the rules.

If a mining company wanted to do something, they would know who they had to deal with. It is not like B.C. I might be wrong, but it seems to me that the provincial government keeps selling native people's resources underneath the table, earning revenue. At the same time, they do not accept any responsibility in a meaningful way of trying to solve the problem. I do not think that is going to work here, because I do not think we have those kinds of resources ... for that period of time. I think you actually have to get people working together, somehow. I think the time is right around now.

I might be wrong. Advance something like that, and everybody might hate you, but I would not mind to say it. I think that is what has to happen. I cannot see any other way.

Ms. Lindstrom: I think there has to be priorities, instead of having all these different irons in the fire. There are too many things going, and everybody gets bogged down with too much information.

Mr. Snider: That is why I do not think it would solve the national thing but, in the territory, we might be able to work on a fairly creative possibility and say, let us try to do our thing relatively well, instead of going off on an extreme. The extreme things will get you publicity, and you might scare somebody, like we might end up getting bombed by the States, or something.

I think a really positive thing is taking on the public relations, and that is where you tell your story, and somebody else, and put that whole thing into a mix. I think that could be really interesting.

Ms. Lindstrom: Do you mean like hit the national news saying, Alaska Highway celebrations closed due to negotiations?

Mr. Snider: Yes. I do not favour that, but I am sure some people will always try a stunt to get publicity, and I think that is not going to serve in the long term interests of this territory.

Ms. Hayden: Shall we wrap it up? I thank you all very much for coming.

*Adjourned at 9:15 p.m.*





**Yukon Legislative Assembly**  
**27th Legislature**

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Band Office, Pelly Crossing  
Thursday, March 7, 1991 — 2:30 p.m.**



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## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

### **MEMBERS OF THE SELECT COMMITTEE**

Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

### **STAFF**

Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

### **PARTICIPANTS**

**at the Pelly Crossing Meeting of March 7, 1991**

Alfred, Emma	Joe, Danny (MLA)	Roberts, Bessie
Alfred, Kathy	Joe, Julia	Schell, Ernestine
Anderson, Elizabeth	Joe, Laura	Schell, Cliff
Baker, Charlene A.	Joe, Lois	Silverfox, Mona
Baumgartner, Diane	Joe, Shirley	Thorpe, Kathleen
Blondin, Bertha	Johnson, Milly E.	Tom Tom, Jane
Boudrau, Glen	Kisul-Pennell, Babs	Van Bibber, George
Boudreau, Janie Lee	Luke, Elmer	Van Bibber, Pat
Harper, Jim	McGinty, Harry	Williams, Al
Hesleer, Roberta	McGinty, Mary	

## PELTY CROSSING, YUKON

March 7, 1991 — 2:30 p.m.

**Mr. Joe:** First of all, I would like to introduce Bea Firth and Joyce Hayden of the constitutional committee. You might have some questions you want to ask, and feel free to ask any question you want. This is your meeting, whatever you want to do. They give us so much time, so I do not want to waste too much time standing here and talking to you. I will turn the table over to the committee, Joyce and Bea.

**Ms. Hayden:** Thank you, Danny. As Danny said, I am Joyce Hayden, and this is Bea Firth. Along with Danny, we are Members of the Yukon Legislative Assembly. Last year, the Legislature appointed Bea and I to travel around the territory to every constituency to ask people what their thoughts, opinions and feelings are about where the Yukon is going, in terms of constitutional development. Does it want to become a province? Are we happy the way we are? Is it important that we look at developing some kind of constitution?

First of all, before we get into it, I want to say thank you to Bertha for giving us time. That is really nice. Thank you to all of you for giving us the time to tell you a little bit about it and to hear some of your thoughts.

Missy and Patrick, who are the staff with us, have asked if you would not mind giving your name when you make some comment or question, because they are not going to be able to keep track of who everyone is. We will be reporting back to the Legislature in the spring, after we have gone to every community. In order to report accurately, and to get it right, we are going to tape everything. To do that report, they need to know who is speaking.

We will be sending copies of the report back out to your band office, and it will be available to you. You will be able to see what other people from other communities do, as well.

This is our second week. We have been up the North Highway, and we went to Dawson and Mayo, and we are going to Carmacks tonight.

Quite honestly, on people's list of priorities of provincehood or where we are in relation to the federal government, it is not exactly really high when you are thinking about day-to-day needs and priorities. It is important in terms of long range planning in looking at what the Yukon is going to be like in the future for you and for your children and for your children's children. I know that a lot of that is what your people are doing in terms of land claims.

What is happening with this committee is we are trying in some way to do some of that planning beside you.

I would go to the questions, unless Bea has something she would like to say.

**Mrs. Firth:** I just want to welcome everyone. This is the biggest turnout we have had. When we go back to Whitehorse, we will say all the people in Pelly Crossing were at the meeting. In Whitehorse, we had five or six people at the meeting. I want to welcome everyone and tell you how pleased we are that you all took the extra time to stay and participate in this meeting.

**Ms. Hayden:** The other thing I should check out is how

much time we have.

**Ms. Blondin:** We will see how interested people are.

**Ms. Hayden:** Okay, you can give me some kind of feedback.

The first kind of question that we ask people is, do you have opinions about how the whole of the Yukon goes in relation to the rest of Canada? Should the government be pushing to become a province like any of the other provinces, or should we stay just as we are, or should we be looking for something in between? We do not quite know what that something in between is.

**Mr. Schell:** I would like to ask some questions. Why would we want to become a province? What would happen to us? What would we lose? What would we gain?

**Ms. Hayden:** I do not have all the answers to that. Just to give you a quick summary, the way we are now, we negotiate funding through a funding formula. We negotiate how much money we get from Ottawa, and we sign an agreement. Provinces work on an equalization payment. For example, Newfoundland gets 43 percent of their money from the federal government. We get 60 percent or more of our funding from the federal government.

I have to answer your question with a question. The question is, are there enough resources in the territory, and enough people, and enough of a tax base, to be a province, or are we better off staying with the funding formula that we have, or should we try to negotiate a funding formula?

We are not here to push provincehood. We are just testing the water a little bit to see what people think and feel.

**Mr. Schell:** Of this 60-some percent that we get, as opposed to 40-some percent an eastern province gets, what do you mean by the funding that we get? The money that we put into the country, and then you get 60 percent of that back?

**Ms. Hayden:** No. Say we have a \$100 budget. Sixty plus of those dollars come from the federal government. It varies. If we were a province, it is hard to say how much would come. We could end up being a poor province. On the other hand, some people believe that there are lots of minerals and things here and we might be a rich province, but it is that proportion of our budget that comes directly from the federal government.

**Mr. Schell:** Ultimately, who would or could decide if we become a province?

**Ms. Hayden:** Right now, the federal government and seven provinces that have at least 50 percent of the population. It is called the "7 and 50" formula. It would be the federal government and those seven provinces that decide. If Meech Lake had gone ahead, it would have had to have been all 10 provinces, but it did not.

**Mrs. Firth:** To answer your question about what we do not have compared to what the provinces have, right now, as a territory, we do not have control of our natural resources. The territorial government does not have control of all the land, or the rights to that land, such as the Indian people are looking for in their land claim settlement. We, as Yukoners, do not have those controls, whereas provinces do. Some of them may have an arrangement with the federal government so they have full control and get all the revenues, or not.

As well, we do not have control over our health services yet, and some judicial matters. We do not have an attorney



general's office. We do not have our own constitution here in the Yukon that says our Cabinet is protected and cannot be dismissed by the Minister of Indian Affairs; our Premier calls himself Premier, but we are not recognized as him being a full Premier, because we are not a province.

Those are the kinds of things we do not have that other provinces do. Whether we could be self-sufficient or not, if we had control of all those lands and moneys, whether we could generate enough revenue to support ourselves, or whether we would continually be dependent on the federal government to give us money is a question that has to be examined. People are asking us about that, whether we would be able to support ourselves.

**Mr. Williams:** As a native person, we are always constantly negotiating. If you become a province, are your powers broadened, and would someone ultimately be able to make a decision, or would it still be in a position where you are still passing the buck on to your Premier or to the Department of Indian Affairs, or whatever?

I find right now that the system is so overwhelmed that we do not know who we are dealing with. In a provincial structure, would there be more control, or would it be as is?

**Ms. Hayden:** There would certainly be some more control, because the territorial government would not be responsible to the Department of Indian and Northern Affairs, like it is now although, in the provinces, there is still land claims and, as I understand it, they are still with the federal government. We would have responsibility for our northern affairs, but the federal government would still have the responsibility for Indian people.

**Mrs. Firth:** On the question of control, the control would be here at the local government level, as opposed to Ottawa. For instance, for health services, you would not have to be dependent on the federal government closing down a health facility or hiring more staff or building a nursing station or something. It would all be at the local level, at the YTG level.

**Ms. Hayden:** The other side of that, and it is not cut and dried, is that we are slowly negotiating all that authority as it is. We are negotiating the health transfer now. So, what would be the next one we should go after? I do not know, perhaps land and resources.

**Mr. Williams:** To me, the problem that is inherent in that system is one, you have no constitution, therefore you have no sense of direction. You do not even know where you are going, because the people you are serving, it is whomever is in power is the one who directs and guides those people.

That is contrary to the native lifestyle. What happens is what is happening here in Pelly is a great concern to people in Pelly, but it does not affect Whitehorse, but Whitehorse has the numbers and, ultimately, has the power.

To have a constitution that recognizes not on a ... we get caught in a numbers game. We do not have the numbers of native people. Right now, the way the act is going to be read under the child ..., there was a stipulation there that there was going to be 1,000 per. How many communities? This community does not have a dozen people. We can bring everybody in from the next community, and we still would not be able to qualify for those services.

**Ms. Hayden:** That has to do with funding-sharing by

Ottawa, and that would not change with provincehood. It is part of the federal requirement for cost-sharing, a 50-50 percent sharing of costs of those kinds of programs.

I agree that it is really unrealistic.

**Mr. Williams:** The question for me is, under which process would my voice be heard? I do not know whether I would have a stronger voice in a provincial process or in a territorial process. If all we are doing is changing names from being a territory to a province, and there is no difference in the quality of services in my lifestyle, then what effect is it going to have?

I would like to know what the ultimate effects are. What are the benefits for myself here in Pelly to be a province?

**Ms. Hayden:** Bea, you have talked about provincehood.

**Mrs. Firth:** The thing is that you only have as much control as you can lobby at the political level. If we have provincial status here, compared to territorial status, your control or lobbying powers, politically, probably would not change a lot, because you have the ability to go into the territorial government and ask for their assistance. You would have that ability provincially.

Where the problem comes is how much power the government you are lobbying has, and how much control they have. If it was a province, and they had control over the lands, your position may be stronger. It may not, depending on the political environment of the day. It is difficult to say whether you would have more control or power as an individual or the whole Pelly band between province or territory. What it does is it gives us, as a whole territory, more control over our own destiny. If you have provincial status, you have control over your own resources.

The government is now negotiating, and we are going through this devolution process so that more responsibilities are turned over to the territorial government. Every time more responsibilities are turned over to the territorial government, then they make the decisions about how things are going to develop in the territory, and you have an ability to influence those decisions.

You can drive right to Whitehorse, or you can sit here and say, you come here, I have to talk to you, and they can come and talk to you. Not only do they have the ability to come here and talk to you, but if they have the control, then that control can be passed on to you. I think that is about the best way to describe it.

I think your concern is the numbers game where Whitehorse makes all the decision because they have the numbers. You do not have the numbers here in the communities. Is that the concern?

**Mr. Williams:** Let us use an example. Let us say we want to improve the roads between here and Whitehorse. There are a lot of hazards involved in this. Number one, when you have vehicles and heavy use by the mining industry, where they have their vehicles, those roads are very hazardous. The thing that invariably happens is that they get brushed aside, because not very many people are voicing that, yet it affects this whole field. Then, they say, just because we sacrifice one small community for the betterment of the majority. I am saying, is that a better process? To me, no.

**Ms. Hayden:** Probably not. It is probably not different in

terms of provincehood or a territory. A territory already has the responsibility for this.

**Mr. Williams:** Then, to me as a member of the community, it would be far more beneficial working within a system where I know I can get something done to where I can sit here and say, I know who to go to.

**Mrs. Firth:** That would be to look at the positive and negative columns of provincial status. You could put that on the positive side.

Another example I can give you is the airports. If there was an airport that people had concerns about, you did not know whether you have to go to the federal government or YTG, now all that is controlled by YTG. So, you know who to go to to get something done. It would be the same circumstance with the highways or roads. You can go to the territorial government as an individual to make your case.

**Mr. Williams:** Like I say, the numbers game always comes down. The mining industry has the bucks. They can do the lobbying; they can do all this. Is there much difference? To me, the ultimate question is, what is really the difference between provincial and territorial?

**Ms. Hayden:** Regardless of whether you are a province or a territory, some of the acts and legislation is federal, unless it changes, even with the provinces. You are quite right. You have very small numbers, and it is the same for your community in relation to Whitehorse as it is for the Yukon in relation to the rest of Canada. We do not have large numbers, and it is very hard to make ourselves heard and to get the things that are important for the territory. I understand what you are saying; I do not know the solution.

**Ms. Boudrau:** After having lived in two different types of government, one being provincial and currently territorial, it is my concern that, ultimately, I do not think we have a lot of control over the decision-making process, regardless of whether it is a province, a territory or the federal government. Decisions are being made that affect all our lives that people, whether we are First Nations people or non-First Nations people, that negatively affect our lives.

I think we are fooling ourselves to think that we have a great deal of effect or impact on any of that decision-making process. The only time we might have that opportunity is at the time when we are voting a new government in. Otherwise, we leave that decision up to the government, whomever it may be. Time and time again, we see examples of where those decisions are not sound judgment. They are as long as that wall, even in the last 12 months.

So, I have concerns with this whole constitutional exercise. As a person in Canada, I do not feel that I have a voice as to what is going to happen. Somebody else is going to make that decision, and that has been the process. I think the First Nations people have seen this traditionally over the years, and they are not prepared to deal with it any longer, and that is the whole issue of land claims.

**Ms. Hayden:** That is the issue of empowerment of people, of communities.

**Ms. Boudrau:** In Nova Scotia, where I came from, it is an old boy system. If you are not on the right side of the fence, or whatever, you cannot get appointed, you are not heard. If you register your concern, then you are ostracized in the

community. That is the way it is.

**Ms. Hayden:** I certainly hope it does not work like that here.

**Mrs. Firth:** That is a frustration a lot of the public is expressing. The Spicer Commission found that out, when they were going around talking to Canadians all around the country. They are expressing that same kind of frustration.

**Mr. Boudrau:** How come we are asked our opinion on something that we have no control over because of the numbers game? They did not ask us the question, or send a committee around, on the question of whether we think the GST is viable or not, something that directly affects the private person? We were not asked our opinion on that.

On something that we have no say over, then we are asked our opinion. I have a problem with that.

**Ms. Hayden:** I can hear what you are saying. The GST is federal, and I do not have any control over that, either, nor do any of us.

I can only say, in terms of this committee, again, is what I have said before. We are talking about long range planning on where the territory should go some day. I do not know, but perhaps we do not do enough of that long range planning. I know the claims process is doing that. Perhaps as government we have not always done that, just looked from election to election. I think this process is part of that, and it does not seem like anything that is very important, but it might be very important 50 or 75 years from now to our grandchildren, to be able to be a part of Canada, or something else. Perhaps circum-polar ties are important to people, and that is one of the questions we have. Is it important to have ties with other northern parts of the world?

**Ms. Blondin:** As you know, I am not from the Yukon, but I am from the Northwest Territories. In the Northwest Territories, we look at the health system they have transferred to the territorial government. The old people always believe that, when we are looking at treaty rights, the treaty is the number one priority in our life, but everybody seems to be stepping off that boundary of our treaties.

So, we now look at land claims to implement the treaty rights as a strong thing in our land claims. One of the problems we are seeing is that we did take the health transfer into the territorial government. It did not get better; it got worse, because people were not trained. If the community nurses did not like the way the territorial contract worked, they were not accepting it. There were not enough training dollars to train our people to get into these medical fields.

So, when we look at our health transfer today, we are changing that, because we are going into regional type of land claims now. We are saying we want to take control of all treaty rights. That means the health transfer and everything. We want to take control of it so we, as people, can be strong and be able to look after these things ourself. That is the only way the people can meet their own needs.

No matter how much you talk about constitution, no matter if you talk about any of those things, even the territorial governments, the number that is involved in this constitution, the treaty people will never be able to benefit as long as other people take control of their lives.

Even if you decide not to go under a territorial government

any longer and go into provincehood, even if you still stay as a territorial government, look at B.C. They are going to come up here and take over the Yukon. There are 10 people across the province who have control of Canada. Those are the people who give the Prime Minister the decisions of what is happening in Canada. That is wrong. We have lived with this for long enough.

This is why we are working so hard to build ourself, to be able to look at these things that are important to us. I would ask you how long would it be before this is implemented into the constitution? How long of a time do we have as a community to sit down as a group to work on our own constitution? Would people look at that? Would the territorial government look at that and say, yes, if it is what the people want, can we work with it? Could the people have that for themselves, in their own communities?

I really feel strongly that that is the way it should go. This is why the Meech Lake did not work, because there was nothing that had to do with self-government for the people. We really believe that is how we lived all our lives before anyone came into our life. We self-governed ourselves so well that we kept everything clean. We did not look at dollar signs, like you do. We looked at the wealth of what we have. This is what we are afraid of. To me, if we had another year, we could work with this really well. We could look at our land claims and work with it really well, so it would be strong, so that our people, in the future, will be able to control their own lives. All the treaty things that are out there and belong to the people should go to the people, and there should be control by the people.

It is very important to us. We want to be able to feel healthy, to feel good, so our wellness would be the first priority, not the dollar sign, not to be able to control people. No. To be able to control our own lives. *[Applause]*

Mr. Joe: Yukon become a province? I doubt very much. That Yukon is ready to become a province yet. I do not think we are ready for it. Right now, we have people who are working together with the territorial government and the federal government. Maybe if they start working well together ... our land claim with the Government of the Yukon and the federal government. I think things are going pretty good so far. That is why I do not believe the Yukon should become a province.

I would like to hear more from the people, to be recognized ... constitutional change. ... native people in the past ... your culture or your ... or things like that. Now, today, we are working on a ... that says ... constitution and that those kinds of things should be recognized. I think my chief has more to say to this.

Mr. Van Bibber: We talked self-government. Bertha hit on it. Through this constitutional development, it has to come from the people, and the people are community: number crunching.

We have to have the time, we have to have the resources. You come through with this constitution paper you gave us. I do not know. Bureaucrats obviously made it up, whether it is YTG or whomever. We do not get a chance for input into that. We want the chance. We want to have the chance to develop our own constitution here and institute it into whatever your

bureaucrats are doing for you, but we have to take a priority, whether it be language or whatever it is going to be. We have to have priority. We have to have the time. We are negotiating land claims right now. This thing is coming a bit fast for us. You are transferring health over. We are trying to keep up. Again, Bertha hit on it with the problem they had in the Territories. They had major problems over there.

You guys are going to have it here if you do not come down to the community, give it time, work these things through. As far as government, we have to have some sort of representation. We have now in your Legislature and in the government, and some sort of guaranteed representation, is our feeling. We want, in the Yukon, a native language to be our second language, not French. I could go on and on about what can be done and what has to be done.

This is coming from the First Nation, and it has to be done at the community. I realize that you are a non-First Nation person. Whether you live in Mayo or Dawson, it has to come from the community. The day of the bureaucrats making decisions for us is over. We do not want to see that any more.

We would like to work with bureaucrats. We would like to work with you guys, as politicians. We do not have a problem with that. We have a problem when you guys run out ahead of us. That is one area I would like to touch on.

If we do go to provincehood, there are 30,000 people in the Yukon. We have no tax base. It is too obvious. You are looking at a difference of, I heard, 43 to 60 million difference, province as territory. That is a lot of money for 30,000 people. We are not ready for it. There is no way.

I think we are too small for party politics. A lot of the bands know the bitterness that elected representatives can have. We are talking about going back to traditional type governments now. A couple of First Nations have already done it, and we are probably looking at it through our constitution, but I say, you guys have to give us the time. This green paper is way too early. It is too far ahead for the people up here. I think it is too far ahead for you guys, too. *[Applause]*

Ms. Hayden: Thank you. I think we hear you very clearly, and we have heard it in other places, that this is much too soon, go carefully, be very careful, give us time, we would like to keep the good things that we have and build on them. Those are the kinds of things we are hearing. You are just saying it more eloquently.

Mr. Van Bibber: You have devolution coming down now, and devolution is a form of self-government. We want to see devolution here at the community level and take that control away from the Whitehorse area.

Mrs. Flrth: I think the message we are getting from Pelly is stronger than the message we have received from any of the other communities. Other communities have been saying they want land claims settled first, then look at provincial status. We do not want to rule out our options of having provincial status but, if I hear the concerns correctly here, and tell me if I am not, you think it is too early to even be discussing this, that there are more important things, like community involvement, and your situations that you would rather be discussing, before we even begin discussing this. Am I hearing that correctly?

Mr. Van Bibber: Yes.

**Mrs. Firth:** That is a different message, and we would like to take that message back to the Legislature and tell them that this community has a different message than all the others.

**Mr. Van Bibber:** It is a case of bureaucrats not controlling us any longer.

**Ms. Alfred:** I, too, am against turning into a province for the Yukon. For myself, I find it difficult because I see government taking control in so many areas, and we are tired of it. It is about time we have our say. We want to do what the Pelly people want. We do not want any government running around telling us what to do. It is about time we take full control over our community. We do not like people doing things behind our back and pushing it ahead without even telling us.

Look at this taxation that has been going on and is happening now. Look at where it is affecting us. Look at how it is affecting us. In the past, it has been hurting us, but what can we do? It is already done. These things are happening, and we are tired of being pushed around by the government. We want to wait and see what is going on first with the constitution.

Are we going to be in the media?

**Ms. Hayden:** No, this is just for us.

**Mrs. Firth:** They would like to just clarify that, because they are very uncomfortable with all this.

**Ms. Hayden:** That is the way it has to be.

**Mrs. Firth:** Joyce and I were chosen by all the Members of the Legislature to come and do this. In order that we give an accurate report when we go back, for example, we do not want people saying, people of Pelly did not say that to you, we want to be able to say yes, they did say that to us, and this is how these people feel. We want to have it recorded so that, when we give our report, the information in the report is accurate and reflects the voice that you just raised. None of this is going to be given to the media. The only thing that will be made public is the final report that Joyce, myself, and our two Clerks help us write up, and Joyce and I will table that in the Legislature. Joyce will, as the chair person of the committee.

Then, all the Members of the Legislature will read it. The media will have copies of it, and copies will be sent to you in Pelly.

**Ms. Hayden:** What you are saying will be typed up.

**Ms. Alfred:** I want to know who wrote this up.

**Ms. Hayden:** This was prepared by the government.

**Mrs. Firth:** It was by the present territorial government.

**Ms. Alfred:** Did you get any input from communities?

**Ms. Hayden:** I expect they did, but we will ask that question and make that point.

**Mr. Van Bibber:** ... should we have the constitution and provincehood and all that. I think it conflicts with our constitution on our traditional lands, and which one would be the higher?

**Ms. Hayden:** As I understand, and you are more expert at it than I am, you are making your constitution, your agreement with the federal government, and that is first.

My guess, from what we have heard, and you have said it very clearly, our report will say, and the government will certainly listen, that people do not want to take it any further right now. So, nothing more will happen on this, I would guess, at the present time. That would be my feeling, although our

job is only to take it back to the Legislature. We are all part of that process. Things have to fit together.

I am sure this will not go much further. We have heard that clearly, and much more clearly today, that it is too soon.

**Ms. Boudrau:** A fine example of the things that are being discussed here is the scheduling of this hearing in the first place. I do not think a community like Whitehorse should dictate right across the board the scheduling in the territory. I do not know of anybody who was contacted here as to whether this was going to be appropriate today. ... something else for a community that is very actively involved in it.

**Ms. Hayden:** The calls were made in December about the initial arrangements. I feel badly that we are conflicting with what you have going. I know the specific person who was called here, and we juggled our schedule several times to fit with communities. So, no, it was not set hard and fast. We understood it was at the community's convenience that we were coming, and we do feel some concern that we are conflicting, but we did ask.

**Mr. Harper:** I am a bit concerned about the comment you just made that we will not take this any further. I do not think that is the message you are getting at all. It is certainly not the message I have heard.

In my mind, this really raises questions. One is the question of what should the relationship of all Yukoners be with Ottawa and the other provinces? The answer that is proposed is provincehood, which is a model that was developed 130 years ago, not by anyone who lived in the Yukon.

The other question is the relationship between Yukon people. That is another part of the constitution. Constitutions are about the relationships between people. My message to you is that I agree with what Pat and Bertha had to say. Marching into a model 130 years old, as your first priority, seems to me to be inappropriate. The real place to make the work happen is the relationship inside Yukon. That is where the land claim settlement negotiations come in. I think your paper incorrectly suggests that self-government arrangements are not part of the constitutional fabric of the Yukon. They are very much. There is federal power moving every day, whether it is under self-government negotiations, or under negotiations with Piers McDonald or whomever is representing Yukon. The power is moving every day.

My concern, and I think the message you are getting from Pelly, is that it move in a way and on a timetable that belongs to the Yukon, where the groundwork is already laid amongst the Yukon people of how it will be handled. If you move to provincehood tomorrow, then everything moves to Whitehorse, and we are no farther ahead in development. In fact, we may be worse off.

I would rather lay the groundwork. So, it is not, maybe we should go no further. Maybe you should start asking the right questions. This phase of your investigation is going to tell you that provincehood is no longer ....

What really has to be done is to chart the right course in the Yukon, as far as the relationships between people is concerned. Pat mentioned some points about guaranteed representation, native languages being the second language of the Yukon. Those are important points for the Yukon. This is going to be us and how we want to do it.

On the question of the relationship with the feds and the Yukon, it should be a ... relationship. Lastly, I think you have to be open to the question of, if there is constitutional development in the Yukon, to real powers being vested in the First Nations. Right now, in terms of claim negotiations, and in discussion with Ottawa, everything moves to Whitehorse, and then Whitehorse will run the Yukon. That is not where I would like to get to. I would rather see the First Nations and the small communities on a par with Whitehorse. I think we have to restructure politically in the Yukon to make sure that happens. [Applause]

Ms. Hayden: Thank you. I will say just one thing in terms of the self-government not being included. It is certainly a very important part. It was at the request of CYI that it was not in there. There was an agreement made with the Council for Yukon Indians, probably because Bea and I have neither the knowledge nor the authority to talk about it, and that was why it was excluded. More because of the importance of it, rather than not recognizing it.

Mr. Schell: Is there a deadline? Is that why you are here? Is this supposed to be some kind of criteria?

Ms. Hayden: In terms of what?

Mr. Schell: Any discussions that have been taking place.

Mrs. Firth: There is no deadline. Almost a year ago, the government of the day raised a point in the Legislature to discuss constitutional development. Tony Penikett, as the leader, brought a point into the Legislature, saying he was going to have some people draw up a paper to generate some discussion, and they wanted to pick a Member from the Legislature from each party — Joyce represents one political party, and I represent another. The two Members were to travel all around the territory and hear what Yukoners had to say about the eventual provincial status, constitutional development, and what concerns and opinions they had about that whole issue.

So, Joyce and I were told we had to report back to the Legislature by this spring, when we go back into the House in April. We did not go earlier. We chose to leave it later, until just before we were going into session, to go around and visit Yukon people. There was no specific plan, or it was not done for any specific reason. It was just that we were given a mandate by the other Members of the Legislature, so we had to do our homework.

That is why we are travelling around now. We wanted to get finished by the end of March. Our last meeting is April 2 in Old Crow. Then, we will have enough time to write up the report, and Joyce will bring it back to the Legislature. We will say, this is what we heard. We are not to express our opinions or say what we feel, or what we think should happen. This is what the people told us and this is what we heard. Now, it is yours to do with what you want.

Ms. Hayden: Along with this, you are asking, is there a deadline when the government must make some decision, no. That is why I am talking about this in terms of long range planning. How are Yukon people thinking? What you are saying to me is pretty clear, and we will report that back.

Does that answer your question?

Mr. Schell: Yes.

Ms. Baumgartner: I am trying to get an historical back-

ground on this. Is this the first time this question has been initiated? If it has been initiated, and it was shelved before, the committee or whatever said no, I would like to get a report on why it came down in prior time? Also, have there been any reports done other than your own? I would like to know who brought it up this time. Obviously, First Nations people did not. Who brought it up, and what is their vested interest? Are you just spending money to employ people?

I would like to know what their reasons are for wanting us to become a province.

Ms. Hayden: People are not saying that. This paper does not say that anyone wants us to become a province.

Ms. Baumgartner: No, but somebody brought it up.

Ms. Hayden: The government did. The paper is a checking out of where people are at now.

Ms. Baumgartner: The government is responsible to their constituent. Which constituent brought it up and said to have it brought up. Do you have any idea?

Mrs. Firth: You cannot necessarily draw that conclusion. The government might have just thought of it. Sometimes politicians bring ideas into the Legislature without someone going and saying, I think you should do this.

Just to verify something, though, this issue has been going on for a long time. It has been discussed before. There has never been a paper done on it. I understand there was another committee that was going to, and may have done some time ago, but they never did proceed with it.

Yukoners were talking about provincial status, I am sure, far longer than I have been a Yukoner.

Ms. Hayden: White Yukoners have.

Mrs. Firth: The last 25 years I have lived here, I have heard the pros and cons of provincial status talked about in the public, but this is the first time that we have gone out as Members of the Legislature to ask people's opinions about it and report back to the Legislature.

The message that could be brought back is that people do not even want to discuss this. That is the message.

Ms. Hayden: I want to check out if people feel reasonably satisfied that you have been heard. I am aware that we are taking a lot of your time from something that is probably much more important to you than this. I would be happy to wrap this up now, if people feel okay with that.

Ms. Blondin: I think they have put their points across.

Ms. Hayden: Thank you very much.

Mrs. Firth: I would like to say one thing to address the lady's concern about the media. Joyce quite often gets phoned by the press after we meet in a community. She will be called by CBC, perhaps, and asked how the meeting went in Pelly and in Carmacks and Dawson, and so on. What could be coming out in the media you may hear on the radio tomorrow morning, or maybe in the paper, that the committee was in Pelly and this was the message that was given, and we will give a very short summary of what the concerns were. That is all you will hear.

Mr. Van Bibber: CBC called me already this morning.

Ms. Hayden: I am sure they did. I would rather you told them than us.

Mrs. Firth: If you deal with it, then there is no cross story and no sensation. We just had our meeting.

**Mr. Van Bibber:** I never talk to the media.

**Ms. Hayden:** Thank you for having us, and thank you for telling us how you feel. We appreciate that.

**Mr. Joe:** I want to thank you for your time. Thank you, Joyce and Bea.

**Ms. Hayden:** Mahsi cho.

*Adjourned at 3:45 p.m.*





**Yukon Legislative Assembly**  
**27th Legislature**

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Heritage Hall, Carmacks**  
**Thursday, March 7, 1991 — 7:30 p.m.**



PRINTED ON RECYCLED PAPER



## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

### **MEMBERS OF THE SELECT COMMITTEE**

Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

### **STAFF**

Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

### **PARTICIPANTS**

**at the Carmacks Meeting of March 7, 1991**

Fairclough, Eric (Chief)	O'Brien, Lorraine
Joe, Danny (MLA)	Roberts, Ken
MacDonald, Jo-Anne	Skookum, Happy
Marino, Dawn	Smith, Vance Conrad
Marino, Don	Tracey, Howard
O'Brien, Joseph	

## CARMACKS, YUKON

March 7, 1991 — 7:30 p.m.

**Ms. Hayden:** Thank you for coming. I am Joyce Hayden. With me is Bea Firth. We are both Members of the Yukon Legislative Assembly, as is your MLA, Danny Joe. We were appointed last year by the Assembly to travel around the territory with this green paper to ask people what their opinions are about the questions in the green paper, some of which have to do with the territorial status, where we are at now, whether we should be looking at something different, how we look at circumpolar issues, and some of those kinds of things. With us is the Clerk and Assistant Clerk from the Legislature, Patrick Michael and Missy Follwell. They will be recording so that the report can be written. Everything is recorded.

A report will be presented to the Legislature in the spring sitting. We are required to do that. From the taped and transcribed meetings will come that report. All we are to do is to listen, hear your opinions and report back what your opinions are. It is not our job to make recommendations or to give direction in any form.

I spoke about recording. I do not think there are any more logistics. Do you have people's names, Missy, so you are clear in terms of report writing?

If any of you came with a written report, that would be great. If not, we will simply go into discussion. If you have had a chance to look at the report at all, or to think about any of the issues around the status of the territory now, whether we should be looking at pushing closer to provincehood, or whether we should be going slower, or any of those kinds of issues, we would really like to hear about them.

Bea, do you have anything you want to add?

**Mrs. Firth:** Just to add that our function here is just to be the messenger to the Legislative Assembly as to what people's opinions are with respect to this green paper on constitutional development. It is not Joyce's and my responsibility to promote or speak out against provincial status, or to comment about what our feelings are with respect to provincial status. We are not here promoting it or not promoting it. We are just simply serving a function of asking people's opinions as to what they think about provincial status.

**Ms. Hayden:** So I would just leave it open and invite your comments.

Don, you were interested after you read the paper. What did you think?

**Mr. Marino:** This is something I had not given a great deal of thought to. Assumptions I had made said that, when we were ready, it will not be a major hurdle to become a province. Then, with the publicity of Meech Lake and some other information, such as has shown up in the information I have here, it is not nearly as cut and dried as I had thought. I have a serious concern that we have to negotiate with people, in this case, provinces, other than the federal government. I see no reason, personally, that we should have to negotiate and potentially become a bargaining chip for some controversy between two provinces, or a province and a federal government, possibly to our own detriment. That is something that

particularly bothers me.

It is my opinion that, the sooner we are able to become a functional province, the better off we will be. I do not have a set of criteria for myself that I can say, when we reach this stage, I think we should become a province. I do not know enough about it. I do not know if anyone has done studies on what our potential production of revenue is, and that does scare me.

Obviously, we spend a lot of time with our hand out to the federal government, and it seems like, if you want to wear a different suit of clothes, you have to be able to pay the drycleaning bill, and I am not sure what stage we are at there. If there is something in between, I would be interested to know, but it is not something I have researched or seen anything on.

What it boils down to is that I would like to be able to be a province, in the sense that I would like to be able to be as independent as many of the provinces are. On the other hand, I would like to be able to do it without having to negotiate with other provinces and other people, other than the federal government.

**Ms. Hayden:** You would like to see the door left open, and you obviously have some concern about the formula. The formula now is called the "7 and 50" formula: seven provinces that have 50 percent of the population of Canada must agree before another province can be added. Had the Meech Lake Accord passed, it would have said that all 10 provinces and the federal government must agree.

**Mr. Marino:** I see no reason for either set of conditions.

**Ms. Hayden:** It was not the case when other provinces joined.

**Mr. Marino:** No one else has gone through that. There were basically no requirements, other than to petition and put forward a strong case.

**Mrs. Firth:** That has been written into the new constitution. The "7 and 50" formula is in Canada's constitution.

**Mr. Marino:** Obviously, it is there. I just happen to dislike it.

**Mrs. Firth:** I think all Yukoners do. We had debates in the Legislature about it, and the issue was raised when the constitution was being presented.

**Mr. Marino:** I do not see why anyone could legitimately object to the Yukon becoming a province. After all, we already have a Premier. I guess that can be interpreted any way that you like. I did not hear a great hue and cry when the use of that name started. There were not people in Nova Scotia and Quebec saying, what is going on here?

It is not that I expect someone to object, but when the power is available, I think it could be used to our detriment. I hope we never become reduced to playing games like Quebec, who is saying, buy us. I have had people say that their interpretation of what Quebec is saying is, buy us off or we leave. I think it is unfortunate when anything comes to that state of affairs. I certainly hope that sort of thing does not happen here. If we are not given any control over our own destiny, I am concerned it could be the type of thing that we start to hear: negotiate with somebody else, negotiate with one government rather than six or seven.

**Ms. Hayden:** One of the obvious problems with thinking about any kind of constitutional development is dollars, fund-

ing. At the present time, we receive somewhere between 60 percent and 80 percent of our money from the federal government. That is negotiated under a formula financing agreement that some say could be continued if we were to look down the road. I have no idea about that. That is very tenuous to think that.

We receive much more per capita money than do any of the provinces.

**Ms. Marino:** Does it vary between provinces?

**Ms. Hayden:** Yes, it does. There is an equalization payment, and Newfoundland would receive the most, something like 43 percent of their income. It comes from the federal government.

Equalization payments are based on per capita income. So, if you have a low per capita income, you get more. If you have a lot of people who have earned very little, you would get quite a lot but, if you have a few people who earn a lot, you would not get very much. Going on equalization payments would obviously make us a very poor province.

**Ms. Marino:** Is there anything else that it is based on? Are there any other monies?

**Ms. Hayden:** Now, we negotiate funding every year. It is called formula financing.

**Ms. Marino:** I am thinking in terms of the other provinces. Is their federal money all per capita averaging?

**Ms. Hayden:** It is complicated, because there are shared monies for various things. I think, for many of the programs, we get the same kind of monies as they do. For example, we get 50-50 money for some of our health programs and our social service programs, for example, child welfare.

**Ms. Marino:** So, basically, there is a kind of blanket formula for all of those.

**Mrs. Firth:** It is established program funding. It is for education and social services for all the provinces.

**Ms. Hayden:** The feds are trying to cut out that funding. That is part of what they are doing with the latest budget, trying to cap health care to the provinces and give more authority to the provinces, so they will have to raise the money via their own income tax and whatever other kinds of taxes.

**Ms. Marino:** Would it be safe to assume that, if the Yukon was looking at provincehood, we would have to undergo the same formulation as the rest of the provinces, as far as federal monies are concerned?

**Ms. Hayden:** It is entirely possible.

**Ms. Marino:** There would be very little chance of negotiation for different things.

**Mrs. Firth:** I have that information from a presentation that Steve Smyth made in Whitehorse. I think he is advocating that we would negotiate some kind of special arrangement with the federal government for the funding and recommends that we not look at provincial status before we have negotiated the funding. I think that is the kind of information that the government here would have to get and give to people, so they could decide whether they thought moving toward provincial status was the right move to make, and whether it was the right time, like Don said.

**Ms. Marino:** There is no other province, at this point, that is working on a special provision that you know of?

**Ms. Hayden:** No.

**Mrs. Firth:** The Northwest Territories.

**Ms. Hayden:** But no provinces, they are all on equalization payments. That is where Ontario, B.C. and Alberta pay more money in so that it can be paid out to the poorer provinces.

**Mr. Smith:** I will be speaking on a very limited knowledge of the Yukon situation, since I am a recent immigrant from Newfoundland since April 26 of last year. I plan, if possible, to make the Yukon my permanent home. I have been studying the situation a bit, and trying to understand all viewpoints but, right now, I see so much uncertainty regarding the constitutional development of this country, Quebec and the negotiations with the First Nations.

At this moment, I would lean toward continued territorial status, at least for the next five years, so there would be more clout and authority regarding the umbrella final agreement that is being negotiated and set to be into practice, plus the other uncertainties as to the Quebec question and, in the next five years or so, as to what will Canada's complete constitution be.

I would certainly keep open the provincehood question very strongly to see how things develop nation wide, and how things get settled here, as far as the bands' agreement and the economy, and other structures in place. We can better understand what provincehood would mean, what type of country we would be joining, and from a stronger viewpoint. The progress the government has made as a territory could be jeopardized and endangered by becoming a province too soon, with all uncertainties.

I would even have a territorial-wide public referendum as to considering provincehood before we make application to Ottawa, to see if the majority of the people of the Yukon desire, five years from now, to be a province, or to negotiate a different term with the rest of Canada that would be beneficial to all people living in the Yukon.

Of course, there might be other political and social developments that come into play. Right now, I think we should keep the option open to get our own interior structure and society together as a people of the Yukon, then negotiate and consider joining the rest of Canada as a province.

I strongly believe our preference would be toward becoming a province, if all other factors were favourable.

**Mr. Tracey:** My opinion about becoming a province is that we should have the right. We should not be restricted by the 1982 change in the constitution of Canada. We should attempt to negotiate during the constitutional debates that are now going on. We should make the point very clear and as strong as we can possibly make it that we should have the right to negotiate with the federal government on a one-to-one basis, the same as every other province did before they joined.

I do not believe we are ready to become a province because, until we become more responsible with our own money, rather than holding our hand out to the federal government every time we turn around, we do not deserve to become a province, in my opinion. We have to learn to be responsible, and we have a responsible government here, to a great extent. In a lot of cases, we have as much power as any province.

If we want to become a province, we should try to manage our money. That is the one thing that is always going to be stuck at us. If you are going to be getting in excess of 70

percent, as we are right now, in transfer payments from the federal government, how can we ever justify going to the provinces and saying we should become a province.

That is number one in my opinion: we have to learn how to manage our money. We have to quit bringing in new programs constantly that cost money, even though the federal government will fund it on a 90-10 basis. That 10 percent is still 10 percent that we cannot come up with. It is given to us, as well, so we end up with 100 percent financing.

I believe when we do become a province, we should become equal and the same as every other province in Canada. If we become something distinct and separate and different, there is always going to be some province somewhere down the road where we do not get as much, or we get too much, and the other provinces are going to be complaining, or we do not get enough, and we are going to be complaining. In my opinion, everybody should be equal, and all provinces should be equal in Canada.

I have heard a number of people speaking of, should we have a different kind of provincehood. In my opinion, no, we should be exactly equal to every other province in Canada, when we do become a province.

Ten years ago, I would have thought that, 10 years down the road, we would be ready for provincehood. Ten years later, I can still see that we are at least 10 or 20 years away from becoming a province. I have talked to a lot of people about it. A lot of people prefer to remain a territory, and the reason they prefer to remain a territory is because of the money that comes from the federal government. In my opinion, as long as we have a majority of people who think like that, we are not going to become a province.

We are also attempting to get a lot of transfers and responsibility from the federal government. That is great in one respect but, in another, it is not. What happens is that what is transferred to us is the management of the programs, but we do not have control of the resources. They want to transfer forestry to us, but what do we have? All we have is the management of the forestry, but we do not control the trees or the habitat. We have nothing to do with it. It is the same with renewable resources. We have control of the renewable resources and have had since 1898, but we do not have control of the habitat.

You have to be very cautious about taking programs over. That is another way we get bought off, because they transfer the programs, and they transfer us a bunch of money, but that money is still coming to us, and it just raises our transfer payments from the federal government.

I think that is all I have to say for now. I would like to hear what some others have to say.

Mr. Fairclough: I never read through this at all, but as far as becoming a province, I really have not thought about it so much. I think it is because I am satisfied with the way it is now, being a territory. Should we become a province, I do not think that the equalization of distributing money would be fair to us. Obviously, we are going to be a poor province and, because we are not as rich, we would not be a rich province. We would not be able to generate the extra money to be able to have even a half-decent lifestyle. What do we have here? Nothing, almost. We would have to tax, and we would be taxing a lot. The

cost of living is going to go up, right there. I do not know how it will affect us, as far as the First Nation goes.

Once we develop our own constitution and our self-government and all that, I am not exactly sure what is going to play there. Right now, I cannot see us going into a province, and it has been like that for years.

Ms. Hayden: Many people have said claims must be settled before even thinking about something like this.

Mr. Fairclough: I think so. I think it should be, because for non-natives, they really do not know exactly what is going to become of it once it has been settled. I think it would be a smart thing to wait.

As far as devolution goes, and the transferring of programs, I know that, as First Nations, they will be handing a lot of the programs over to us, but there are a few things I am concerned with, and some of it is the resources and the amount of money that is going over. They seem to leave out the manyears, as far as the money goes. Just to run it, the money is there, but not the manyears.

I will probably have something else to say later.

Mr. Joe: ... If the Yukon becomes a province, we should think about how that would affect smaller communities, like Carmacks and Pelly. Who has more say ... more people. You want the Yukon to be a province, I think we need more people than that in the communities. The way it is today, I do not have too much problem with it. I think we are starting to work together, and that is really good: native people and non-natives. They start working together good, along with the government. I have no problems with that. I do not think we are ready to become a province. I have problems with that. I think it is going to take time.

Maybe in five or 10 years, when you ...., maybe we will be ready for it. I have not too much to say on that.

Mr. Tracey: I would like to comment on the point that Eric raised in regard to not having enough money here. That is an argument that we hear often: we are either too rich or too poor. They do not want to give it to us because we have too many resources here. We have resources in this territory that, if they were developed, we could probably become the richest province in Canada in a very short period of time. I am not concerned about being too poor.

I am more concerned about the other provinces thinking that we are going to be too rich. That has been the way it has been to date. That is the reason why British Columbia wanted to push its borders north. That is the reason why the federal government totally ignored us when it came to the 1982 change in the constitution, and it is the reason why the provinces do not want to think about constitutional development in the territories.

All we need is a couple more mines, and we would be a very rich area, and we have those mines sitting there, waiting to be developed. Some of them are being worked on right now. We have world-class resources now. Rather than being concerned about being too poor, we should be more concerned about the rest of the country thinking we are going to be too rich.

In the meantime, they keep buying us off by handing us money and giving us the trappings of control. We do not really have control. They give us the management, but we do not

have control. Until they start transferring control of the programs, I would be very cautious about taking them.

It is like health care. They want to transfer health care to us, but we have been fighting for 10 years now about whether they are going to put a new hospital in Whitehorse before we do it. They spend \$10 million or \$15 million to put a new hospital in for us. For that, they have bought us off. We take over the management of health care, but we really do not have control over it.

It is the same thing when they transferred fisheries to us. All we have is the management of fisheries, but we do not have the control of the resource. We do not have the control of the *Northern Inland Waters Act*. That still rests with the federal government. What have we really got? We are getting well paid to do the federal government's job. I do not think that is a good thing to be pursuing.

Mr. Van Bibber: I think there is a flip side to what Howard is saying, also. Sure, we are a rich country in resources. There is a flip side to that. How much do we all want it developed? Sure, it has a few mines. I have just come back from Toronto. You do not want to live down there. The lakes are polluted, and what have you. I am just putting my view forward on that one point.

Mr. Tracey: I think it is a good point. There are a lot of Yukoners who like the country the way it is. A lot of them would like to see it turned into a park from one end to the other, but you still have to make a living. As long as the federal government will hand you the money to make a living on it, that is great, but there are other people who have to make their own living. It is a little different story then.

It is great to talk about the pristine wilderness that we have here, but it does not feed you too well, in a lot of cases.

Mr. Smith: You would definitely need to take a census of Yukoners as far as development that could be sustained with a minimum effect on the environment and the quality of lifestyle. I do not believe any Yukoner is against mining or development, but in a manner that will not waste the environment, the natural animals and other systems that come into effect by mining or other industries, ... marry to, marry industry, growth. We have concern for the environment, quality and health of the environment, and our unique position or role as a wilderness, or as clean air and water, the most of the rest of the country does not enjoy. They have the money, but not the life. We have the lifestyle, but not any money. If you can somehow get the best of both worlds together in harmony and cooperation and resources, there can be growth economically with minimal damage to what makes the Yukon the Yukon, as far as the uniqueness and outdoor lifestyle. Most of our tourists come up from the States, from the east, just to escape pollution and the rushed lifestyle of cities and find peace and rest.

It would be difficult to coordinate all together, but if possible you would get economic growth, jobs, growth for people to live independently from the government and society without damaging the caribou herd of the north, threatened by the development in the Arctic National Wildlife Refuge, or other factors, but can live in harmony with nature, with our natural needs for all sectors of life.

Ms. Hayden: We have heard many people say that they wanted to preserve what they see as the unique lifestyle of the

Yukon. They have concern about that. That is part of what you are saying.

Mr. Tracey: A lot of the people who say that, though, have not really thought about it. It is all right to say we should preserve this and preserve the unique lifestyle of the Yukon, but you can look at the lifestyle today and look at the lifestyle as it was 15 years ago, and it is totally different. It will and does change. The same people who are making the change are the people who do not want it to change. Most of us who live up here, and I have lived in the north for over 35 years, live here because we love it. Like I said before, we still have to eat, and it does not matter what we try to do to isolate ourselves from the rest of the world. It is not going to be successful.

It is going to change, whether we want it to change or whether we do not. What we should be trying to do is manage the change, rather than say we do not want it to change.

Mr. O'Brien: I have not had a chance to read over this paper, but what Howard and Pat said earlier about protecting the environment, I want to see the Yukon protected, but what are we going to do? Make it a national park? Before we do become a province, I would like to see ... Look at what happened in B.C. A lot of times, the logging industries always move over in B.C. because of short term jobs, and they do not realize the damage to the environment in the long term. ... the power of these companies always wins over ... native bands.

I would like to see land claims settled. I would not want my people in the situation they are in in B.C. The Indians went to the provincial government and asked them to settle land claims. They said, you are a federal responsibility, go to Ottawa. They go to Ottawa, and they said to the federal government that they would like to settle land claims in B.C. They said, we have no land in B.C., so they are sort of caught between these two governments.

Ms. Hayden: Just in response to that, the reason for doing this paper is for no immediate reason. I said earlier today, and I will say again, it is an exercise in long range planning, to have people begin to think ahead 10 or 20 years, or whatever number of years it might be, even 50, and to begin to now look at how we want to plan for the future. Everywhere we have been, people have said that land claims must be settled.

Governments so seldom do that kind of long range planning that it seems a bit foreign to people to be asked to think that way but, as I understand it, that is what this paper is about.

Mr. O'Brien: I guess there are some good points and some bad points on becoming a province. We could be a rich province, but we would have no powers. People are changing, times are changing, and you have to change with them. You have to live with that. With the small population you have, what are you going to do? Tax everybody?

I am sure we are not going to get that much handout from the federal government. I would like to see the Yukon protected, though.

Ms. Hayden: Do you have any opinions about circum-polar ties? Do they mean anything to you? Maybe I have gone too quickly for that.

One of the questions in here is whether we should be building closer ties with some of the northern regions of other countries, whether it be Alaska, Northwest Territories, Greenland, whatever, or whether that is important to us in the

Yukon?

**Mr. O'Brien:** The Athabaskan speaking people are spread from the coast of Alaska right down to the Apaches in the States. ... almost hear some of the words that they are saying. A lot of the language and dialects are the same. Even in Old Crow, everybody is tied to the animals. It is like a pattern.

**Mr. Tracey:** Are you talking about political ties?

**Ms. Hayden:** Probably economic. I think that is the intent that is meant in this, although the question is asked in broad terms.

**Mr. Tracey:** It is pretty hard to have economic ties to another jurisdiction when you do not have control of your own jurisdiction. I would think that it would be an exercise in futility to try to have ties with extra-territorial jurisdictions. It is all right to sit down with the Northwest Territories and speak with them about the same problems that you have, but consultation is a heck of a lot different than political ties.

**Mrs. Firth:** It is more of an information exchange on common problems and cultural habits, and so on.

**Mr. Van Bibber:** I think if we do not have ties, we are in big trouble, whether it be economic or political. If we do not open up and start pulling together, whether it be with the north region or any region of Canada. We have shown how small the world is right now, with burning the rain forests, or whatever. I am not a world protector, and I am not going to turn the Yukon into a park or anything, but it has to be managed properly. There are people who are very narrow-minded. Other people are a little bit wider, but the big picture has to be looked at. It is that simple. If we do not, our kids are going to be in big trouble.

**Ms. Hayden:** Does anybody else have any thoughts on that?

**Mr. Fairclough:** I think Pat is right, as far as when you start looking at our environment and the air, and all that, I do not know whether the ties would just be for strength, to pull ... together and put pressure on people, especially on the environment, when you look at our ozone and all that. I do not know about the northern countries putting pressure on the other countries to cut down on pollution. It is a pretty tough thing to do. It is almost impossible. Sharing information is a big one.

**Mr. O'Brien:** I think there should be stronger ties in protecting wildlife, like the Porcupine caribou herd. They run through the Northwest Territories, through the Yukon and into Alaska. There should be some sort of ... to protecting animals like that. Even the Northwest Territories, a lot of the native groups are ..., and they do have political organizations ... Porcupine caribou herd management board. There should be closer ties in that area that would benefit the Yukon more.

Even ... Ottawa and the territories.

**Mr. Smith:** I really see a need for more communication and ties, especially with the Northwest Territories and with Alaska. I see potential strife and open hostility in the future between Yukon and Alaska over the river salmon fisheries, because of the declining catch year by year, the salmon harvest and big Japanese companies that just scoop up the salmon of all size and ages from the Pacific Ocean, and of many of the Yukon-raised salmon at the hatchery being caught in Alaska coastal waters, or Alaska itself. To be effective, there needs to

be a very strong agreement between Yukon, Alaska, and even Japan and other countries that fish heavily in the north Pacific, taking all that gets caught in the net, disregarding species, age or sex. The needs of Yukon and Alaska are all woven together, so there needs to be agreement, as far as limits. So many more fish, like chinook, are released from the hatchery than come back, year by year, into the Yukon River system here.

With respect to the Arctic National Wildlife Refuge, for the caribou and other environmental factors, social needs that need to be addressed, but not necessarily between Washington and Ottawa, but here among northerners between Juneau and Whitehorse and Yellowknife. They should get together and agree on these common shared heritage to manage, to be all involved.

They are so interdependent, whether we like it or not, upon what happens to Japan fisheries, the U.S. sport and commercial fishermen, as far as what comes up the Yukon.

**Mr. O'Brien:** That would be an advantage and disadvantage. The advantage is that, as a province, Ottawa would sit up and listen to us. As a territory, we do not have much say up there. You talk about the salmon. Fifty percent of the salmon is grown in Canadian waters and the Yukon River system, and 50 percent in the ocean and Alaska. I do not think we even get 10 percent of the salmon. There is no treaty to protect the salmon. A lot of salmon are released on a yearly basis in the river ... there is no law in place that protects these salmon. Politically, there is some ... Northwest Territories .. there is some way to protect these salmon.

**Ms. Marino:** I think it is like anything else. The larger the body, the larger the voice. Yukon may not be able to fight very satisfactorily against Ottawa. However, if there was communication between provinces, territories, the United States, looking at Alaska, and if there was a sharing of information or some communication there about common problems, there would definitely be a larger voice coming from the Yukon and the Northwest Territories. If Alaska was possibly handling it on their end by petitioning their government, et cetera, then you are not dealing with 25,000 people. You are dealing with considerably more. Also, in issues like that where it affects the environment, or fisheries or wildlife, or whatever, you have all kinds of other lobbying groups that will jump on the band wagon.

As far as establishing political ties, no, we cannot do that until we get our own laundry done. It only stands to reason that the more communication between provinces, territories or even States, or other countries that have similar living conditions and problems, the more people, the more ideas, the louder the voice.

Back to the issue of provincehood, I do not think we are ready at this point for provincehood. I think it is something that should be kept open. I do not see it within the next five or 10 years. It is probably 15 or 20 or better. There is too much inner turmoil right now in the Yukon and too many question marks with our own native land claims, the handling of fisheries and all the other stuff that is being handed over from Ottawa, and the battling that is going to be going on between here and Ottawa for control over management. Until the laundry is cleaned up here in the Yukon, and we are all going in the same direction and know what we want and what we are

doing, it is going to be impossible to go to provincehood. That is just going to add to the pile. It is one more thing to figure out and fight, and you end up wondering which way you are going half the time.

My opinion is that, once we do get things straightened out in the Yukon where we know what is happening and where it is going, I think it will become a question of not can we, but do we want to become a province. There are going to be some good things about becoming a province, but there are also going to be some things that we are going to be giving up.

If we are going to be made to adopt this equalization thing the way the rest of the provinces, we are not going to be able to do that in the way we are managing and doing right now, so we are going to be looking at having to open up a lot of new industries, et cetera, which is going to lead to the pollution and environmental change and lifestyle. In my opinion, it is going to come to a question down the road of whether we want to or not, not whether we can or cannot.

**Mr. Fairclough:** Should the Yukon become a province, and the money is divided up equally from the federal government to the provinces, do they base it on a per capita?

**Ms. Hayden:** Yes, which puts us on a pretty small scale.

**Mr. Smith:** I believe, ultimately, these issues could be solved, not necessarily by the ... or the Whitehorse government, but by a consensus of all the people, by a secret ballot. That would be fair, just and binding on the government, where all the people have spoken. Then, the government can act on the will of the people in negotiating whether a new type of territory or status within Canada, or provincehood, with Ottawa. I am very scared of these secret meetings behind closed doors, where the will of the people is not consulted, but just a group of people vote ... decide the future of the province without a clear mandate through the secret ballot or a plebiscite.

**Mr. O'Brien:** I agree with what he said. A secret ballot would be a fair and just way. Before you do have a secret ballot or a plebiscite, you should educate everybody on the advantages and the disadvantages, and what it means, so they know what they are getting into.

**Mr. Smith:** We should have very educated and knowledgeable voters.

**Mr. Tracey:** I think you would probably find that secret ballot is like an election. One party will be for provincehood and one party will be against it. That is usually the way it is. That is the parliamentary form of government. That is probably the way it will happen.

**Mr. Fairclough:** How are the other provinces viewing us becoming a province?

**Ms. Hayden:** What do they think about it? I do not think they think about it very much. Once or twice since the Gold Rush, B.C. has made a move to annex the Yukon, to make the Yukon part of B.C. It happened in 1936 and in the 1960s. I believe WAC Bennett made another proposal. It almost happened in 1936. At that time, the Roman Catholic Church raised a big fuss, so it did not happen.

Again, there has been nothing recently, because they are busy with their own problems. I do not think they care much.

**Mrs. Firth:** When the constitution was drawn up, and it stated that seven provinces, including 50 percent of the

population, had to give consent to whether the Northwest Territories or the Yukon was going to become a province, that indicates that the provinces have quite a bit of concern about us becoming a province. Otherwise, we would have been allowed to do it just the way every other province has done it.

To answer that question specifically, I think there is a concern out there amongst the other provinces as to when and if and how we decide that we want to be a province.

**Mr. Tracey:** It is the same thing. They did not agree to change the Meech Lake Accord, and it required unanimous consent.

**Ms. Hayden:** They made it very difficult.

**Mr. O'Brien:** In becoming a province, does the federal government hand all authority over to YTG?

**Mrs. Firth:** That is something that would be negotiated at the time of the decision.

**Ms. Hayden:** It varies with different provinces. Some got the full authority over land, plus dollars, plus resources. Some were different. It was negotiated with each province.

**Mr. O'Brien:** I said that because that is going to open up a lot of things. Land claims should be settled first, and we have to clean up our backyard before becoming a province.

**Mrs. Firth:** From what we have heard so far, there has been a consensus. This gentleman talks about consensus. There has been a consensus that land claims be settled first, that we worked together as all Yukoners for one common cause, and that that common cause be determined by a referendum or a plebiscite, or something to that effect.

There seems to be some consensus about how we should go about it. There is also a consensus about wanting more information. People want to know the pros and cons of being a province, as you have suggested. Whomever the government of the day is will have a responsibility to provide that information.

From what we have heard from people, the requests for information have been in three categories. One, our financial position, how we are going to fare; second, what our economic status could be: in other words, what resources and what the sharing would be of those resources. Number three, at Pelly today, we were discussing what more power we would have as a province as opposed to being a territory. All that kind of information will have to be provided to Yukoners so they can make an informed choice when the time comes.

**Ms. Hayden:** That is the key line: when and if the time comes. No one has made that decision yet.

**Mr. Marino:** Something I would like to see is that it is too bad that provincehood is up there in great big letters like a title. To me, it is not just a name. It indicates fiscal responsibility, general management skills, probably indicates that there is strong confidence throughout the general public. If we look at the themes that will make us ready for provincehood, that should be our goals, not having a title. It is like getting out of school with a diploma, then someone finds out you did not really go. If you have a diploma that says you are educated, or says you are a province, I think we should target the skills and situations that would make us a responsible, viable province.

One of my concerns is that if we do not target that now, and that includes not only preparing ourselves, but preparing acceptance through the rest of Canada to be able to get in, we

could run into a brick wall and never get there. This term lifestyle: many of us use it in conjunction with the word Yukon or Yukoners. Everyone from one end of the country to the other would come up with a different description of what that lifestyle is. I do not see being responsible as damaging that lifestyle.

There are a couple hundred thousand square miles out there, and you can pursue a lifestyle somewhere within this Yukon that will suit you, I am relatively sure. It is out there. If you are here already and enjoying what you have, I do not see it disappearing like the cartoon show where the guy comes in and cuts the entire forest, so that he will be rich and all the poor animals are going to starve to death.

If we are responsible, I do not think we have to worry about that sort of a situation. If we are responsible, then provincedhood should follow but, if we do not target these things, and sit back and say, it is fine the way it is, without looking at what will be better and an improvement, then I do not know where we are going. I do not see how we can ask for more responsibilities until we can show that we are handling the ones we have.

**Ms. Hayden:** I think we have covered most of the topics in the green paper, in one way or another. Does anyone have any final comment?

**Mr. Tracey:** I would like to make a comment in regard to a lot of people earlier want to preserve the pristine wilderness, tourism is one of the best and least environmentally damaging forms of occupation there is, and it now the largest industry in the world. One of the biggest reasons why tourists come to the Yukon is because of the rape and pillage that took place in 1898. They want to see Dawson City. It is known worldwide.

Everything has its place. In 1898, they made a hell of a lot of money out of the gold and, now, they are making a hell of a lot of money out of the tourism. Just because it happens to change the countryside, it does not necessarily mean it is bad or wrong.

**Mr. Fairclough:** Say the land is not going to be making a whole lot of money for us, I am saying that, the way Indian people are, they never liked mining, they do not like exploiting the land in any way. If you go back and look through the land claims, you have to wait until it is finished, because you are going to look at how much control Indian people have over the land. To become a province, it is really a wrong move right now.

**Ms. Hayden:** It is not the time.

**Mr. Smith:** In summary, the Yukon is an unfinished story in our saga. We, as a people, as we mature and grow, we will be given or need more responsibility to act wisely, ... with considering all angles and cultural and personal needs. Land claims is one step of the ladder. As we demonstrate maturity and responsibility in this area, we can ask for and receive more responsibility. We can demonstrate education interest and maturity in that area. Whatever is best for Canada and the Yukon in the future will depend on how we use our responsibility now. If we can earn more responsibilities in self-government or whatever area then we can press and ask reasonably for more responsibility and control of our own destiny.

**Mr. Joe:** This is my last comment of the day. I want to

say that it is nice to hear from the people who express themselves. ... everything done by bureaucrats, I agree with what the people say. The bureaucrats are taking our country over and screwing it up ... problems all the time. It is about time that we started standing on our own two feet .... our own rights. It is very good to hear.

**Ms. Hayden:** Thank you very much for coming.

*Adjourned at 8:50 p.m.*







**Yukon Legislative Assembly**  
**27th Legislature**

**Select Committee on  
Constitutional Development**

**PROCEEDINGS**

**Community Centre, Watson Lake  
Monday, March 11, 1991 — 7:30 p.m.**



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

### **MEMBERS OF THE SELECT COMMITTEE**

Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

### **STAFF**

Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

### **PARTICIPANTS**

at the Watson Lake Meeting of March 11, 1991

Devries, John (MLA)	Skelton, Jenny
Lang, Archie	Thomas, Mickey
Peet, Nora	Trusz, George
Peters, Jean	

## WATSON LAKE, YUKON

March 11, 1991 — 7:30 p.m.

**Mr. Devries:** It is good to see such a crowd here tonight. I think most of you know everybody here. Bea Firth is the Member for Riverdale South, and Joyce Hayden is the Member for Whitehorse South Centre. The two people there are Missy Follwell and Pat Michael. Pat Michael is the Clerk, and Missy is the Assistant Clerk.

**Ms. Hayden:** Bea and I were appointed last year by the Legislature to travel around the territory to hear what people's opinions were about the constitutional development of the territory. We are directed to go to every constituency and to report back to the Legislature this spring. At the end of our meetings on April 2, a report will be written and we will report back to the Legislature.

The report is then the property of the Legislature, and it is up to them as to what happens to it next.

We are taping the meetings so that we can have an accurate record of what people are saying. Bea, do you have anything more to add?

**Mrs. Firth:** No.

**Ms. Hayden:** Some of the questions that are in the green paper on constitutional development are questions such as: do you think the territory should be heading toward provincehood; do you think it should stay just as it is; are there other options; what are the most important next steps toward self-government or programs that should come to the territory?

With that, I would ask you to share your opinions about it.

**Mr. Trusz:** What is the logical reason for switching from territory to province?

**Ms. Hayden:** There is not a specific plan at this point in time. As I understand our role, it is to begin to hear whether people want the door left open so that, one day, our children or grandchildren might have the opportunity for provincehood. There is a feeling that, had Meech Lake passed, there would not have been an opportunity for provincehood.

Some of the reasons for it are more autonomy. Some of the reasons against are financial, and we are a population of 30,000. It would seem that it could be quite difficult. Those are the kinds of questions I would like to hear from you.

**Mr. Lang:** How could we possibly, in our wildest dreams, with 30,000 people in the Yukon, we spend \$1 million a day on those people. Do you know what that is for every man, woman and child in the Yukon? We could never become a province. Economically, if we keep going the way we are going, we will never become a province. Our spending is going up and up on 30,000 people. We do not build anything but community clubs for these 30,000 people. We have no fiscal management. It would be a horror and injustice for any government in the Yukon to tell these 30,000 people that they could become a province.

We could not grade the roads. We are absolutely at the mercy of the federal government. If they cough, we are ...

In the last eight years, we have spent about \$1 billion. On what? Look around the Yukon. There are no more roads. We have not expanded our road network. We have not built any new bridges. We have maintained the structure that we have.

The 30,000 people here are probably the most spoiled 30,000 people in Canada.

If we went out to the real world, like Toronto, that is collecting all this money, this money is coming from somewhere in Canada. We have free medical. We have free this. We have free community clubs; we have free swimming; we have free, free, free. Everything is free. Somebody is going to tell me that we could tax these 30,000 people? Just to clean these buildings we have built would break 30,000.

**Ms. Hayden:** You are suggesting that our best future is to remain a territory.

**Mr. Lang:** Certainly. I do not think there is any way that Ottawa is going to shut the door on anybody. Ottawa is going to say they would love us to become a province. Take on all those responsibilities. Who needs it?

The only time that we are not treated as a province is when we go to federal meetings. Who cares? One little voice in the storm representing 30,000. We are not even a suburb of Red Deer, and we are going to talk provincehood?

This year, our taxes went up by 14 percent in this town.

**Mrs. Firth:** Your municipal taxes?

**Mr. Lang:** Yes. On my block alone, since I bought my home nine years ago, there were three government homes on the block and six non-government homes. That is now reversed. That has absolutely deteriorated my block through this million dollars a day that is coming in.

**Mrs. Firth:** What about the eventual provincial status? Is it something we should be working toward, or should we just be dismissing it altogether?

**Mr. Lang:** Are we not working toward it? If we get a population of 150,000; if we get our financial house in order, and we can prove that we are not going to be beggars for our whole lives to Ottawa, certainly we could become one. Ottawa will let us become a province when we push for it, because it takes a big drain off them.

So be it. Until we can start getting our house in order, and get to be at least spending some of the money that we collect at home, not all of it coming from Ottawa, we are doomed.

**Mrs. Firth:** What about our revenue-earning potential? Do you think the Yukon has any?

**Mr. Lang:** Yes, sure we do, if it is not artificial. If we build it on government spending, that is an artificial economy. When they talk in the *Whitehorse Star* that we are immune to the recession, we are not immune to the recession. The government is spending more money on building in Whitehorse, and all that kind of thing, but it is still not a true economy.

Certainly, the carpenters are working in Whitehorse. It is not like Toronto but, one day, when the recession hits, we will never recover. That is in my mind.

Now, I run three businesses, and I know that, when you keep over-spending, one day the bank phones, and you are in trouble. The bank from Ottawa is going to phone one day, we are all going to scream bloody murder, and they are going to cut us off our money. What is going to happen then to the 30,000 people?

**Ms. Skelton:** What I would like to see in the territory is, we have a lot of people living on welfare and using various systems. They often use health care unnecessarily, when they could be doing things at home for themselves. I would hate to

see the free medical service go out. I am a great believer in that. I think that is one thing where we should all be the same, is how we get treated when we are ill. Also, the education system should be free for the elementary and secondary schools.

I would like to see something put in where we can reverse the trend of the welfare recipients who are now in the third generation. We do not seem to be able to break them of that habit. It is a way of life.

There are big strides in the native population there. Their way of living has improved, their health has improved, the babies' chance of survival is much better, but I think we still have a long way to go, because the work ethic is not there. We have too many ... families. I do not know all we have to do, but I would really like to see something where we can maybe put some training into the school, or somewhere, where people know how to become good parents, people know how to become good citizens. The two-parent families in this town are very much in the minority, and it is a very sad state of affairs. It really bothers me.

Mr. Lang: In the education end, and Jenny can vouch for this ...

Ms. Skelton: I work for Yukon College right now, and we are getting students who have dropped out of high school. I cannot believe ... something in high school. It just boggles my mind when I see the kids just do not care a damn, unknown to their parents.

Mr. Lang: Jenny, you have to agree, that ... they recommend to me, where are your kids going to school, where do they recommend my children go to school. The first thing a teacher says is, get them out of here. So, if you have access to ...

Ms. Hayden: Excuse me, Archie. We cannot tape if two people talk at once. If you let her finish, we will let you have a go.

Ms. Skelton: I am saying that I see the adults coming through Yukon College now, and I am impressed. The people who are coming through are dedicated. We weed them through pretty fast, and the ones who stay I am impressed with. My opinion of people going to Yukon College was pretty dismal, but we have put some various controls in there, and various things that weed the people out. If they are not serious, then goodbye. You take responsibility for your actions, and I think the students appreciate that.

I know the people in town feel that they are paid to go to school, but I would rather have someone who is paid, and they are not paid very much, unless they are on UIC, and go to school and do something with the time than sit at home and sit on welfare, than not do anything.

I see the other side of this. As far as schooling is concerned, I think we have excellent teachers in the high school and in the elementary school. We are very lucky. Unfortunately, though, when you live in a small town, the fact of the matter is that we have a lot of kids who are drop-outs. The ones who are heroes, and the ones who goof around and drop out, drink, smoke, whatever, do drugs, and the ones who are just smart and want to achieve are the ones who are shunned. It is a very sad state of affairs. You have to somehow turn it around.

I also think that if their parents and homes respected educa-

tion more than they do, I think it will turn around. We sent our son out to school in Victoria, but that was because he wanted to go out, and we are able to send him out. That was our choice.

Mrs. Firth: Are you telling us, by raising these concerns about the education system and the health care system ...

Ms. Skelton: I would like to see it more preventative.

Mrs. Firth: Are you telling us that is more of a priority to you than talking about provincial status?

Ms. Skelton: Yes. I think our health system is really proving itself, but I think it is abused, and I do not know how we can avoid it. We were here for six months without a public health nurse. I would like to see many more preventative programs and education programs for the communities, to bring the standard of communities up.

Mrs. Firth: We are hearing a lot across the communities, since we have been out. In one area in Haines Junction, a person there listed off 15 different things that were bigger priorities than provincial status. We are hearing a lot of people saying, why are you doing this? This is not really important to us. We are more concerned about other important issues, such as blah, blah, blah.

Where does provincial status come on the list of priorities? Is it near the end, in the middle?

Ms. Skelton: For me, personally, it comes at the very end. I would like to leave a door open so, if in the future something happened, we boom or something, we would have the ability to still put our foot in. Right now, I really do not think so.

Another thing, if we do go to provincehood, I would like to see every province being equal. I do not like the idea of begging, making demands on the rest of Canada, trying to join them. I think we should be all equal. We all should be Canadians first, and then worry about what problems we come to.

Ms. Hayden: We are hearing this across the territory, that people want the door left open for some day. They do not want to see it slammed shut, but it is certainly not a high priority in the near future. This is consistent.

Mr. Trusz: One thing that crosses my mind is that it is obviously going to cost a great deal more money to go from a territory to a province, more for the taxpaying citizen. In my personal opinion, until all people in the Yukon Territory pay taxes on an equal basis, that means Indians and whites alike, you can forget the entire notion.

We have 55 percent of the population up here and, even when they do work, they do not pay taxes. Therefore, it is a dead income. Yet, our medical supplies, schools, and everything is supporting those people. That means that we, the taxpayers, have to pay twice as much to support the other half.

If you want to switch to a province, forget it. It is just a logical impossibility.

Mr. Lang: We would make Newfoundland look successful if we were a province. Our education and whole system, when we talk about constitutional change, the Yukon is a very small part of Canada. We are nothing. When we talk about a democratic form of government, when Riverdale South elects you, Bea, for four years, or until the next election, you can virtually do whatever you want, and the people in your riding have little they can call you back for. You have no policing at all.

When you think of the sawmill that nobody wants to talk about, we spent nobody knows, except somebody higher up in the government, who will not tell us. If Tony Penikett had been governor of Colorado, he would have been impeached. They would have had a system of government for recall.

**Ms. Hayden:** So, you would like to see us go to the American system.

**Mr. Lang:** Yes, where you have checks and balances, where the president of the United States is accountable to the House and to the Senate. He can be impeached. There is no guarantee you are going to be there for four years, buster. They just did that in Arizona, where they recalled the governor. They did not like what he was doing. There is a procedure to go through.

When you see that Brian Mulroney can give \$5 million away at a cocktail party to Mandela, and he can do it. He is virtually a dictator for four years. Maybe he will be a good one, and maybe he will be a bad one, but what a form of government.

When you people, as the head of the government and Members, it is not a good way to work without checks and balances. Look at that thing on TV. I see this thing in Ottawa where they rant and rave and scream at each other. If you are the NDP, you are against the Conservatives, it does not matter what they say. You shelve half the country and ignore them for four years.

In the House of Representatives, that does not happen. You need support to get things through.

**Ms. Hayden:** Does that mean, in the short term, you would like to see closer ties with Alaska and other circumpolar countries?

**Mr. Lang:** I think we have to go to that, as the world shrinks.

**Ms. Skelton:** What choice do we have?

**Mr. Lang:** I am not saying we are going to go hand in hand and join them, but I think we have to communicate with them. The British parliamentary system was built on honesty and credibility. In the old days, when you became a senior, you got elected as a Member of Parliament. They did not make it their life. They stood up and, if somebody made a mistake, they resigned.

In Canada, we do not do that.

**Ms. Hayden:** You ought to read some of the old stuff, Archie.

**Mr. Lang:** Still, the American system, where you elect a president. Our system here, it financially does not work. Look at our economics.

**Mrs. Firth:** We have heard some representation with respect to electoral change. So, this is a new point you are raising about having a more accountable system of government in Canada, in the Yukon. You like the recall, so that Members are accountable.

**Mr. Lang:** So people are accountable to the people they are representing. There is no guarantee that you are going to stay there for four years. If you do a good job, then it is fine.

**Mrs. Firth:** I think that is a valid opinion that we can register.

**Mr. Lang:** Another thing is when we have deputy ministers being arrested at an airport, then the honourable thing for

him to do is to get off the airplane, say I am sorry, I am innocent, but I am stepping aside until such a time as I am proven innocent. I am not going to collect a pay cheque until then.

**Mrs. Firth:** Is this another one of those issues that is of a higher priority than whether we become a province or not, something to do with electoral changes?

**Mr. Lang:** Certainly. Another thing that is interesting is, Old Crow has 250 people and they have a Member. What about Riverdale South? You have 3,000 people. They get the same representation as you do. That is not a democratic form of government.

**Ms. Skelton:** Putting the shoe on the other foot, if you were the Member elected for Old Crow and Dawson City, you would have a heck of a lot of area to cover.

**Mr. Lang:** I understand that, ... both sides of the issue here.

**Ms. Skelton:** You also have to think of the person's life who is representing that community and how much travelling they are prepared to do.

I think of this fellow who does Keno, he has an incredible area to cover.

**Mr. Lang:** Again, he ran for the job. He has to do the job. I am just saying to you that that is an imbalance in the electoral system, that Old Crow is as important as Riverdale South, when it is not.

**Mrs. Firth:** We have heard at least four or five communities raise that particular concern, for different reasons. Just now, in the news this morning, an individual has challenged that process, so that issue may be getting addressed.

**Mr. Lang:** They did in Manitoba.

**Mrs. Firth:** Saskatchewan just came down with their ruling, and B.C. has a ruling. That may be one of the issues that is addressed.

**Ms. Skelton:** Another priority I would like to see is diversification of various industries, whether it be light industry in the Yukon, so we do not rely on tourism and fishing and welfare. Also, we would definitely like to see the government structure cut down, so we can do away with all these deputy ministers. For the 30,000 people we have in the Yukon, we are top heavy, and all those salaries are extremely high.

**Mr. Thomas:** Twenty years ago, YTG all fit in the Lynn Building. How many people were around then? Not too many more than there is now.

**Mr. Lang:** From an employer's point of view, those wages just kill us. We cannot compete with a \$60,000 a year job. What is the lowest paid job? At \$36,000, you start in a little office after graduating from high school as a typist. If you have 80 words a minute, you have a job for \$36,000. Again, it is a monster, and it just swallows all the people up. Deputy ministers are all making piles of money. You guys are all making piles of money. Canadian politicians get \$96,000 for a Member of Parliament. The Senate gets \$70,000 some and \$150 a day when they show up as an incentive. I would say to you, if you do not show up, you do not get paid at all. I would go in the reverse.

**Ms. Hayden:** That is the way it works in our Legislature, too. If you do not show up, you get docked.

**Mr. Thomas:** That is how crazy our government is,

whether it is territorial or federal. All this money.

**Ms. Skelton:** Would Yukon's best future be to remain a territory with perhaps more powers? Until we are a bit more fiscally responsible, I think we should stay as we are, and we should work to get our house in order. When we have our house in order, then maybe we should start going for a bit more power.

Really, we do very well, compared to the provinces in Canada.

**Mrs. Firth:** In case some of you do not know, the per capita payments for Yukoners is about \$13,000 per Yukoner. The highest per capita in the provinces is \$2,500. That is the province that gets the highest per capita.

**Mr. Lang:** That is Newfoundland.

**Mrs. Firth:** That is just YTG. That does not include money from to the federal government and the Indian amounts of money that come for Indian Affairs.

**Mr. Trusz:** Whose idea was it to switch from a territory to a province?

**Ms. Hayden:** There is no idea to switch. The whole purpose of the green paper, as far as I can determine as I read it, and as our instructions were, was to do a check to see whether or not devolution was happening too fast or too slowly to suit people. Jenny has just said that it is okay like it is, and that is what we are hearing. People are saying it is okay, do not speed up, do not slow down, just slow and careful. That is the purpose of this.

There is no one who said, we are going to be a province tomorrow. There is no one who said, we are going to stay exactly as we are. It is that kind of, maybe it is time to take a reading around the territory and see what people's opinions really are of whether they have concerns about going too fast or too slow.

We have heard it very clearly. You sure as heck do not speed up, and you do not stop. You keep the door open down the road, and you go very carefully and you be very aware that we are not interested in becoming a have-not province. Those are the kinds of things that we have heard. I assume it will be listened to, otherwise we would not have been sent out.

**Mr. Trusz:** In other words, if Tony Penikett wants to be a real Premier, he has to go somewhere else.

**Ms. Hayden:** Those are your words, not mine.

**Mr. Lang:** Maybe he can go and run MacMillan Bloedel.

It is a very interesting thing because, like Jenny says, it is economics, and we do not have an idea of economics. When you think of \$13,000 a year coming to 30,000, and we are not even a suburb of Red Deer, and we are spending \$1 million a day, Toronto had better not hear about it.

**Ms. Hayden:** You were going to say something?

You are agreeing with him?

**Mr. Lang:** This is the best kept secret in Canada.

**Mr. Trusz:** Leave well enough alone.

**Mr. Lang:** You are darned right. Think of what we are spending. Thirteen thousand dollars for everybody in the Yukon, and then the federal government comes in and funds the natives. That is 8,000 people, so we fund them.

**Ms. Skelton:** Unemployment is federal.

**Mrs. Firth:** Educational programs.

**Ms. Skelton:** The federal ones are UIC, CEIC and

DIAND.

**Mrs. Firth:** There is a summer student program.

**Ms. Skelton:** The summer student program is 50-50.

**Mr. Devries:** In reality, there was a reason for the GST.

**Ms. Skelton:** The territorial government picks up 50 percent of it.

**Mr. Lang:** I am surprised it is not 30 percent, but it all boils down to fiscal.

**Mrs. Firth:** There seems to be more interest in discussing everything else but constitutional development. Does anyone else have anything else to say?

**Mr. Devries:** Another big question is with the land claims. When you hear the way they talk about self-government, we tend to lose approximately one-third of our population, where the government as we know it today would have control over two-thirds of the population, and the status of the other third is going to be questionable. We are actually losing ground right now.

**Mrs. Firth:** That has been raised in some of the communities, more in the context that, first of all, we were hearing that they want land claims settled before we look at provincial status or moving toward it. In the land claim settlement process, the Indian people will be getting responsibilities for their lands that the rest of the Yukon does not have. For example, they will be getting surface and subsurface rights to their lands. We do not have that right now, as the Government of the Yukon. When that happens, there may be a movement toward the rest of the Yukon assuming more responsibility and getting more rights over their resources, which may bring more revenue to us, if we can promote a new mine to open, or something like that.

**Mr. Lang:** I think the Indians would be easier to deal with than the government. If I was a mining company, I think I would go in and talk to them.

**Mrs. Firth:** I think they have found that with other claims, that Indian people are working quite compatibly with business. That will probably also happen here in the Yukon.

The general consensus we have been hearing is that the Indian people and the non-Indian population work together toward provincial status, as opposed to having one group over here working for their self-government and, then, a non-Indian community working for provincial status.

**Ms. Skelton:** I think one defeats the other.

**Mrs. Firth:** That is the consensus we have been hearing, that everyone has to work together.

**Ms. Hayden:** Does anyone else have any more comments?

**Ms. Skelton:** I am interested to see what is going to happen with native claims because of the B.C. decision. We will have to see what the Supreme Court does with that.

**Mr. Lang:** They made sort of a pig of themselves with the claim. The claim was the size of Nova Scotia. That really screwed up Smithers. They took a big block. They should have perhaps taken a little bit and put first rights on the rest.

**Ms. Skelton:** I feel sorry for the Supreme judges, because they have a heck of a decision to make.

**Ms. Hayden:** It is going to be very difficult.

**Mr. Lang:** That is what they are paid to do, make a decision for the Canadian people on what is right and what is

wrong.

**Ms. Hayden:** Can I just do a check out here to see if we are finished talking about Yukon constitutional stuff? Shall we wrap that up?

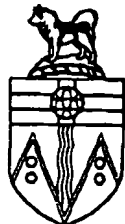
**Mr. Lang:** I think we should go independent. To hell with the provincehood. We should just jump right into the world thing and ally ourselves with Iraq.

**Ms. Hayden:** Thank you all for coming.

*Adjourned at 8:05 p.m.*







**Yukon Legislative Assembly**  
27th Legislature

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

Recreation Complex, Teslin  
Tuesday, March 12, 1991 — 7:30 p.m.



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

### **MEMBERS OF THE SELECT COMMITTEE**

Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

### **STAFF**

Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

### **PARTICIPANTS**

**at the Teslin Meeting of March 12, 1991**

Aylard, Rev. Bruce	McCormick, Marilyn
Chatterton, Sharron	Person, Dick
Guevremont, Michele	Saligo, Frank
Johnston, Hon. Sam (MLA)	Schonewille, Bernice (Mayor)
McCormick, John	

## TESLIN, YUKON

March 12, 1991 — 7:30 p.m.

**Mr. Johnston:** We might as well get going. First of all, I would like to introduce the two MLAs who are going around gathering information on constitutional development. In the last session, they were instructed to go out into the communities to bring back feedback to the Legislature. To my left is Joyce Hayden. She is the Minister of Health and Human Resources. Next to her is Bea Firth. The two who are doing the recording are Pat Michael and Missy Follwell. They work in the Legislature along with us. If there are any questions or information, these are the people who are going around with the information concerning this constitutional development. With that, I will leave it to the two here.

**Ms. Hayden:** Thank you, Sam. Thank you all very much for coming. It has been a long road, and it always feels very good when people come and want to talk about what is happening to our territory. I have a very firm belief that we all care about it and that we all have opinions. It is really nice when people come out and express those opinions.

As Sam said, Bea and I were appointed in 1990 by the Legislature to travel around the territory to every constituency and to almost every community to hear Yukoners' opinions on where you want to see the territory heading in the next coming years, whether it is the next few years or the next 50 years.

We will be reporting back to the Legislature this spring, after we have been to every community. April 2 is our last meeting. At the spring sitting, we will table a report.

It is then up to the Legislature and the government as to what happens to that report.

The purpose of the meetings was to specifically ask Yukon people whether you are happy with the way the territory is progressing constitutionally, as we sort of chug along as a territory, gradually assuming more programs and more authority: whether you want to see things speeded up, or whether you want to see things slowed down; if you eventually want to see provincehood happen, or if you want to say no; whether you are interested in circumpolar issues, or whether you are not.

Before I get into the logistics, I would ask Bea if she has anything more to say.

**Mrs. Firth:** No, just to welcome everyone and to say we look forward to hearing what you have to say.

**Ms. Hayden:** As you can see, we are taping the meeting so we can report accurately. Although Missy is taking notes, we want it to be as accurate as possible. This is not going to be our opinions of what we have heard, but a report on what you have said. So, these tapes will be transcribed, and there will be excerpts taken from that transcription. It will not be Bea and Joyce's ideas of what constitutional development is.

I hope you all have something to contribute, and I would ask that, the first time, you give your name so Missy can be very clear on who it is. With that, I would ask if anyone has come with a statement they would like to make. Sharon, I think you said you had something.

**Ms. Chatterton:** Yes.

**Ms. Hayden:** If anyone else does, we would hear that and

then go into a round table discussion.

**Ms. Chatterton:** I certainly feel nervous. My voice does the usual shaky things and my knees chatter, but I do not want to detract from the sincerity with which I want to say the next couple of things.

I am addressing the notion of pursuing provincehood. I want to make a few comments about that. My own feeling is that the Yukon should not become a province too quickly, and maybe not in the immediate or foreseeable future at all for a number of reasons. I think that one of the major reasons is that we have a population that has two major problems. One is that one segment of our population is still hurting from various psycho-social problems, of which suicide and addiction are some of the manifestations of the general population.

The First Nations people are still recovering a lot from residential school problems and their alienation from the land, and their inability to find work opportunities that suit their needs and their skills.

I think the other problem with the population is that we have an increasingly urban population, which is ruling a wilderness territory. An urban population, no matter how much time it spends in the wilderness and might originally have come to the territory because they love the wilderness, begins to have an urban mentality, and they start doing what we are all doing here, serving on committees, establishing policy. They start to have colleagues elsewhere in Canada, and a certain status is built up around being something more than a territory. They begin to lose track of just the ordinary grass and grass roots movements and close-to-the-land way of living, and they start looking for status in abstractions, which the political process is, it is an abstraction. It and the constitutional process are very important ones, but they can lead us away from the fact that we live in a wilderness territory in Canada. Perhaps along with the Northwest Territories, some of the last great wilderness lands in the world in the near future.

Aside from those two aspects of population problems, there is also the very large problem of the unresolved issue of land claims of First Nations. I think the Yukon Territory still does not have a hard-core environmental protection system set up. We do not yet see ourselves as in a defensive role against any sort of desecration, or even very heavy use of the wilderness. I think that is a very important step to take, before we go into the advanced stages of provincehood, and all the things that that involves.

There is no solid economic base in the Yukon yet. The only two solid economic bases that I can see, the Yukon government being short of funds if they become a province, is going to be something to do with our trees, which is probably pulping, and mining. They are things that destroy wilderness territory. I would be very worried about our trying to move into provincehood when we do not have a solid economic base.

Instead, I think we need to get our house in order before we think about becoming a province. We should begin to think of ourselves in a custodial role for the rest of Canada as a wilderness territorial, some sort of huge preserve, in some sense. I do not mean that there could be no trapping and no use of the land, but the nature of it would be distinctly different from the rest of Canada below the territorial lines.

I do think the Yukon should seek greater self-government

within those strictures, and I think that is essentially what I want to say. There are four main areas that we have to resolve before we become a province, and we have not yet set our goals if we are not going to be a province. We need to set goals for the special kind of territory this is going to be. I would say a custodial wilderness territory.

**Mrs. Firth:** Are you saying that your concern about us coming around and talking about provincial status right now is perhaps premature, that you have other priorities that you think are more important than the issue of discussing provincial status?

**Ms. Chatterton:** I think your coming around is not premature at all, because there are many people who are interested in provincehood and for perfectly legitimate reasons. I personally would say it is too soon to move in that direction. We should take a pulse every 70 years, but my own personal vote is, please go slowly.

**Mrs. Firth:** So, look after the people first, land claims, the environment, and economy.

**Ms. Chatterton:** Yes, have some sort of economic goals that do not destroy wilderness.

**Ms. Hayden:** I am not sure whether I missed something, but do you feel that we should leave the door open for some day in the future, when people may choose?

**Ms. Chatterton:** Nothing is ever static. The needs of Canada might change, the needs of the world will change, and the needs of Yukon people will, so you cannot speak for the long distance. I am looking at in the next decade.

**Ms. Hayden:** The goal setting now is important to you?

**Ms. Chatterton:** These goals, not the goals ...

**Ms. Hayden:** For the moment, thank you. I am sure you will have other things to say. Did anyone else come with a prepared comment?

**Mr. Person:** I do not have anything written down. I think that what I am going to say is complementary and supplementary to some of the comments Sharron has just made.

I would like to preface what I am going to say with just a little bit of background. I feel it is relevant in this case. I grew up in the United States in northern Minnesota on the Canadian Shield in an area adjacent to a large wilderness peace park, which lies between northern Minnesota and Ontario: the canoe country, or the boundary water country, as it is called.

I began guiding in that country as a teenager. When I went to university, I pursued studies of wildlife biology and did a master's study in the Arctic a long time ago. Following that, I spent half a dozen years as a park ranger and game biologist in the western United States and left that to begin guiding adventure trips, as opposed to the hunting-type guiding, in the mountains of the west and in the western waterways, and so forth.

Wilderness areas that I went into, within four or five years, because of the population base of the United States, were discovered and, in a short while, they had the wilderness named, but they were no longer wilderness in any true sense, in terms of being able to go there and enjoy solitude away from people. It was one of the reasons that prompted me to come to Canada, because I had made some forays up here prior to that. Of course, I was very impressed with the wilderness nature of Canada.

When I finally made a trip up to the Yukon, which was back in the early 1970s, I was flat blown away. It did not take too long before I left the provinces, although I was living in a pretty nice wilderness setting in the mountains of British Columbia and Alberta. Again, the same process was happening of invasion by the extractive industries. You cannot go anywhere around Alberta without being aware of seismic lines and all the things that are implied by that, as well as the logging, et cetera. We just drove up the Cassiar Highway, and it is ravaged.

I have never lived in a place that I have found to be so in accord with my own inner nature. The Yukon is an unusual place, and it is a world gem: this and the NWT. The values that are here are basically renewable ones. I feel that the extractive industries are very short-lived and, in many cases, desecrate the renewable resources. In some cases, the impact on the wilderness is irreparable.

I did studies as a game biologist into such areas, so I am not just speaking of it casually, or from a number of years of being in the guiding business. I think that every one of these jobs, or propositions, that come up, whether it be mining or logging, those two in particular, have to be looked at very carefully. In most cases, the impact they have is something that, often, you are not really aware of until five or 10 years down the road, after the thing has been done. Then, suddenly, you find that the groundwaters have been contaminated, various other kinds of things have happened, and not just in the immediate area where the development has taken place, but in a broad spread. Look at the case of the Yukon River right now and the contamination from Whitehorse, not to mention various other places that are suffering the impact of drainage from mines, and that type of thing.

I think this is sort of the core of what I want to say, that we have something here that, right now, as well as 10 or 20 years down the road, is going to be so unique within the world. It is not something to be tampered with. Once tampered with, in many cases, you cannot bring it back to where it was. There is much ecological proof of this in many instances all over the world.

I would like to see a continued development of light impact tourism, where you are not going around setting up permanent lodges in the back country, and that sort of thing, but where the area is travelled through and used with minimum impact. I travel a bit, and the more I travel the more aware I am of what a wonderful place we have here, and how aware other people around the world are. You say the word Yukon, and that is a magic word.

I also make slide presentations and do lectures and courses for universities and colleges down in the United States, as well as in Canada, so I have the chance for some feedback and reflection from people as I am doing this sort of thing. They are very aware of what we have here. Though it may be a ways down the road, I think this is something we should bear in mind and use our resources carefully and in accord with well-thought-out programs in the whole environmental picture.

I was kind of long-winded on that, but it is something that is very near and dear to me.

**Ms. Hayden:** Thank you. That was very interesting. I am hearing that you feel that what we have is very unique, and

that we should be planning to preserve it.

**Mr. Person:** Exactly, to use it but use it correctly, then it will renew itself. That is what the term renewable resources is about. If you tamper with some of the basic systems upon which that renewal depends, then you are not going to be getting renewal coming back to the original state. There are so few places in the world today that can be used like an ecological pulse to determine what the world was like prior to industrialization and urbanization, and all the different impacts that are taking place from pole to pole right now. It really concerns me.

**Ms. Hayden:** Relating it to this, are you saying that you feel that can be best done as a province or as a territory, or are you just saying, whatever the choice, that is what should determine what the choice is?

**Mr. Person:** I am saying that the base line, regardless of whether it is a territory or a province, has to be this kind of an understanding of what is here and what we have. This is not to say that it is only the animals, the plants and the environment, but the people, as well. This is a unique population here in the Yukon, and I am sure you are all aware of that. Again, the more I travel, the more aware I am of what unusual people are here, and the kind of passionate concern they have for these things. We do not all see it the same way, and I do not expect that, but the people I know are all very concerned with these kinds of values.

I realize that, as a territory, you often get colonial treatment from Ottawa in various respects. We do not have as much command over our destiny in some ways but, by the same token, until we have a non-attributional income base, then I feel that we should go slowly. .... create jobs. This idea of job creation as being something that takes priority over any other thing that is going on, to me, is very short-sighted.

**Ms. Hayden:** Would you see some of your beliefs somehow entrenched in what we are as a territory, as policies or whatever?

**Mr. Person:** Yes. That is something I would like to mention. I do not know if you are aware of the wilderness area policy in the United States.

**Ms. Hayden:** I have some familiarity with it, but not a lot.

**Mr. Person:** I was in university at the time, so I took a small part in the movement to create a wilderness area in the boundary water canoe country, which eventually did take place. In the United States, a wilderness area is not an area that is set aside to not be used. It is an area that is in use for hunting, fishing, travel, but it has definite restrictions in terms of heights of airplanes flying over that area. That was a real sore point in the canoe country. It is one on which I can speak personally on the various invasions that happened to me by airplanes.

Logging can take place to within a certain perimeter of this area, and it is really restricted within the area itself. There are definite requirements in terms of pure water. That is another one of the main things. The Yukon has one of the greatest reserves of pure water in the world. When it comes to talking about gold, this is liquid gold which is of far more value than something that you can make ingots out of and support the extraction of the dollar bill, in terms of simply the maintenance of life on earth.

**Ms. Hayden:** Thank you. We will come back. Does anybody else have anything?

**Ms. Schonewille:** I had more of a question, or a clarification on something. As a territory, the majority of the land in the territory is Crown land, which is federal land. We do not totally control all this land and resources or what happens to the trees or whatever on it, or minerals. As a province, would we?

**Ms. Hayden:** The terms of the formation of a province is negotiated. For example, that could be negotiated as part of provincehood, or it could be negotiated as part of being a territory. Once claims are settled, perhaps that is the next part of devolution to look at, the responsibility of land as a resource.

It is not directly tied to provincehood. In some ways, provincehood is probably an abstract theory, as was said over here. On the other hand, it does have to do with the way we govern ourselves, because there is more direct responsibility for more programs, and probably land would be part of that, but it does not have to be a province to have the responsibility for the land.

**Mrs. Firth:** It would be assumed that, if we were to be treated equally with other provinces, that we would have the responsibility for the resources we do not have now. That would be the land. As the Indian people are negotiating their land claims agreement, they are getting responsibility and control over the surface and subsurface rights. That would be something that Yukoners would be looking at, control in provincial status. We would also be looking at forestry, what remaining jurisdictions we do not have, like health and human resources and some judicial matters.

It would be something that would be negotiated with the federal government, as other provinces did, but things have changed now. According to the constitution, we do not have the luxury of negotiating only with the federal government. There are other provinces now who will have a say whether or not we and the Northwest Territories become provinces. That is written in the constitution, the seven provinces and 50 percent of the population. We have been hearing a lot of objection about that from Yukoners, and that is a fair statement to make.

As Yukoners, and people negotiating on our behalf would take no less a position, that we would be treated on an equal basis, as the provinces have, and that we would be eligible for just as much responsibility and control that the provinces received when they entered provincial status.

**Ms. Schonewille:** Some of the responsibilities that we have been allowed to take control of, without provincehood, could the federal government take them back?

**Ms. Hayden:** Where we are now is in a rather colonial position, in terms of the federal government. We are ruled by the *Yukon Act*, which is under the Department of Indian and Northern Affairs. It is quite clear that an act of Parliament could abolish our Legislature. The Minister of Northern Affairs could veto Cabinet or any of the rules or acts, or whatever, that they put in place.

The *Yukon Act* could be amended to entrench the authority of the Yukon Legislature and of its chosen government. There are changes that could be made as a territory, or they would be made if we were a province. At the present time, we are

controlled, in theory at least, by Ottawa. The last time a piece of legislation was vetoed by the Minister of Indian Affairs, through the Commissioner, was in 1982.

**Ms. Schonewille:** What was that?

**Mrs. Firth:** The Department of Indian Affairs and Northern Development does not really have the ability to abolish our Legislature, *per se*, but they do have the ability to put us back to the same status as having the Commissioner be the ruler and landlord of the territory, and get rid of our ability to have a Cabinet that is chosen by the majority number of Members elected in the Legislature, and so on.

In 1982, the idea was to somehow ensure, through legislation from the territorial government, that we would have a cabinet and be able to carry on as the other provinces do, and that piece of legislation was vetoed by the Commissioner, who does it by direction of the Minister of Indian Affairs and Northern Development. So, they have the ability to do that with any piece of legislation that the territorial government brings forward.

If we brought forward an environmental act, or lands distribution act, or something they did not agree with, or did not feel we were doing it the way they wanted us to do it, then they could prevent us from passing that piece of legislation and making it law.

We would have to move toward provincial status and have our own constitution, as other provinces do, which would ensure and protect that we had the same powers and abilities as the provinces.

**Ms. Schonewille:** With regard to laws, do federal acts and laws supersede ours?

**Mrs. Firth:** It would be the same as the provinces. There are federal laws in the provinces, too. For example, the *National Health Act*, where the provincial governments do not have any ability to interfere with that, any more than we do now as a territory, or would as a province. There are several pieces of legislation like that.

**Ms. Chatterton:** I think Bernice is on a really important track here. My question is sort of a follow-up. In your judgment, how far do you think we can go toward acquiring all the powers of a province, and protecting ourselves and making sure we have a legislature, control over land, et cetera, without assuming all the heavy responsibilities? I do not say that because I want the Yukon to be a weak-kneed wimp that cannot assume its responsibilities, but because it does not have an economic base and has an extremely small population for its huge area. I do not think it can assume the same responsibilities that a province with bigger populations, et cetera, can assume.

How far do you feel we can go, in the large categories of power and acquisition, toward becoming a province, without stepping over the line? Is it that we have to get to economic? Is the last stumbling block going to be financial, that when we become financially responsible for ourselves, then we will truly be a province?

**Mrs. Firth:** It is kind of a chicken and egg thing. We cannot become financially independent unless we make the decisions about economic development. If we do not have control over the lands and the forests, and so on, we can only become economically viable to a certain extent, by promoting

tourism, as Dick has spoken about, and light impact tourism and some small business. I do not get the feeling from what we have heard around the territory that people feel that we would be able to become economically viable unless we had more control over the economic development of the territory.

**Ms. Chatterton:** Can we not go all the way to acquiring to have control, but not take the last step?

**Mrs. Firth:** That is what we seem to be hearing.

**Ms. Chatterton:** We ... the federal government to please continue to support us, because we are a little population, but we still want all the powers that everyone else has.

**Ms. Hayden:** I suppose that is about it.

I do not think we can answer that specifically, because each step is negotiated. So, we negotiate as far as we can go, a step at a time, and attempt to bring resources with it, so that there is the money to administer the program, for example, the health transfer right now.

It would seem to be a step at a time, and who knows. If that is the goal, and that is the decision, then obviously we would take that. As Bea said, we are hearing slow, careful progression, but no leaping off into uncertainty. People do not want to be a have-not province, and they want to be very careful about what happens.

**Mr. Person:** The business of getting control over lands should not be a two-edged sword. Look at B.C. forests. Look at things like the Old Man Dam, the Rafferty-Alameda Dam, where they contracted to supply water free to the U.S. for 100 years. Water is going to be one of the single greatest issues on the North American continent. It is right now. The U.S. is thirsty, really thirsty. I have been down in the southwest, and I have been down in California, around LA and that whole area through the Sierras, and right on up the coast, even up into the Pacific northwest, and they are freaking out. When you start talking about taking chunks of ice and floating them down there to supply drinking water, they are looking at extremely severe conditions. In large part, they have brought the situation upon themselves.

I have some well-documented information on that, which is not normally the kind of stuff you find in the press. We have a resource here, without ever thinking about digging for gold or copper or lead or zinc, or anything else, that is going to be far in excess of value of anything else that we have. It is scary. It takes very mature politics to keep that stuff in mind, and keep it in the forefront. It is so easy to overlook. Again, it is something that we have to look at a few years ahead, and not very many years ahead.

**Ms. Hayden:** Does anyone else have a comment?

**Mr. McCormick:** I have listened very carefully to what was said here tonight, and I would concur with the better majority of it. First of all, I would like to say that it is delightful to see you two ladies here tonight. I think the best man for the job is you two ladies, and I am really glad to see you here. It is nice to see somebody who is actually listening. That is quite a different sort of thing than I am used to, and that is important.

However, in talking about provincial ranking for the territory and things surrounding that, I wonder if it is redundant what we do here tonight. If Quebec goes its own way, there are several major concerns that I have. Number one, will the provinces then say, because Quebec is gone, we must now

expand their territorial borders in order to ensure their continued growth and a bigger base in which to operate on. If that is the case, very clearly what we have to decide here over the next bit of time will not count for a hill of beans, because provincehood will never happen.

Secondly, if we get provincehood on an immediate basis, which is where I feel we should get the name and the title and, then, negotiate over a period of time, as we become able to negotiate, rather than taking on all of the attributes of a so-called province, which we know we cannot do. If we know we have provincehood, *per se*, then we are an established entity, and it would not be possible to take it away from us, except by force, and that would be difficult.

Those are the two concerns that I have. Realistically, one has to balance what those two things mean. One draws one's own conclusions, and I guess yours is as good as mine in those regards.

Talking about the territory and what it means, I have been in every province of Canada, in most of the states, in Europe and in the Far East. I served in Korea with the United Nations forces. I have some depth, but I am here in the Yukon because it is a very special entity. I find, even when people come here, although they are not Yukoners, after a while something happens, and they become Yukoners.

When somebody says to me, what am I? I say, I am a Canadian from the Yukon. That is what I am. The Yukon is my home, and I would not trade it for any place in the world. It is so special to me that I have moved from that big centre, that colonial centre of Whitehorse, not to Teslin, but to the cottage lots down the road from Teslin, because this gets to be a pretty colonial place. I guess it is all in the view of how you look at things.

All I am saying here is that I feel that we have a unique and special place in the world, and I concur 100 percent. The only thing is what we have. I would like to address a philosophical difference by way of party and by way of philosophy. Good or bad, that is not what I am about. I think that what we must do prior to making that move is to say to the feds, this is what we want as a province, *per se*. We must establish a very closed window that says that, irrespective of where we are going, or what party is in power, the constraints are there that say these features will be predominant. We are not going to move into heavy industry; we are not going to move into nuclear; we are going to look at ecology; we are going to look at conservation, et cetera. If you have those constraints, then you can have any party, including the communists, running here, as long as they are strait-jacketed into that philosophy for the territory.

If we can do that, then any party can govern successfully and, at the end of the road, 100 or 1,000 years down the road, your great, great, great, great grandchildren will be looking through your eyes at what we see today, and it is one of a kind. If we lose it now, we lose it forever.

**Ms. Hayden:** That is what I was meaning when I was asking about entrenching this in some way so there is some way of preserving what we have for all those future generations.

**Ms. Chatterton:** Could we name ourselves the Yukon Wilderness Territory?

**Mrs. Firth:** The point you raise about the Quebec situa-

tion we heard from many other people, almost to the point where people feel quite helpless about what is going to happen to us because we have no control over what Quebec is going to do. I certainly detected that from the people who have come and made presentations. There is always that fear of extending borders. The options just become absolutely unlimited if Quebec leaves Canada. People say there is the chance of Alaska wanting us. B.C. might want us. What is going to happen to the Northwest Territories? Maybe the whole picture of Canada will change.

We have found it very helpful to find out what people's ideas are, and part of their concerns and anxieties. The point you made that I find interesting is with respect to a Yukon philosophy. I think that is consistent with what Dick and Sharron are saying, as well. We hear that from Yukoners in the context that we have heard that people want land claims settled first, so the Indian people have their house in order, so to speak, with the requests they have been making, and the injustices that have gone on. Then, all Yukoners can work toward provincial status, as opposed to having the Indian people working for land claims, the non-Indian people working for provincial status, and everyone working at cross purposes.

That can be taken one step further, and the message given that, once the land claims are settled, and all Yukon people are looking at provincial status, we all look at it with a Yukon philosophy in mind, as opposed to a political philosophy. I think that will give us a much stronger bargaining position.

Whether that is achievable or not, I do not know, but I think it could be if the demand is made from the people, and the representation that is elected reflects that demand. It is an interesting point that you raise.

**Ms. Chatterton:** There is a slight problem. There is an advantage of selling the notion of the Yukon as a national treasure to the rest of Canada, in that they might agree and help us look after ourselves. On the other hand, they might decide to look after us for themselves.

**Mrs. Firth:** We have heard that.

**Ms. Chatterton:** It could be a difficult problem to walk that tight line.

**Ms. Hayden:** People say, do not tell the rest of the world.

**Mrs. Firth:** There was also the concern raised about, do you think the rest of Canada really cares about us here. So, our response was, obviously, they are very interested in us because, in the constitution, it is not the Yukon and the federal government who are going to decide on provincial status. Seven other provinces want to be involved. With the Meech Lake Accord, they tried to change it so that all the other provinces could have a say.

I think the feeling that there is among the population here is that the rest of Canada is very interested in the Yukon because of its tremendous wealth, resource-wise, our water, our minerals, and I do not think the rest of Canada will be giving us up without wanting to be part of the decision making.

**Mr. McCormick:** That speaks exactly to, and you phrased it really, my concern about the Yukon philosophy and the use of the resources. If possible, to avoid those resources that are non-replenishable, and to deal with the things that we have that are going to be there forever and ever, instead of using them and then they are gone.



It is because of the fact that, number one, we have water. If anybody around this table knows anything about values today, they must understand that, in the next 100 years, water is going to be of more value than diamonds to the southern states, to the world at large, and to the rest of our country. We have an enormous potential here in water. We have to protect it, first for our own selves, and for generations to come.

With respect to our resources in the ground, we talked about that philosophy again. We have to keep in mind all the time that, if we get into that southern mentality of rape and run, then 100 or 200 years down the road, we will have an awful mess here, we will have nothing to leave, and the money will be gone.

I keep coming back again and again. I do not care what happens in the future, because things change so quickly in the world. Who would have thought three years ago about Russia, East Germany, or what is happening in the world in general? It may happen, and it may not happen but, if you are not a master of your own ship, then your destiny is at sea. Here we are, and we have a chance now to become masters of our own destiny, put it in place and, regardless of what happens, at least we will be able to negotiate from a position of strength.

That is where I would like to be, and that is why what we are doing here is valuable.

**Ms. Hayden:** Are there any comments from other people?

**Mr. Person:** Another thought I have on this, again looking at the global situation, is that I think that there is no doubt that, within a few short years, sufficient food and water is going to be one of the major issues, both at the grass roots level, as well as political. You cannot have food without water.

In the days of the Gold Rush, when the Klondike basically supplied all its own needs in terms of its vegetable needs, the need is certainly no problem here. We can be one of the few self-sufficient places in the world. I am not saying that we are going to hog it and tell the rest of the world to get lost but, by the same token, just in terms of the survival of the land and the people of the north, and I say that right across the lines of longitude in a circumpolar sense, this is something that has to be looked at very carefully.

When you look at the impact of just desertification on the world today, the deserts are growing at an incredible rate, not only in North America, but in the Sahara. It is happening in all of northern Asia. It is even happening in places like northern Scotland, where it used to be trees and has now gone to grasses. It is really alarming.

You can get off on areas which are not really too relevant. If you compromise those basic things about ... it would be nice to have the human species around for a little bit longer although, I think in some cases, they deserve absolutely what they are getting. It is too bad that we have to be impacted by a lot of things that we have not been instrumental in performing.

Overall, the global picture has to be a part of the concern.

**Ms. Hayden:** Do others feel that a circumpolar link is important, that we have contact and closer or less close ties with other northern jurisdictions? What is the feeling about that?

**Ms. Guevremont:** The closer the better.

**Mr. Person:** I think we could learn much from other countries that are older than we are, Scandinavia for instance and their handling of their area. They have definitely done some right things, because they still have a viable north of 60 area. That says something when you consider how long those countries have been populated.

**Ms. Schonewille:** I was not thinking so much about the circumpolar issue, but it would appear that we all agree that our natural resources should be protected. Who is best to protect them but Yukoners, the people who live here? It would appear that, if we want absolute control, then it is provincement.

**Ms. Chatterton:** How are we going to pay for provincement?

**Ms. Schonewille:** That was part of the question. What is expected of us, financially, as a province? Do they look at the economic base in the Yukon in determining the funding? Are they going to approve that we are a province and, then, cut our funding in half, or is the funding going to stay the same? If it is, is it going to stay the same as it is now? The problem is financial.

**Ms. Hayden:** I suspect the big stumbling block is the financial one. That is what we have been hearing around the territory.

Provinces have what are called the equalization payments, as you probably know, where the rich provinces kick in and the poor provinces receive. We receive somewhere between 60 percent and 70 percent of our budget from the federal government, where the poorest province receives 43 percent of their income from the federal government, and that is Newfoundland. As you know, they are not a very wealthy province.

A lot of the equalization payments are based on per capita income. We have a very high per capita income so, on that basis, we would not be eligible for even equalization payments. However, it has been argued that we should negotiate a funding formula similar to what we have. I do not know whether that can be done or not. Certainly, 30,000 people could not pay enough taxes to run a territory. It would be atrocious.

It is a question that I do not have an answer for.

**Ms. Schonewille:** Is there a unique form of government out there somewhere we could become?

**Ms. Chatterton:** What is option three?

**Ms. Hayden:** Is there some unique form we should be looking for? That is the question.

**Ms. Chatterton:** Have your cake and eat it option.

There has to be one somewhere.

**Mrs. Firth:** We have been hearing that, first of all, people are very concerned about what would happen to the finances, would we have to pay more taxes. Right now, the financial picture of the Yukon is that it is generally felt that we are treated very generously. We spend about \$365 million a year in the Yukon. As someone in Watson Lake said, that is \$1 million every day, and that is for 30,000. Of that, if we are raising \$60 million, \$70 million or even \$100 million ourselves, we are still being extremely heavily subsidized by the federal government.

**Ms. Schonewille:** Because we are a territory.

**Mrs. Firth:** It is because of the formula arrangement that we have, and that has just become very special in the last six years. That was the special formula financing agreement that was signed in 1985. The per capita amount of money that is paid for each Yukoner is \$13,000, compared to \$2,500 for the province that gets the highest per capita payment. That is a huge discrepancy.

We are hearing from people that, if we do start moving gradually to provincial status, we ensure that some kind of arrangement is made with the federal government, or some kind of financial position is negotiated, that would continue to keep us in a healthy financial state, so we would not become a poor, have-not province.

It becomes very complicated because, as you have more responsibilities, as we are going to with devolution, the federal government is going to have to transfer more money for us to run those programs, and we are going to assume more responsibility, and it is going to cost more money. Another message that we are getting very strongly is that people want to see some sound financial management, and want to see us, as the Yukon government, demonstrate that we have some responsible management of our finances, and that we can look after the money that is being given to us now and spend it in a responsible way. So, they are looking for sound fiscal management.

It is something that Joyce and I are hearing a lot. We are not able to express our own opinions on this panel, and we did not want to go around like we were giving you all the answers. We have had a request from people for more information. When the time comes to make the decision about provincial status, they want to make it in the form of a referendum or a plebiscite, where everybody gets to have a say in the Yukon, and they want information so they can make a well-informed decision. This is the kind of information that people are asking for: money, what is our economic position going to be; how will it affect our powers, compared to what they are now; what will we have that we do not have now.

Before the question is put, I think the people in the Yukon have to be given more information as to what exactly provincial status means.

**Ms. Hayden:** Would you want to see a referendum kind of request?

**Mrs. Firth:** Everyone nodded.

**Ms. Hayden:** There would be lots of information first. I do not know what I am talking about in terms of years, whenever that might be.

**Mr. McCormick:** An interesting thought popped into my head, having to do with land claims settlement and self-government for the native people, et cetera. On the assumption that occurs, and it will hopefully occur sooner than later and, if down the road, we find ourselves in the position where we had a yes vote to go for provincehood, and everybody basically agrees that it is a good thing to do, is there a possibility, because of their self-governing status, as a self-governing nation, within the Yukon Territory, that they could put a brake on that to the courts?

**Ms. Hayden:** Do you mean the Indian people?

I do not think we could answer that question. You can ask that question, but we cannot answer it. We do not have an

answer to it.

**Mr. McCormick:** That is exactly why I am asking the question. .... is it really worthwhile? If it is worthwhile, we should be asking those questions in light of the possibility that every exercise we do is of no value. I am simply saying it is a valid question, and I think the answer should be forthcoming before we get too far down the road.

**Mrs. Firth:** The way I would respond to that concern, and I am not expressing my opinion, I believe, and Sam can correct me if I am misrepresenting the concern, but I believe that the concern of Indian people was that their land claim be settled before provincial status because of the precedents that have been set in the past in provinces like B.C., who did not recognize the rights of the Indian people to have their claims to land and to their self-government. I suppose we could look at whether or not, without expressing my opinion or coming to any conclusions, the Indian people, since it is sort of a unanimous position of all Yukoners that the land claims be settled before we move to provincial status, that there would be a more positive response on behalf of the Indian people when it came to the total picture of the whole Yukon becoming a province.

Specifically on the ability of the Indian people to take it to court and stop it, I cannot answer. I am sure it would go through several levels of courts, and many lawyers would be involved.

I think there would probably be a more positive approach, because the concern of the Indian people would have been addressed with the settlement of their claims. Am I being fair with that representation, Sam?

**Mr. Johnston:** I think so. I think that is the way the Indian people look at it. They should settle land claims first. If you are thinking about provincehood at the same time, then there will be something else in the air again. Before the land claims were settled with the B.C. people, B.C. became a province. Now, the Indian people are having a hard time, because it is not written into the constitution. That is why they are saying, settle with us first, before you start thinking provincehood.

**Mrs. Firth:** It is a good issue that you raise, John. No one has raised it before, so it is a noteworthy comment.

**Ms. Hayden:** Interestingly enough, in one of the First Nations communities, it was suggested that perhaps one of the things we should be looking at is working through the land claims process toward a greater assumption of powers, or toward provincehood, if you want to call it that.

**Participant:** Clearly, if we cannot resolve land claims, we sure cannot handle provincehood.

**Ms. Hayden:** I would say there has been unanimous feelings around the territory that land claims be settled, and that kind of good, positive feeling.

**Mrs. Firth:** We are hearing it from all over, from Whitehorse and all the communities.

**Ms. Chatterton:** So, the First Nations people do not have a policy on provincehood versus territorial status, beyond the point of, let us settle land claims first?

**Mrs. Firth:** I think the concern was that British Columbia was a province, and other provinces, did not recognize the Indian land claims.

**Ms. Chatterton:** I just wondered if there was any other policy.

**Ms. Hayden:** Not that I am aware of.

Are there any other comments?

**Ms. Guevremont:** I have the feeling that, by the time land claims are settled, and the Yukon is ready to make up its mind, Quebec will probably be separated and Canada will say, what are we going to do next? Then, the Maritimes are going to have this same question that we are asking now, and B.C. will look at us and say, do you want to come down with us. Everything is going to happen at the same time, and we will all have to decide if we want to separate or stay together, at that time. It seems that, right now, it is too soon.

**Ms. Chatterton:** Maybe the first steps we should be taking are to ensure that we can determine our own future, whether or not it is a province or a territory, but that no one else can determine it for us. Otherwise, we do have the problem, if Quebec separates, and B.C. says, please join us. We might not have an option. If we do not have any power to say yes to provincehood, we do not have any power to say no to being taken up by another province, either.

**Rev. Aylard:** Does that not mean, the way I look at it that, as a territory, we are automatically in the major jurisdiction of the federal government. Therefore, if a provincial government comes along, like B.C., and wants to swallow us up, they would have to go through Ottawa, which is not very likely.

**Ms. Chatterton:** They can say yes, though.

**Ms. Guevremont:** We could say yes.

**Ms. Chatterton:** We are expensive to maintain. Maybe they would like to give us away.

**Ms. Guevremont:** Maybe the Yukon would like to join B.C., or join the Territories, or join the prairies. At that time, Canada will be in parts, separated. One part is here, and one part is there, and then we have us to the side. Are we going to stand by ourselves? Who are we going to join? It could happen. We do not know yet.

**Ms. McCormick:** I was just listening to everyone's comments, and I was just wondering what protection does the territory have, at the present time, to prevent being swallowed up or given away by the feds? What do we have that says, except we the people get together and say no, we are not going? What do we have in place? Is there anything that protects us?

**Ms. Hayden:** As far as I am aware, whatever there is in the *Yukon Act*, which is not a lot in terms of self-government, and some very loud voices. Patrick, are you aware of anything in our legislation that would prevent the federal government from giving us away?

**Mr. Michael:** It is an interesting way of turning it around. Right now, if there was an agreement for a province to move north, they would have to satisfy the "7 and 50", which is seven provinces that have 50 percent of the population. I do not think the feds could up and do that. For any expansion of provincial boundaries into the territory, it would still require the "7 and 50", since 1982.

**Ms. Hayden:** So, that "7 and 50" might be to our advantage, in preventing us being taken over, as it could be a disadvantage if we wanted to become a province. It could be turned around into being an advantage if someone were lusting after our territory.

**Mrs. Firth:** It is still the federal government that would

be putting us up to bid to the higher bidder, though. As Yukoners, we would not have a lot to say about that. It would be the federal government and seven provinces and 50 percent of the population.

My immediate reaction to your question was that we would not have any choice.

**Ms. McCormick:** I was thinking, if Quebec were to separate, that cuts off the Atlantic provinces. Therefore, you have Ontario, Manitoba, Saskatchewan, Alberta and British Columbia, but what happens then?

**Mrs. Firth:** The Northwest Territories could very well be in the same position. All I have to do is have that echo in my ears of some politicians federally referring to us here in the Yukon as "Canada lands". As a Yukoner, I think you would feel that you had very little control, if that kind of attitude were there.

John raised the issue about Quebec, too. We talked about all kinds of options presenting themselves, if that should happen, and it would have an impact on all of Canada.

**Ms. Guevremont:** Exactly, because then Ontario could go off by itself, and the Prairies together, and then B.C. would have to look up and say, what do I do?

**Ms. Hayden:** Or they will look south.

**Mrs. Firth:** For Ontario to be viable, it may become more dependent on western Canada, too, if Quebec was not there any more. There are some interesting theories people have about what would happen if Quebec left.

**Mr. McCormick:** Economics will decide what occurs. .... Quebec and Ontario most likely will revert to the old Upper and Lower Canada concept and become one conglomerate. That way, they can milk the west and they can milk the east, and they can play to themselves and play to the world. There we are, in the Yukon, with our ... hanging out all over the place and everybody after us.

**Ms. Hayden:** That is a very succinct way of putting it.

**Mrs. Firth:** Frank, you have been awfully quiet tonight. Are you getting upset with all this talk?

**Mr. Saligo:** I do not know. You kicked me two times. I have nothing to say.

**Ms. Chatterton:** Can I get back to something that Bernice put up and was not resolved? She asked what I thought was a sensible question. She asked, what economic base do we have to prove ourselves to have, or on what basis will Ottawa decide to feed us or not feed us after we become a province? Are they going to go out and say, how many mines do you have? Do they go out and count our wealth? Is that what they did with Saskatchewan and Alberta, before they became provinces?

**Ms. Hayden:** It was a negotiated process. Presumably, our government would negotiate with the federal government terms of provincehood, just as it was in the other provinces. Some had surface rights; some had other rights, but it was negotiated at the time.

Population numbers did not seem to be an issue at the time, nor did income appear to be an issue. As I understand it, it was more of a political issue.

**Ms. Chatterton:** So, technically, on precedent, we could be a desert and have no resources whatsoever, and they can still say, here you are, look after yourselves.

**Ms. Hayden:** Presumably, or they could say, we will provide whatever kind of funding. I am saying that the whole thing is negotiable.

**Ms. Chatterton:** So, what I wanted to know is, there is no precedent for them looking at us and saying, you are an extremely materially wealthy province, with lots of minerals, and whatever. You want to be a province, then be a province, and you look after yourselves.

**Ms. Hayden:** I expect they would try to do that, but it would be a bargaining thing. I am not sure what we have as a bargaining chip, that is all.

**Mrs. Firth:** One of the interesting presentations that came forward in Whitehorse was from a gentleman named Steve Smyth, who does some lecturing at the college about constitutional development. He talked a great deal about economic viability. I think the federal government has a pretty good idea about our potential to raise revenue here, because they have been receiving the revenues from our mines, and so on. They know what our ability is to support ourselves.

He also spoke quite a bit about revenue that we had lost that we did not know about. Although the federal government is very generous and gives us a couple hundred million dollars a year to help keep us in a lifestyle to which we have become accustomed, we have no idea of what potential revenue there was that we have lost in all the many years that the federal government had been receiving the revenues from our natural resources.

It raises a lot of thought. It is another point of view.

**Ms. Chatterton:** So, if they open the books, we might discover that we can already support ourselves in the lifestyle we are used to.

**Mrs. Firth:** That is right. That is a conclusion you could draw.

**Ms. Chatterton:** It is an item for provincehood, without tearing the Yukon apart.

**Mrs. Firth:** I can remember back when the Faro mine was in full swing. The revenues that were going to the federal government at that time were extremely high, in a time when our budget was not nearly what it is now. So, the potential is there, just from one extremely active mine.

His presentation was interesting and did raise a lot of question and thought.

**Ms. Hayden:** The temptation, I suspect, in becoming self-supporting would be to go toward more of the resource development that produce taxes or whatever. I would think there would be the temptation toward that.

**Mr. Person:** I have been down to Watson Lake just recently, and things are pretty bad when you see what has happened to all that fine timber. The impact on the environment will never ...

**Ms. Hayden:** There are some, although few, presenters in the territory who have seen such things as trees and owning in an economic sense. We have heard that, that they should be exploited as either pulp or whatever.

**Mr. Person:** When you think that, under present modern logging conditions, only 15 percent to 20 percent of what is cut on the land becomes usable lumber, just that figure alone is amazing that we can go ahead and then create the impact on our water resource that represents. You do not have to be a

graduate ecologist to deduce why B.C. is in such a terrible state of flood, et cetera. All you have to do is look at the hinterland and see what has happened there. When you fly between Vancouver and the Yukon, it is appalling when you look down. We cannot afford to have it happen.

I would just as soon see logging absolutely stopped ... except for maybe some small local mills and that sort of thing, or as supplying building logs or whatever to municipalities. In terms of any major amount coming out, and when you take a look at where the big companies are going, where is the pulp going? It is going overseas. It is going to the Pacific Rim. There is no return to the country from which it comes and which is being severely compromised in order to produce that.

**Ms. Hayden:** Do people have a sense of how we should communicate our views to the rest of the country, or should we? It has been expressed by you and by others that we do not know what the country is going to be like, but we can assume that there will be some mix of provinces and federal government.

Do you see us doing that through some kind of constitutional conference, or through our Legislature? We talked about a referendum for a decision, but how do we best communicate our views to the rest of the country? Do any of you have any sense of how we can put across our beliefs and goals and what we want to be to the rest of the country, and do it effectively?

**Ms. Chatterton:** I have one comment I would like to make, which is that, if we decide we want to be heard, rather than remain anonymous and quiet and stay behind the stockade, we should speak directly to the people of the other provinces. We should not get hung up on intergovernmental committees, because we will be a minor news item and never make up. We will be a two second flash on one night of the week in one year. The Yukon is probably not a big issue in the lives of almost anybody ... So, I think we have to talk directly to newspapers and radio stations, so we become a news item just by being vociferous directly to the other people in the provinces, but not the other governments in the provinces, although we would have to do some of that. The first big push should be directly to other people.

**Mr. McCormick:** I have a funny bone, and it really gets tickled. Just to carry on with what Sharron had to say, and I concur with that, looking at the present world situation, I think we all recognize that violence does pay off. So, here is my suggestion.

I suggest that King Tony threatens the rest of Canada and he gets a .303 and goes out to the border and challenges the first federal authority and says, we are at war. He then immediately fires one round into the air, and then surrenders and asks for the ... plan that helped ... I thought that was a marvellous technique, why can we not use that?

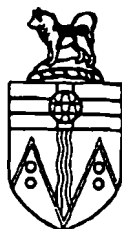
**Ms. Hayden:** You are right. It is.

I am sure, in some ways, we could talk all night about it, because it does matter. Perhaps we can wrap it up. I thank you all for coming. It is very impressive when people come with very strong feelings, concern and commitment to what happens to our territory. I thank you.

*Applause*

*Adjourned at 9:00 p.m.*





**Yukon Legislative Assembly**  
**27th Legislature**

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Gold Rush Inn, Whitehorse**  
**Wednesday, March 13, 1991 — 7:30 p.m.**



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

### **MEMBERS OF THE SELECT COMMITTEE**

Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

### **STAFF**

Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

### **PARTICIPANTS**

**at the Whitehorse Meeting of March 13, 1991**

Brideau, Omer	McDougall, Gill
Carlyle, Larry	Mathews, Clayton
Duncan, Pat (Manager, Whitehorse Chamber of Commerce)	Olsen, Pat (President, Yukon Council on Aging)
Loverin, Gord (Director, Whitehorse Chamber of Commerce)	Smyth, Steve

## WHITEHORSE, YUKON

March 13, 1991 — 7:30 p.m.

**Ms. Hayden:** Hello, everyone. We can see how high this issue is on the list of importance in people's lives. We did not expect to have a lot of people, because that has been the norm in our travels around the territory, although I will say that the turnout in the communities is generally higher than in Whitehorse.

As some of you know, and I will go over the introduction, Bea Firth is the other Member of the Committee, and I am Joyce Hayden. We were appointed last year by the Yukon Legislature to the Select Committee on Constitutional Development. Our instructions were to travel around the territory to every constituency to hear people's opinions on constitutional development in the Yukon, and to ask questions related to the green paper on constitutional development.

What that generally has meant is that we have asked for people's opinions on where they think we should be in terms of constitutional development; whether we are doing okay as a territory; whether we should be increasing momentum in taking over programs or negotiating new programs from the federal government; or whether we should be pushing toward provincehood. We are instructed to report back to the Legislature this spring. We are taping all our meetings and, from what you and other Yukoners have told us, we will develop a report and present it to the Legislature in the spring.

Then, it is up to the Legislature and the government what they do with that report. Our job will be finished. Our last meeting is April 2, and we will have been around the territory to every constituency at that time, and to almost every community.

The logistical things for the meeting are, as I have told you, that it is being taped. We have two presenters at least here tonight, and I will ask them to make their presentations. We may have some questions and, then, we will have an open discussion. You may wish to make comments, or we may have questions of the group as a whole.

Bea, have I forgotten anything?

**Mrs. Firth:** I do not think so. I want to welcome everyone who has come, and we look forward to hearing what they have to say.

**Ms. Hayden:** The Council on Aging is here, and they have a presentation. I would ask you to come up to this microphone and tell us what you have to say, and thank you for coming to make that presentation.

**Mr. Olsen:** First of all, good evening Madam Chairman and Mrs. Firth. It is quite an unexpected pleasure to be able to sit down and talk to people face to face. It is not often that we get a chance to do this, especially since reading through the green paper report, we felt that we should, being senior citizens and seniors of the territory, that we should have a little say, or try and bring our words to you to ... constitutional development.

What is it, and how does it work? Is it the government talking and listening to the people, or government plans forced on the people? Is this constitutional development? The first question is, are we happy with the way things are done in the

Yukon with our present government and, also, with the past government? That is a hard question to answer, as we in the Yukon have been blessed that all governments have deferred to the wishes of the people, and life has been good to us in the last 30 years or so.

At the moment, it scares me. It makes me sit up and take notice as to where the government is going today. First, before we can even talk constitutional reform, must we not settle land claims? What does this mean to the Yukon? From where I sit, and to many others, it looks as if we are making an apartheid territory. Please tell me that I am wrong, that there will not be two levels of government in the Yukon Territory: separate laws, separate schools, separate hospitals in the territory, and that everyone will be free to walk on every land, fish in every lake, boat on any river, camp where you want in the Yukon, except on private property, of course. Is this the way the land will be after land claims? If it is not this way, which way should it be? One vote for all Yukoners, one law for all Yukoners. Is this not a democratic government of the people, for the people, by the people?

That brings up the next point that makes me kind of worried. It is the electoral boundaries of the Yukon. They are very much out of line. There should be a change now, and a commitment from the government to do this before the next election. The whole rule of democracy is that all votes should be equal: one person, one vote, and the majority rules.

In a democratic society, does not the majority rule? The way things are done in the Yukon, the minority rules. This is against all decent rules of government. People around the world are fighting this. Is not this government banning the products to the Yukon from a country that is ruled this way? Out of their own teachings, should not this be changed now?

I feel, and so do many more, that the number one priority of this government is to have electoral boundaries changed now so that, after the next election, it will be a true government from the voice of the democratic election.

Given the present population growth of the territory, I feel as long as we have a strong government in Ottawa, we should stay as a territory but, given the political feelings in the country right now, who knows where we will end up? Maybe we will be pawns played off against B.C. and Alberta, so they will stay in Canada as we know it today. The lower half of the territory will be given to B.C., and the other upper half will be given to Alberta, just to make them stay in Canada. If things get out of hand in Ottawa, this could happen, just to please the west.

In closing, I feel the timing of this meeting is too soon, as land claims should be settled first. Then, all of us will know where we stand before any thought of government constitutional reform is given, as who knows what we will have to talk about, as far as government controls go. One half of the populace will be self-ruled, and the other half of the populace from Ottawa. If the electoral boundaries are not changed, could not the election be called a foul? Think of the cost to the taxpayers who have to do it all over again.

I do not think I spoke too much on political reform or constitutional reform. I feel, and a lot of us feel the same way, that things in this country are in quite a turmoil right now. We do not know what is happening back east in Ottawa. I do not think things are out of control. It is a truly elected government



ruling the people, with the voice of the people who elected them. After the next election, things may change but, we feel right now in the territory that we are happy with the way things are done in the territory, but we are not happy about the way land claims are done. The majority of us are kept in the dark about land claims. We do not know a thing about them, and we do not know what is going to happen about land claims, or where we are going to end up.

I have been in this country for 35 years. I have raised children in this country, and my children and grandchildren were born in this country. I feel they have as much claim to the territory as anybody has, immaterial of colour, creed or religion. We should all be treated as Yukoners, and there should be one Yukon, one law.

Are we going to have self-government for the Indians to look after themselves, and Ottawa rules for the rest of us, to look after the federal rules? How do you play a game like that, one against the other?

At this time, I thank you both for the chance of speaking tonight, and hope I did not offend you too much, but those are my feelings.

**Ms. Hayden:** Thank you, Pat. I have some questions and a couple of comments. We have certainly heard your concern around the territory that claims be settled. In every community, there is that wish. We have also heard concern about the country as a whole and how we might relate to it. Who knows what will happen, but some people have that concern.

Is it important to you that we work to ensure that your grandchildren, or great grandchildren, or people down the road, have the option to become a province, or to have more autonomy, if they choose?

**Mr. Olsen:** It is, in a way. That autonomy comes, as every generation has a different view. If we put the society back 20 years ago, we were virtually demanding that we become a province, but things have changed since then. The whole world is changing. We are starting to appreciate and live with one another. I feel it has done no harm. I think anybody who has put 35 or 40 years into the territory has had a good life. We have really had a good life. There are no complaints about it. Things have gone well. With the past governments and the present government, everybody makes screw-ups every now and then. This is natural, but things, on the whole, have gone well.

I cannot see why we should be leaving territorial status. If we stay a territory, we are okay but, if we become a province, are we going to pick up all these tabs? Are we going to have the fantastic freedom of health service that we have right now if we become a province? Who is going to pay for that? We do not have the population to pay for all that. I am talking as a senior, now, and looking at another 20 years left to me to play golf in this territory, and I want to be in a position to do it.

**Ms. Hayden:** That has been what we have heard around the territory, the concern about the small population and the possibility of losing some of the privileges that we have. People are saying that the territory is unique and that it is very good, and they like it.

Bea, do you have some questions?

**Mrs. Firth:** I have one, and it is with respect to the

position you are taking that it is too soon. Then, you talk about how land claims should be settled first. The Council on Aging would like to see electoral boundary reform, and you want to see what is going to happen in the rest of Canada. Then, do you think that would be an appropriate time to have Yukoners examine provincial status?

**Mr. Olsen:** Look in a crystal ball. I would like to imagine this could happen but, the way land claims have been going on, the way the trouble is in Quebec, the referendum that is going to come down, the whole country has to wait until that referendum comes down. Should we wait until the referendum comes down? Should we have a strong government and say, this is it, these are the rules of democracy, this is the way it is played, period? Should they do that? They can turn around and tell us the same way. They could tell us that, as a territory, we are costing them too much money. I am almost sure, in the Meech Lake Accord, in the back rooms, that it was discussed then to cut the Yukon in half because it was costing them too much money, and to have the lower half of the Yukon to go to B.C. and the top half to Alberta, so they can put their pipeline through to the oil. Meech Lake talked about this.

I feel it has not just been on the back burners. I would not like it to come up again. If this is a ballgame, maybe we should demand to be a province right now and stop it. If Ottawa decides otherwise ...

**Mrs. Firth:** We have heard that opinion expressed before, the concern that maybe we should be asking for provincial status now, that maybe that would give us some strength and a position that we could not go on the auction block for the rest of Canada. That was raised last evening, when we were in Teslin.

When people are sitting at the meeting talking, different ideas and different points of view are raised, and it makes people think about other approaches. It is interesting the comments that you make and the position that the Council has taken.

**Ms. Hayden:** The Whitehorse Chamber of Commerce has a presentation.

**Mr. Loverin:** Thanks a lot for giving the Chamber this opportunity to address the Select Committee. Being new at this, I think we will just get right into it.

First of all, there is a bit of a background about how we came up with this discussion paper on constitutional reform. The policies and positions of the Whitehorse Chamber of Commerce are developed through the membership under the guidance of the executive and board of directors. The executive is composed of the past president, the president, the first and second vice-presidents and the treasurer. These people are all elected for one year terms. They are supported by a group of eight directors and two ex-officio members of the Board of Directors, the Canadian Chamber of Commerce representative and the Yukon Chamber of Commerce representative. This group meets twice monthly to review the work of the committees of the Whitehorse Chamber of Commerce and to adopt the policies of the Whitehorse Chamber.

Policy and Whitehorse Chamber of Commerce positions can be developed in three ways. A motion is drafted by the manager in consultation with the executive and put forward for Board approval, such as in the speaker policy. A standing

committee of the Chamber develops a position and puts it forward for Board approval, such as the Business Development committee's Whitehorse Enterprise development proposal, or a special task force is struck to deal with an issue, which then reports back to the Board with a policy or position for approval. This latter method was adopted when the Whitehorse Chamber of Commerce was requested to submit our views on the green paper on constitutional reform. I was asked to spear-head the task force reviewing this paper and was assisted by volunteer non-Board members of the Whitehorse Chamber. This paper was developed by that committee, and was then ratified by the full executive and Board of Directors of the Whitehorse Chamber of Commerce.

Given the volunteer nature of the task force and the variety of views encompassed by the non-partisan nature of membership in the Chamber, in reviewing the green paper the task force set several parameters. Further research beyond the scope of the detail in the green paper was not undertaken. The committee did not review David Elliot's paper "The Constitutional Development of the Yukon Territory" or any of the other academic papers available on this topic. The committee did not factor into its final presentation any of the current proposals put forward by Quebec, although these were generally discussed, and it was felt that, ultimately, developments in this area will profoundly affect further constitutional development of the Yukon and our country as a whole.

Simply, rather than engage in further research, an impossible task with limited resources, or to engage in pointless conjecture, this task force used the green paper, perhaps as it was intended: that is, as a work book to ask ourselves, as ordinary business-minded Yukoners, the questions outlined in the paper. So, we come to our presentation.

Yukoners feel, each time we deal with southern Canada, a lack of recognition, because we have, at best, uncertain constitutional status. This point is highlighted for each of us each time Canadian television and radio follow the First Ministers conferences, when our elected leaders are not invited. This second-class status is reinforced in any number of other ways: the nightly news with maps of Canada that end at the 60th Parallel, Decima polls published in *Maclean's* that forget there are two territories by expressions such as sea to sea, instead of the geographically correct sea to sea to sea.

This status in our own country is firmly reinforced, and every Yukoner has their own horror story; however, we must also recognize that differences exist here at home. Yukon native and non-native people are struggling mightily to define and quantify our relationships with each other. What is self-government for native people? Do our Indian bands really want this as yet unknown, or do we need a new structure? It is difficult for the Yukon to come up with a constitutional development process until Yukon native land claims are settled. In order to go forward as one, we must resolve our differences within our own back yard.

That being said, however, we must also look at the future and examine what our place will be in Canada. As responsible business people, it is our strongly held view that Yukon must be economically viable to support whatever level of responsible government we choose and what place within confederation we will select.

Prior to examining our potential options and suggested directions upon the settlement of land claims, and the ability to move forward, however, we would be remiss without a brief comment on the constitutional status of the Yukon today.

At present, the Yukon is making real progress toward full responsible government at about the right pace and timing. The comment is heard over and over, however, that one questions how truly responsible our politicians in charge of responsible government are. That comment expresses an overall Canadian lack of faith in elected officials. It is not directed at the Yukon Government, or the official Opposition, the municipal government or band councillors in particular.

The question as to just how responsible politicians are can also be directed at Yukoners themselves. There is a pervasive subconscious, perhaps, attitude in Yukon that Ottawa will always be there, like a parent that was always there with a loan of money or emotional strength to a teenager. So the Yukon has come to depend on senior government. Just how responsible are we as citizens to have expected, perhaps demanded, that Ottawa bend over backward and turn itself inside-out to revitalize one mining town in a territory whose entire population was less than 30,000?

In order to move forward and to grow up, so to speak, we must set our own goals. We must collectively, as Yukoners, ask how we and how the officials we elect will develop into an equal relationship with southern Canadians and the Northwest Territories.

Perhaps, in spite of this expressed immaturity, Yukon has made progress toward responsible government. Although it has had some negative effects generally, the introduction of party politics in 1978 was felt to have been beneficial for the Yukon. The infamous Epp letter of 1979 has been good for the Yukon. The transfer of some resources and responsibilities is also a beneficial thing to us. It is time, however, that these steps were defined in legislation, and roles clearly established in law, instead of in a conventional wisdom. These forward steps must not be withdrawn or changed at the whim of any politician or any political party. The names and the specific roles must be clearly defined to us.

The current state of our constitutional progress having been assessed, we must examine the Yukon's constitutional future.

If the current realities and responsibilities of everyday Yukon life were to be enshrined in legislation, so should our future role. In this regard, there are several ground rules that must be clearly stated.

Clearly, Yukoners must be able to look after ourselves. We must have a stable, independent economy. This parameter does not eliminate or necessarily reduce transfer payments or economic development funding. It reinforces that the basis for this funding must be established. We cannot go cap in hand to senior government for every major project or undertaking. We must be able to manage our future. Yukoners must be legally, morally and fiscally responsible, prior to examining provincial status options.

Neither does this economic ground rule imply that the Yukon must have a large population prior to examining a redefinition of our role in confederation. Rather, the actual size of our population at any given time is not a factor in our constitutional progress. At the same time, it should be noted

that provincial status does not imply an enormous loss to our populace with Government of Canada employees being shifted elsewhere. It is genuinely felt that any such legislated change would have a fairly minor effect on Yukon's working population.

Yukoners must make the decision to go forward in constitutional development themselves in the proper time frame. The decision cannot be forced upon us. As to the mechanics of this decision-making, the Whitehorse Chamber of Commerce does not have any solutions to this Select Committee in this regard. The thought of a referendum on this subject is less than palatable, given the potential for partisan politics to intercede, and the potential for those with a lack of faith in the process, or lacking in the skills, to participate or to shun the process. A select committee, such as yourselves, with the opportunity to be a round table discussion is an option; however, there comes a point when the general populace begins to feel consulted to death. By the turnout tonight, we can see that. As such, they would just as soon entrust decision-making to those elected to do so. Ultimately, the decision to move forward on our constitutional evolution must be a decision that is widely supported and accepted. As such, the responsibility you have been charged with is an onerous one, and we urge you to carefully consider all the comments put forward to you.

By whatever method this decision is made, the Whitehorse Chamber of Commerce feels Yukon's best option lies with eventual provincial status. Some other form of government, dual member constituencies, and a variety of other options have been discussed and rejected. Why re-invent the wheel?

Once the decision has been taken for the Yukon to move forward as a province within confederation, the provincial role for Yukon must be set within legislation. Our borders and resources must be defined, and we must have control over them. Yukoners cannot accept provincial status and, then, feel as we have done in the past, that we are the spoils in some Canadian political fight in the south. We would rather see ourselves as a full and voting member of the confederate family.

In conclusion, the Whitehorse Chamber of Commerce would like to emphasize to the Select Committee on Yukon's constitutional future the following points:

Yukoners must know and accept the definition and responsibility of roles of the native and non-native population in the land claim settlement, prior to further constitutional evolution.

In spite of the lack of land claims settlement, good progress has been made in our constitutional status, however, this is largely recognized as informal and must be enshrined in legislation.

A change in the psyche of Yukoners to perceive themselves and their politicians as responsible must occur prior to further constitutional development.

Provincial status for the Yukon must be accompanied with clearly defined, limited and accepted economic parameters. Yukon's economy must be self-driven, not directed by an abundance or lack of federal funding.

The Yukon cannot be considered a piece of the constitutional pie to be divided at will by politicians. Full provincial status, with its inherent rights and responsibilities, is our best future direction.

Ultimately, the future legislative status of the Yukon lies with the will of the Yukon people. We must collectively chart our future course.

Thank you.

**Ms. Hayden:** I only have one question, and you certainly have answered everything else. Did you discuss the topic of circumpolar ties? Does the Chamber look at that favourably?

**Mr. Loverin:** If you look at it from a business point of view, most of our business in the Yukon is going to come from dealing with our circumpolar neighbours. I personally have a concern that, because of our position compared to Alaska, in terms of the economies and the power, I would not like to wake up one day and, given the way the situation is in Canada today, find that we have become the 51st state of the United States, which is not an unreasonable fear, from my point of view.

We have to maintain some sense of identity so that, within the circumpolar region, people deal with us as an economic partner, and that only. What we give to them and what they give to us should be clearly defined.

**Mrs. Firth:** That was an excellent presentation. The Chamber obviously worked very hard on it, and it was quite a comprehensive and thorough analysis of the green paper in response to it. I have some questions that you may not be able to answer. You may have some ideas about them, either personal or ones you can present, having been on the task force with other Chamber members.

I am looking at the summary, and the third point you make: a change in psyche of Yukoners to perceive themselves and their politicians as responsible must occur prior to further constitutional development. Who is responsible for initiating that process? How do we get Yukoners to feel that way? Is it the politicians' responsibility to do that? Is it some kind of educational process that Yukoners have to go through themselves? How can we achieve that?

**Mr. Loverin:** If you examine the history of the Yukon, it was always the place that where, historically, people came to the Yukon because they liked the fact that they could do whatever they could and make their lot in life up here. You are accepted and judged as such. You made your lot, and you felt good about yourself. You did not really have the influences of the south, or anything else but, over time, because of the way we have been set up through the legislative process and how the *Yukon Act* was written, I feel that we have always known that, in times gone bad, we can always go to the national bank to shore up our economy, or to be able to get them to pay for some new toy that the Yukon wants.

Because of that thought, generally, people in the Yukon feel that, if worse comes to worse, we always do have the federal government to bail us out of hard times. I think that is a process that has evolved ever since the *Yukon Act* was made law and, basically, ever since the Klondike days, everybody who came up here came up here to get away from it all, but there was always still that strong feeling that, if you had to go home to Ottawa, you could always go home to Ottawa.

I do not know how we can change that. Perhaps, being able to change that is for Yukoners to put more faith in the government they elect. To a certain degree, there is a thought that we elect this government, but whatever laws they pass have to be approved by the Commissioner, who is a representative of

Ottawa. So, if we eliminate the Commissioner's seat, then I think we have truly put the responsibility into the government that we elect, and we become more responsible to ourselves, and we come to realize that we must be responsible for our own economic and political future.

**Mrs. Firth:** The other question I had was with respect to the comment you made about setting our own goals and talking about how Yukoners were going to collectively chart our future. We heard some comments, particularly last night, because of the great diverse opinions in the Yukon, that we did have to collectively come forward with an opinion or an idea that seemed to represent all Yukon people. They talked almost in terms of having a Yukon philosophy, as opposed to any political philosophy.

Do you think that is an achievable goal? Is that the kind of goal your organization is looking at, when you talk about setting goals and collectively charting courses?

**Mr. Loverin:** It is certainly a euphoric thought. There are two Yukons, whether or not people agree or disagree. There is a native Yukon, and there is a non-native Yukon. I believe, and it might not be a view held by the rest of the Chamber, that until the two Yukons finally come together and decide that they are going to hold hands together and deal with the rest of Canada as Yukon, then I do not think that we can ever get a Yukon solution, or a Yukon thought, out there, because of those two Yukons within the Yukon that we have.

**Mrs. Firth:** Yesterday, in Teslin, we talked about the Indian and the non-Indian community working together toward provincial status, once the land claims were settled. That is a common theme we have heard everywhere in the territory. There has been no digression from that point of view.

Then, we were looking at other opposing points of view, the environment versus development. Certainly, the Chamber would be concerned about that particular aspect too because, without some development, we are not going to attain a stable, independent economy. Do you think that would be achievable, that we could get some common theme, so we were all saying the same thing here in the Yukon, as opposed to having so many different factions coming forward?

**Mr. Loverin:** We have discussed it within the Chamber, especially in light of the new environment act coming down. There will have to be a bunch of Yukoners from different walks of life coming together to discuss this act, so that, in itself, could be considered a piece of legislation that will bring all Yukoners out of the woodwork, so to speak, to be able to express their views.

In terms of the constitution and our development, whether or not we seek provincial status, or remain the way we are, I would almost personally venture to say that I think there is a big complacency out there with a lot of Yukoners. Things are going good so far, why rock the boat? I would think that would be the thought among Yukoners out in the street. A piece like the environment act will bring a lot of people out, because they have a personal stake in what this act will do in their own back yard, although everybody is clearly unsure what will happen with our constitutional development. In a large part, it is out of our hands and, historically, no matter what we have said as a territory to the representatives in the south, we have always been held out as a last ace in the hole, so to speak, to be used

by the Prime Minister, by the provinces, for whatever game they are playing behind closed doors. We saw that when Tony and the Government Leader of the NDP sat outside the very chamber that the First Ministers were meeting in.

We have definitely seen that first hand, as Yukoners, where we actually sit, and just how important to the rest of Canada are we?

**Mrs. Firth:** That is interesting. The discussion we have had in other parts of the Yukon is that people felt that, if the constitution has stated for us or the Northwest Territories to become a province you need the agreement of seven other provinces and 50 percent of the population, and Meech Lake tried to push that to 10 provinces, that obviously the rest of Canada was quite interested in the Yukon here, and that the interest may not necessarily be in the best interest of the Yukon people.

That seems to be a feeling that we have heard represented, both from rural and urban people.

**Mr. Loverin:** In reflection, although the Yukon felt threatened by pushing provincial status, whether it was dependent on seven provinces, and the option brought forward by the Meech Lake Accord, which said that it was dependent on the rest of all 10 provinces, rather than being so hard on that act, maybe it was, in a sense, an option that was truly hoping to bring the country together, that if all 10 provinces could agree on the development of this nation, that the country was stronger because everybody agreed to it, so there was consensus and everybody was moving forward as Canadian citizens, rather than having that fight within the confederate family, so to speak.

A happy family is one where all agree, rather than having some dissenting members. In hindsight, maybe that clause of the Meech Lake Accord was not intended to put us up as an ace in the hole in the game of politics, but maybe in a hidden way, or in an overlooked way, as a way for Ottawa to get the rest of the country together. Obviously, they have the feeling that this country is not totally together.

**Mrs. Firth:** Did the Chamber have any focus or any idea as to what kind of time line they could see when we would be ready?

**Mr. Loverin:** I think we are evolving at a generally accepted pace. Whatever that time line will take will be dependent on whatever government holds office here and holds office in Ottawa.

**Mrs. Firth:** Some people are saying five years, 10 years, 20 years. The Chamber did not discuss any?

**Mr. Loverin:** As the Council on Aging said, 20 years ago we were all gung-ho to become a province and, 20 years later, we are now scratching our heads and wondering what provincehood does mean to us, and are we ready to jump into it, and everybody is taking a cautious hand. There is no real definition of what time line there will be.

**Ms. Hayden:** Thank you very much. Will you express our thanks to the Chamber for the time and thought that has gone into this presentation? We appreciate it.

**Mr. Loverin:** Thank you.

**Ms. Hayden:** Does anyone else have a presentation they want to make, or shall we go into general discussion?

Does anyone have any comments?

Mr. Carlyle: I do. It is kind of nice to find myself sitting, face to face, with two ladies whom I recognize as being long-suffering and long-serving Yukoners. Whenever we are dealing with the federal government, which we have to very frequently, we are always being faced with some whiz kid from down south who is going to come up here in the north and show us peasants how we are supposed to do things, or some whiz kid who is up here getting his two years of northern service, so he can go back to Ottawa and become an expert on how we should be doing things up here.

Having said that, I share a lot of views with the two presentations that have been made. I have always been a believer in the Yukon eventually becoming a province, and I go further. I say, we have to become a "have" province. We are already dealing with a country that has 10 provinces, only four of which are have provinces.

Up here, we are directly north of two of those have provinces, and we have all our strongest bonds to them. I think we have to develop those bonds and become a have province along with them, but separate. I can remember, as you probably can, too, the time back when old WAC Bennett decided that Canada should go into five provinces, just zap all the boundaries up north and take us in. As you probably remember, there was a major hue and cry. I do not see that has changed.

I think we have to become a province. My time line for that is that my children see provincehood. I do not feel that we are advancing quickly enough. The main reason I see for that is that we do not need a large population to become a province, but we do need, as was stated earlier, a well-developed, stable economy. That can only happen with development.

I feel very strongly about it, as you can guess.

I see development as being very important, as well as a stable economy. I have some numbers that I had gleaned from various other things that I am involved in. I remember having heard that we are financed here at a level of about 83 percent by the federal government. That is one of the numbers I have heard. Some of the other numbers I have heard are even more onerous.

The numbers I have are that the territorial government does not even factor into being a prime economic generator here. It is just a distributor, a point via which the money flows. The numbers I have dealing with economics are that the primary generators are that the federal government supplies, through programs it carries out in the territory, and through transfer payments, \$275 million annually. The mining industry averages out at about \$200 million. Tourism, we are told, gives us about \$60 million, and other renewable resources, as a total, give us about \$15 million. Those are just the numbers I have, and they come from someone whose permission I do not have to divulge his name, but whose ability I do not question, nor his facts. He says he can support them.

Having said that, there is a very strong need for us to develop our own economy, to get us up there so we can stand on our own hind legs and say, Ottawa be damned. That brings me to another very sore point. The government in Ottawa, and I do not care what stripe it is, groups us together with the Northwest Territories. If they had any sense at all about the north, they would know that we are very different from the Northwest Territories.

One of the things that really annoys me about the federal government that we are saddled with and, once again, it does not matter which stripe it has, is that they seem to saddle us with legislation to appease the majority of the voters from Ontario and Quebec, which does not satisfy our needs. One example is this recent environmental assessment review process they have. I see that as basically being something that keeps the boys and the electorate down south happy, but is a really major slap in the face to us.

Also, another thing that really disturbs me is the extremely large amounts of land in the territory that are being withdrawn for a single purpose. Right now, the number I know of is 15.8 percent of the land being withdrawn, and that does not include land claims. This is the highest in Canada, by far. The next closest I know of is probably Saskatchewan, at around 13.1 percent.

My figures on that may be a little out of date, but the land withdrawal here in the territory is up to date. That is directly out of a DIAND publication.

In addition to my unhappiness concerning the general treatment we get by the federal government is that we have always been under the thumb of one particular minister in the federal government, the Minister of DIAND. This present Minister is referred to in all the news publications I see as the Minister of Indian Affairs, because he has totally abdicated the other half of his portfolio of Northern Development, which irritates me to no end. As I said earlier, I feel very strongly that we need development up here to get us a stable economy, to enable us to stand up as Canada's 11th province. Maybe I should not say 11th, because probably one of the Northwest Territories areas will become a province before we do.

I guess that is about all the rambling I have at the moment.

Ms. Hayden: Larry, as someone who has spent their entire life in the Yukon, is there something about the territory that you feel is unique, that you want to preserve, that you want to keep, that you want to see maintained? How do you feel about that, because we hear a lot of that kind of discussion. I do not define unique. The term has been used by a number of people, and I am just using their phrase.

Mr. Carlyle: My previous ramblings concerning development will give people the belief that I feel that we should be out there ripping and pillaging and tearing, just to get economic advancement. I do not. There are areas in this territory that are worthy of preservation. However, concerning that, I like to be able to climb up on a mountain, come up over a ridge, and find myself face to face with a caribou, or have a small herd of Dall sheep running away from me.

Ms. Hayden: That is what I am getting at.

Mr. Carlyle: I like that, and I do not want to see that changed. I want to see my kids have that, too. Both my kids were born and, for all intents and purposes, raised here. My wife had a part in that.

I feel that my children will choose to stay here, too. When I hear, particularly the native people, saying to protect the future of our children, I share their feeling. My kids are just as much Yukoners as anyone else's kids. Is that answering your question at all?

Ms. Hayden: Absolutely. You have talked about the lack of respect for the territory federally. As I understand, you feel

that if we were masters of our own house, that we would have that kind of respect.

A similar question to what I asked Gord is, do you see northern ties as important? Is that important to you, or do you see us as north-south?

**Mr. Carlyle:** For me, it is not as important as it is for Gordon, but I do think that sharing knowledge and ideas, and so forth, with the other northern countries such as Alaska, Russia, Iceland, whatever, is worthwhile, because things that may be being developed in one of the other northern countries could be put forward here and help us do some more things. We do not have a lock on all the knowledge in the world, so it is good to be able to share it.

Coming back to what I was saying a little earlier, I do not want to come off sounding like totally anti-native. However, I like to think of myself as being colour blind. Some of my friends have grown up with lots of native people. My kids go to school, church, play, hike and camp with natives. I do not want to come off sounding like that, but I do share the fear of Pat that, as white people, we do not have adequate input, to my way of thinking, into the land claim. I am afraid that we may be seeing five or 15 homelands developed. I hate to see it. I would really hate to see it. It is a fear that I think we have to address quickly, and squash it, if at all possible.

There again, though, I feel that a lot of that, two Yukons, is coming from the outside influence, the outside lawyers who are doing the legal negotiations, outside parliamentarians who are not serving us well. We may not have the resources, but I think sometimes, we as Yukoners could sit down with the natives and come up with an acceptable settlement for both of us, so we would have a Yukon for Yukoners, not white Yukoners and native Yukoners.

**Mrs. Firth:** It is an interesting theory, Larry. We have not heard anyone mention that on the road this time, the concept of the Yukon people negotiating with the Yukon Indian people the land claims, as opposed to the interference from Ottawa and, now, the total involvement. It is interesting you raise that. I have not heard that before.

**Mr. Carlyle:** I do not know if we have the resources or capabilities to be able to do it, but I think we could do it.

**Mrs. Firth:** I want to ask you about provincial status. Am I correct in concluding from your comments that you are in favour of provincial status, sooner as opposed to later? You say you want your children to see provincial status, and that feeling is motivated because you want to get out from under the control of Ottawa?

**Mr. Carlyle:** I think that, at the earliest date, we should be taking control of our mines here. Maybe there are not too many people here who share that view, but I do, because it is our biggest economic generator. If we had control of that, we would be shed of a lot of federal legislation that is going against the mining industry at this time, and it would also give us that economic base to start our economy on a firm basis.

Having said that, I have to take a step back and say that I do not see mining as the be-all and end-all. It is the lead, but there are other industries that are important to the territory, and we should see diversification and encouragement of these other industries.

I think that is where to start, to start taking over the bigger

things. We have freshwater now. Big deal. We are talking about health care. Once again, nice but big deal. We have to get shed of all this federal bureaucracy, the duplication that goes on between the territorial government agencies and the federal agencies. Just about every agency you can see in the federal government up here is duplicated in the territorial government. It is unnecessary and, what with a \$400 billion debt in this country, we cannot afford it. We have to start living within our means.

**Ms. Hayden:** One of the things we heard around the territory was some fear of depending on the mining industry because of its vulnerability to world prices, that sort of boom and bust. Do you share that, when you said we cannot rely on that entirely? Is that what you meant?

**Mr. Carlyle:** That is basically why I said you have to have other industries there to take over a certain portion of our economy when the inevitable occurs, every third or fourth year, at least, when the mining industry goes down. That is a worldwide phenomena. Canada does not have control of that. We do have to have tourism, forestry, commercial fishing, hunting, sport, things like that, and any other things that may come about, possibly something we can do here to give us a good basis in our economy that would not be affected by world powers too much. Perhaps some varieties of cottage industries, for example, like the native parka factory. Other things that we can do like that would be useful to us.

**Ms. Hayden:** Are there any comments from other people.

**Mr. Matthews:** I would like to take issue with some of the things that have been said here. For one thing, I cannot see why they are using the Indian people as a whipping boy in the land claims bit. White people are not equal to Indian people in the Yukon. I happen to be English, myself, and I am from Newfoundland, so I am not presenting myself as an Indian person, but I have had, in my life, nearly 40 years among the Indian people. I rather enjoy them and respect them, so I do not think we should be whipping them.

As for all the other things that have been said here tonight, this circumpolar thing is something that has to be forgotten. The countries in the circumpolar region, outside of the Yukon, are Alaska, Russia, which is not going to contribute anything to North America, and the other parts of the northern countries in Europe are going to be tied into the European Common Market, and there is not going to be any trade there.

Larry mentioned about the civil servants.

Down in British Columbia, they are complaining about the civil servants from Ottawa duplicating the things in British Columbia, so provincial status is not going to change that at all. There is something that everyone appears to forget. That is that, to have a rich country, you have to first have to have an agricultural base. If you go across Britain, from the centre south is one of the richest countries in the world economically from farming. It has everything. The southern half of the United Kingdom is the richest farming land in the world. As a consequence, they are very rich. If you take the north part of Britain, they are one of the poorest countries in the world. If you go down to Ontario here in Canada, southern Ontario is the richest part of Canada, and it is not rich at the expense of Alberta, regardless of what Alberta or British Columbia will tell you.



Ontario is rich in the southern part because it has the finest farming land in Canada. It has the finest climate and lots of fresh water. Here in the Yukon, we do not have any farming land. Unfortunately, they do not make farming land. It is something that is a gift, and we are not ever going to have it.

As far as trading, and improving our way of life by industry, it has been proven in Newfoundland beyond a shadow of a doubt, and in northern Ontario, that you cannot force industry into a country. Northern Ontario does not have any industry. It has good mining, but it is not going to get any industry. We in the Yukon are not going to get any industry.

The point I am trying to make is that people who are trying to advocate provincial status, that this is going to solve all our problems, I can assure you that if you turn the Yukon into a province of Canada, that 90 percent of us would have to leave here. We would be taxed out of our house and home. We would not be able to afford to live in this country. There are many places in Canada to prove that. Newfoundland is a good example, where they have a 20 percent sales tax. That is what is going to happen up here.

My hope is that the people in this country are smart enough not to try to ram provincial status down our throat, because it is not going to work.

Ms. Hayden: You certainly express some of what we have heard around the territory, although I have not heard the concept before of that agricultural base for a rich economy. It is quite interesting.

Mr. Matthews: It is known. You go to Africa, or to any part of the world, if you have good farming land, you have the basis for a rich economy. Industry is not going to flourish where you do not have the stable population that farming brings.

Mrs. Firth: We did hear last night, however, the point that food and fresh water were going to become very critical issues in the future, and that people who had fresh water and had a good ability to produce their own food would be better off than a lot of countries that did not have that ability.

The point you are raising about the agricultural aspect is interesting.

Mr. Loverin: There is a certain concern about our water resource, given that if you ever come in contact with American tourists who are crossing the Mackenzie River, they invariably say we should build an aqueduct and send the water to California, which is a very serious concept in their minds. They look at our freshwater resources as a resource to be transplanted and exploited for their benefit.

Again, this raises another concern about protections as a province. Invariably, if we had that provincial status, we could essentially say, keep your hands off our water. It is ours, and it will not be another game of political card playing. I am of the opinion that, while free trade has opened up quite a few barriers between Canada and the United States, it has also made it a lot easier for the rest of the United States to pick and choose whatever it feels is good for its economy, and whatever Canada has to offer is now theirs by virtue of the free trade agreement.

Certainly, I think we should have a hand in developing this part of the country so that we protect what is ours, because it is ours, native or non-native.

Mr. Olsen: Gord has made a good point. We talk about circumpolar but, as everybody knows, looking at the way the world is developing right now, they say the biggest problem is Europa when it is formed. It will be one nation, the richest nation in the world, under one government and one monetary arrangement. I have a feeling that the only way you can beat Europa is by forming Americana. I think Canada and the United States could be one country, and maybe that is the way we are going to end up in the long run. Who can tell?

Once Europa gets going, you will never hold them back. They will rule the world, period.

Ms. Hayden: Gill, you have not had anything to say yet. Do you have any comments?

Ms. McDougall: I just have a few general comments. I do think the Yukon has to move toward becoming a province eventually. I do not know that it should come all that quickly. I think that our small population is a deterrent to becoming a province right now, in part because of our system of government. If we had all the powers that a province has in the territory right now, we would be in a situation where a great number of our laws would be made by three individuals, and I have a great deal of trouble in accepting that as a democratic system.

That is a function of the fact that more and more governments are moving to having a lot of the ... legislation put into regulations. Regulations do not require being addressed by a legislature. They do not require public input. They can be made by cabinet. The cabinet here only has to be three people. I think that is a problem, and it is a function of our small population.

I agree with everyone else that we do have to have a healthy economy. I agree with Larry that we have to have development, and mining seems the logical place to see a lot of development happening in the near future. I somewhat disagree with him that mining is a sufferer of the boom and bust cycle. I think if we had even a more diversified mining industry, that would have less impact, if we produced more different mineral products. They do not tend to all die at the same time. It tends to be cyclical. ... If you had a more diverse mineral industry, it would assist with keeping a more stable economy.

Ms. Hayden: Pat, do you have any personal comments?

Ms. Duncan: I really enjoyed working on this particular committee, because I personally have a real interest in the constitution. I studied this at university. I just have one comment. When Bea asked Gord what he meant exactly by responsible, I think it should be clear that that was said in the committee. It was not said as the traditional view of responsible government. Over and over, the comment was made word for word that we wish our politicians, and we as Yukoners, would behave more responsibly.

Ms. Hayden: As in the real meaning of responsible.

Ms. Duncan: I think the comment as to how to do that is that each of us, in our daily lives, have to be ... when it comes to our laws and our legislators, with a little more class, present company excluded. I think that would make a big difference if we saw, instead of on the nightly news Question Period, or even when the Yukon Legislative Assembly questions, instead of the desk thumping, some legitimate questions and some

serious hard probing questions and answers. It is one of those things that starts at the top and works its way down.

**Mrs. Firth:** That was what I was looking for, because I guess both Joyce and I have to know that, although we cannot express personal opinions on the panel, but we can ask questions as to who has the responsibility to provide the leadership role. That is something we should know. That is something all politicians have to hear from people.

**Ms. Duncan:** That being said, though, I think each of us also has a very real responsibility. Each of us can look around and say, who did you ask if they are planning to run or thinking about municipal elections, which are taking place in less than how many months? Have you talked to anybody lately? This is our city and our ... system and, unless we behave responsibly, it does not work. It is not a one-way street; it is a two-way street.

**Mrs. Firth:** We seem to be at the end of that street, though.

**Ms. Hayden:** Larry, you wanted to make another comment.

**Mr. Carlyle:** I have some subsequent thoughts to what both Gordon and Clayton had. One is that I hope, Clayton, that you did not think that I was coming down and whipping the natives, because I do not like to do that at all. Second of all, I have to agree that we are never going to get rid of the federal presence totally. There is always going to be a role for the federal government in Yukon. I just would like to see it trimmed some. Particularly at these times, I am very uncomfortable with all the political parties. I am unhappy with all of them. The Trudeau regime: I call it the Trudeau socialist regime and, now, with the Conservatives. I am particularly unhappy with Mr. Siddon.

Coming back to what Gordon was saying about trying for provincial status now for us, because that would allow us to say, this is our land, this is our water, you cannot have it, it is ours.

That brings to my mind the every-increasing globalism, which Pat mentioned, and also this ever-increasing world population. This population is getting so large that they are going to have to go somewhere, and where better than the untouched areas, particularly here in Canada. With that in mind, maybe if we had control of our land and our water, we could have better control of this potential influx of people.

**Participant:** Similar to a Quebec immigration system?

**Mr. Carlyle:** I would hope we would never be so restrictive and have such blinkers on, but it is an aspect that, perhaps, provincial status for us now would allow us to deal with in the future.

One thing that I did not touch on in my previous rambblings, going through my few notes that I made in this book, was the fact of the seven provinces and 50 percent of the population. I do not like it; I do not think it is fair. The other provinces did not have those stipulations, so I do not think we should be faced with them, either.

However, being realistic, I do not think there is a snowball's chance in a hot place of our achieving provincehood without some say from the others that are already there. It is primarily coming into importance now, when we are really under a federal crunch of transfer payments. These guys have health

care, education, and what not, that they are getting somewhat funded from the federal government. If the pie has to be split up into that many more pieces, it is going to hurt them, and they are already hurting. So, they are going to be very unhappy to share the pie any more.

**Ms. McDougall:** Our transfer payments now are larger than they would be if we were a province, which should save on money.

**Mr. Carlyle:** That is one aspect, but that is one of the reasons why it is so important that we have an economy here before we even try provincehood. Basically, I agree with you: we are worse off than Newfoundland here, in my opinion. That is something that I thought I should just make a point of.

**Ms. Hayden:** Steve, I suspect you have been sitting here bursting. Steve made a presentation at our first meeting in Whitehorse, and has joined us again tonight. Do you have any general comments you would like to make, without giving us your presentation all over again.

**Mr. Smyth:** I appreciate that. One sense that I am getting, partly from the discussion we have had tonight, and the previous one in Whitehorse, and from what little I know of what went on in the communities, my sense is that a lot of Yukoners think that provincial status is a good idea, at some point. I think there is some disagreement. There is some concern, some fear of the unknown. There is some concern about what the tax implications and financial implications are, and so forth.

I kind of hope that the Committee will take that into consideration, and if it turns out to be the case, that the majority of people seem to favour provincial status, that that should be a goal that we should look at establishing. Then, let us start looking at what we need to do in order to achieve that goal. That is where we need to start talking about what kind of economic development we need to have, what kind of laws we should have in place, what kind of process we should be looking at going through in order to achieve that objective.

Right now, we do not seem to have any goals. We do not seem to know where we are going, how to get there. There seems to be a lot of misinformation that is floating around. A lot of people have a lot of different ideas, a lot of different fears, a lot of different concerns, and they are all very legitimate concerns. The kinds of things you people are expressing are very legitimate concerns. We need to have some more research done. We need to get together, as Yukoners, in some forums, to start looking at what the facts are, come to some common ground and agreement as to what the current situation really is, and perhaps looking at what the real barriers are that we need to come to grips with and, then, start looking at some type of a process and program, some type of schedule or mechanism that we can utilize to accomplish an ultimate objective.

To me, that starts to put a lot of people's comments into some sort of a framework, rather than sort of groping around in the dark and dealing with some conjectures and dealing with some facts that are correct and some that are not, some that are more correct than others.

That is what I am hoping might come out of this type of a process. One of the other things that there is not total agreement on is a time frame. As we get a better understanding and feel for what the issues are, what the problems are, we can then



start looking at what a realistic time frame will be.

Having said all that, I cannot help but reiterate my own bias that it be sooner rather than later so that, if nothing else, the Yukon can become involved in some of the constitutional negotiations that are going to go on. Right now, we feel quite powerless and adrift; quite fearful that negotiations that go on between the provinces and Quebec are not going to include us and that, whatever they decide, it is going to have a significant impact on our future. If we do not have a voice in those negotiations and discussions, who knows what might happen. There is no one there speaking for our interests. We absolutely have to have somebody in those forums speaking for on our camp and putting our concerns forward.

That is why my fear is that we will not have that input, and that the only way that we might get that input is if we are recognized as an integral part of Canada. The way I see us being an integral part of Canada and getting that recognition is being a province.

Given the track record that we have seen of First Ministers conferences, the territories do not get invited. They do not have to invite us, they do not feel any obligation to invite us, and I think that is a crime. It is not democratic, and we need to have a voice. We should have a voice, because our futures are at stake, just as much as the futures of a person living in Quebec, Alberta, Newfoundland, or whatever.

If I keep harping on this point, it is because I think that we should not be left out of that process, that we have as much at stake as any Canadian, and we should be at the table. I am afraid that, as long as we are a territory, the rest of Canada is going to simply write us out of the process. That is my big fear.

**Ms. Hayden:** It becomes very obvious to us, as we travel around the territory, that there are many Yukoners who care a great deal about what happens to the Yukon, and care a great deal about our future. For me, and I am sure I speak for Bea as well, that is very encouraging.

It feels very good going to a meeting and having people speak very passionately about their feelings and concerns about the future of our territory and of our people.

I have a sense that we have probably not said all that we would like to say, but that we have each had a chance to say where we are on this. Bea, do you have any final comments to make?

**Mrs. Firth:** No.

**Ms. Hayden:** Then, thank you very much. You are quite welcome to stay and chat while we gather things up. You may have questions and comments to one another, but I thank you very much.

*Adjourned at 9:05 p.m.*



**Yukon Legislative Assembly**  
**27th Legislature**

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Community Hall, Carcross**  
**Thursday, March 14, 1991 — 7:30 p.m.**



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

### **MEMBERS OF THE SELECT COMMITTEE**

Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

### **STAFF**

Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

### **PARTICIPANTS**

**at the Carcross Meeting of March 14, 1991**

Alexandrovich, Bea	Peterson, Albert
Anstee, Ron	Phelps, Willard (MLA)
James, Patrick	Pringle, Bill
James, Stanley	Stephens, Jennifer
Kemble, Ed	Tulway, Peter
Martin, Willie	Van Zoest, Bill
Matthies, Ken	Wally, Ann
Patterson, Beth	

## CARCROSS, YUKON

March 14, 1991 — 7:30 p.m.

**Mr. Phelps:** I would like to introduce Bea Firth and Joyce Hayden, who are MLAs: Bea Firth of Riverdale South, and Joyce Hayden from Whitehorse South Centre. They are here as a committee selected from the Legislature of the Yukon to hear what Yukoners have to say about constitutional issues and your future. They are here to listen and to report back to the entire membership of the Assembly what people in the Yukon would like to see happen in the Yukon in years to come.

Without further ado, I will sit down.

**Ms. Hayden:** Thank you, Willard, and thank you, everyone, for coming. I have to tell you that, last night in Whitehorse, we had a turnout of five or six, maybe seven.

**Mrs. Firth:** The news reported eight, but there were only about five or six.

**Ms. Hayden:** So, I am impressed.

**Mr. Matthies:** We have no other place to go.

**Ms. Hayden:** There you go. It does not take much to impress me.

As Willard said, we have been appointed by the Legislature to travel around to every constituency in the territory to hear what you have to say about constitutional development of the Yukon Territory; what your feelings and opinions are in relation to where the Yukon is going with its development of programs; assuming and negotiating authority from the federal government; and whether you feel that we should stay as we are, look toward provincehood, or find something somewhere in between; and what your concerns are around a number of those issues.

I am not sure if anyone came with a presentation. If you did, would you let me know. If not, then I would suggest that we begin an open discussion. I would ask you to direct your comments to us to the chair, one at a time, so we can tape the conversation. Part of our reporting is taping and transcribing the meetings that we have been to so we can report accurately.

I would begin with asking Bea if I have forgotten anything, or if she would like to add anything.

**Mrs. Firth:** I would like to welcome everyone. It is good to see a healthy turnout like this.

**Ms. Hayden:** I would open it up, if anyone has any opening comments around that issue, and let us see where we go from there.

Do you think we should stay as we are, or should we rush into provincehood.

**Mr. Pringle:** I was looking over the green paper, and it is obviously pre-Meech Lake. How has the fact that Meech Lake has failed since, and the booklet refers to the implications of Meech Lake, how has the stance of the territorial government, or whomever put the booklet out, changed because Meech Lake is no longer with us?

**Ms. Hayden:** In relation to Meech Lake, I believe the only difference it would have made is that it would have made it even more difficult if we chose to become a province at some time, because 10 provinces, plus the federal government, would have had to have agreed to it.

As we are now, it is called the "7 and 50" formula: seven

provinces with 50 percent of the population. That is about all the difference it has made.

The paper is relevant if you can just ignore the references to Meech Lake.

**Mrs. Firth:** Are you asking specifically if there is any change in the context of this paper because of the Meech Lake failure?

**Mr. Pringle:** Yes. Let us say the paper was re-published today. What would the changes be?

**Mrs. Firth:** I do not think it would have changed the principles or points discussed in the paper, other than saying that Meech Lake had not been successful.

We were originally scheduled to go out last fall on the road for the constitutional committee. At that time, the Meech Lake Accord fell apart, and we had some other issues in Canada that were taking a lot of coverage on the national scene. We decided to wait and come with it now. That is why there still continues to be references made to Meech Lake in the paper. I do not think the essential points in the paper would have been altered.

**Mr. Peterson:** Could you give me a background of how your committee came to be? What was behind it?

**Ms. Hayden:** My understanding is that the Government felt a need to check out whether the direction the territory was heading in, because it does not specifically relate to the government, in this kind of slow assumption or negotiation of authority from the federal government, they needed to check out whether that was what Yukon people want, whether that is the way they want things to progress, or whether they feel it should be going faster, whether things are going too fast, or should we be heading in a different direction entirely.

**Mr. Peterson:** Was there any specific motivation? Why did Tony Penikett decide when he did to bring it out?

**Ms. Hayden:** Who knows why?

It was just before and during the Meech Lake discussions so, constitutionally, there was that very real concern.

**Mr. Peterson:** So, it was before and during.

**Ms. Hayden:** It was before that the paper was written. There was a very real concern that the territory would be left high and dry. Although I think that was what spurred it on at that time, the questions that it asks are relevant, even though Meech Lake was not signed. That would be my answer to it.

**Mrs. Firth:** The government of the day had been talking about a green paper on constitutional development and consulting with people on constitutional development. So, Tony Penikett brought a motion in the Legislature saying that a committee be established, that it be made up of two Members of the Legislature, and all Members of the Legislature passed the motion. Joyce and I were chosen to be the two Members who would go around and listen to people's points of view.

This paper was developed by the Government to be used as a discussion paper and to generate some questions and discussion among people.

**Mr. Peterson:** Was it the Meech Lake process that ...

**Mrs. Firth:** No, it was done before the Meech Lake.

**Mr. Peterson:** Before they sat down and did that?

**Mrs. Firth:** Yes.

**Mr. Peterson:** So, quite a while ago.

**Mrs. Firth:** This is not reactive to Meech Lake, if that is what your question is.

**Mr. Peterson:** Okay, so it is prior to that.

**Mr. Phelps:** It was subsequent to the first Meech Lake being signed. The next thing that was signed was the position statement strongly against it from the Yukon by all parties. Then, this came along and, then, Meech Lake failed after that.

**Mr. Peterson:** I know the Premier was very concerned with Meech Lake.

**Mr. Phelps:** They were concerned at that time. When this was formulated, there was concern about Meech Lake.

**Mr. Peterson:** So, there is probably some connection.

**Mr. Anstee:** Have there been any improvements in relations in regard to the federal government listening to, or bringing the Members of the Yukon Government on line in regard to their participating in certain decisions regarding the country, or the Yukon as a whole?

Usually, they ignore it. They will say, we will invite all the rest of the Premiers, and they forget all about the Premier from the NWT and the Yukon. Has that changed?

**Ms. Hayden:** Interestingly enough, and I have no idea whether it means anything or not, but I understand that Tony has been invited to a western Premiers meeting, which is a first.

**Mr. Pringle:** As a participant?

**Ms. Hayden:** As a participant.

**Mr. Anstee:** So, there is some light at the end of the tunnel.

**Ms. Hayden:** Presumably, there is some movement toward it, but that would not have been by the federal government. It was also the provinces who did not want participation of the territories, as well, as I understand it. We do not have a whole lot of answers on those kinds of things.

**Mr. Anstee:** I do not expect you to be perfect.

**Mrs. Firth:** What a relief.

**Mr. James:** I guess I will have to find out. We had a meeting a while ago on changes to the game laws, and the *Wildlife Act* and stuff like that. While we were talking about that, people were starting to ask questions on how can you look at all these things when you only have three percent of the territory in order to manage game. When you look at constitutional development, if you only have three percent of the territory, how do you see the other 97 percent?

**Ms. Hayden:** Our job is to ask people what they believe, but I will tell you what we have heard in other communities. Quite consistently, we have heard that, before anything else happens, land claims must be settled. In some places, we have heard people say that then, immediately, the territory must look at negotiating or assuming the land.

One can only see it in that way. That is what we are being told by other people. What is your view of that?

**Mr. James:** This is the kind of thing I look at. If you are looking at three percent of the territory now, and then are going around. Let us say that 97 percent of the people came out and said, yes, we agree that we become a province. Then, you go back and report to the Legislative Assembly, saying we have 97 percent saying we should become a province. Then, you go to the federal government from there, and you say, this is what the people have said so, therefore, we are looking at the land transfer to take place. These are the kinds of things I see happening. You are going around, trying to get support to get

the 97 percent of land that is out there, in order to control it. That is the kind of thing I can see happening now, when you are going around. If people oppose it, what is the next step?

**Ms. Hayden:** I can only tell you what other people are telling us, because we are not supposed to have an opinion, as we travel around.

**Mrs. Firth:** We are not here trying to get support for provincial status or to discourage provincial status. We are here to see what you want and what you feel about it.

**Mr. James:** That was why I was concerned about it. When you hear about it, then you hear, all of a sudden, that you want to talk about constitutional development, then everybody seems to be talking about provincial status. Then, nobody looks at governments being decentralized to the communities, which has been discussed, but nobody is coming out and saying, is that what we want, as a community, or how is it going to fit in once land claims are settled, and how is that going to fit in with what is done in Whitehorse? That is the kind of thing you have to look at.

**Ms. Hayden:** Part of our instructions, because land claims negotiations are happening, and because we neither have the information nor the authority to talk about self-government, that that would not be a specific part of the green paper. There certainly is the recognition that we are talking about the entire Yukon, and how does that happen, if people want it to happen. We have not heard very many people say that they are interested in provincial status.

**Mr. James:** I do not think you have the land base, like I was saying. Then, when you look at it, I thought the French lost the war. If you have agreed to include French as part of the things up here, you are going to change all the legislation, and stuff like that, then maybe those are the kinds of things we have to sit down and look at. As land claims comes along, your powers are gradually eroded down to here, and then we have to look at what kind of legislation you have agreed to. You say, the French language is important to be maintained in the Yukon then, when land claims comes along, and they say, how is that going to fit in with what we wanted, as aboriginal people, that is the kind of thing we are going to have problems with, because of the agreements that were made to satisfy the French speaking people in the Yukon. We, as aboriginal people, have never negotiated a French agreement.

We have to look at those types of legislation and how they are going to apply to us.

I do not know how you are going to deal with that. Those are the kinds of things I see happening. How do you see us, as aboriginal people, dealing with something like that? We have the land claims agreement, and you have legislation saying you recognize the French language has to be there.

**Ms. Hayden:** How do you see us doing that?

**Mr. James:** That is what I said. I thought they lost the war, and we should look at forgetting about the French people and having the same kind of constitution as the United States, where anybody can have a language, but you do not specifically put something into the constitution saying that they recognize this language, so we have a universal language. Anybody can speak any kind of language, but we cannot have this other thing being pushed down our throats. They are not funding the French language program. It is coming from

Ottawa, and all these kinds of things. There are millions and millions of dollars being spent.

Ms. Hayden: Ottawa is funding it.

Mr. James: I see just scrapping the French altogether. They are a province.

The other thing that bothers me is that, under section 92, the provincial government get their powers. How does the provincial government see themselves over-ruling the federal government, under section 91?

There seems to be a problem where I see the French people saying, we are going to become a sovereign group, and they get their powers from the constitution under section 92. This is what bothers me.

On the one hand, they are getting powers from the federal government and, on the other hand, they want to take over all these other powers and govern the federal government. It seems to me that is the way it is.

Ms. Hayden: If we wanted to talk about how we saw either separation affecting our status as a territory, but in terms of discussing Quebec's relationship with Canada specifically, I do not think it is part of our discussion.

Mr. James: That is what I mean. Right now, you are funding the French language and French schools, and you are going to change your legislation into French, and that is what I am saying. Let us say land claims happens tomorrow. Does that mean that we also have to look at changing our land claims agreement into French?

Ms. Hayden: I am sorry, but I am not qualified to talk about land claims agreements. I suspect those are not assumptions, and we recognize your concerns. That is really all I can say on that.

Does anybody else have a comment?

Ms. Alexandrovich: Regarding the funding of the French programs, I feel that the French are in such a minority up here. Some of the other nationalities are in a greater minority than the French, and they are not pushing themselves ahead, so why should we have to fund French programs here, when there are so few French up here?

Ms. Hayden: My question back to that would be, how do you relate that in terms of how the territory develops constitutionally? It would seem to me that it is kind of off the issue a little bit.

Mr. Anstee: The only problem with this French question, as far as I am concerned, is that it is always a question of the tail wagging the dog, instead of the other way around. In other words, down in Quebec, they are the tail, and they wag and the rest of Canada moves. It is very unfortunate.

Ms. Hayden: Do you think that it would have any effect on the country as a whole, and whatever happens to it would have any effect on the territory, if they did leave confederation?

Mr. Anstee: If Quebec were to pull away from Canada, as far as I am concerned personally, it would not hurt me a bit.

Ms. Hayden: Some of the concern we have heard is that, if they leave, it may be that the country will break up into small provinces ...

Mr. Anstee: They will never leave; they have it too good.

Ms. Hayden: ... and the Yukon would be left high and dry, without a federal government.

Ms. Alexandrovich: I think the way we are now, when I look at some of the smaller provinces that are so poor right now, I think we would get just as poor, because we do not have the population to carry provincehood, at this point in time.

We are funded very heavily by the federal government and miles of road that we are maintaining. As a province, we could not do it.

Ms. Hayden: We have something like 30,000 people.

Mr. Matthies: What stage are negotiations at between the territorial and federal government levels for transfer of powers of land and things of that nature?

Ms. Hayden: Now?

Mr. Matthies: Yes.

Ms. Hayden: We are in the midst of a health transfer. As far as I am aware, negotiations for other transfers are not proceeding.

Mr. Matthies: Nothing in the works?

Ms. Hayden: Not that I am aware of, but that does not mean that they have not done initial moves to do that.

Mr. Matthies: It would seem to me that, as I believe Stanley pointed out, there is only three percent of the land base that is actually going to be affected by any form of constitutional development here, under present terms of reference.

Mr. Pringle: How does that work out in the land mass of Canada, do you know? Three percent under what jurisdiction, and 97 percent under what jurisdiction?

Mr. Matthies: The other 97 percent, as I understand it, is still under federal jurisdiction. Part of the discussion here is to do with the Yukon.

Mr. Phelps: I would like to correct that. There is a distinction to be made between who owns land, and the land that is under the ownership of YTG as Crown land, and it is three percent.

Mr. Pringle: Currently?

Mr. Phelps: Yes. The jurisdiction is a different issue. Over renewable resources, for example, the *Yukon Act* gives YTG jurisdiction over all land, save and except federal land. Over taxation, it gives a certain jurisdiction over all land, so that three percent that Stanley is talking about speaks to the land that is owned in right of the Commissioner of the Yukon Territory, instead of the federal land. You have to realize that a lot of territorial laws affect all land in the Yukon, and a lot of the federal laws do as well.

Mr. Peterson: Perhaps we do not know whether we want to be a province or a territory, or something in between, but we may know that we do not want, by and large, to join up with the other territory, or B.C. or Alaska.

Participant: That is debatable.

Mr. Peterson: It is but, in light of if that is the case, and it is something that you should be finding out, and with Meech Lake having failed and the problem of unanimity with the other provinces and the veto power, we are sitting right with the seven provinces and half the population. We are going to be coming up to a round of constitutional talks and processes this August, and we do not know what the end result of that may be. People are talking about us being traded off, and this and that.

The timing is right that the Government, if it is the will of the people, should make it known through a plebiscite. The

trouble is, you do not want to word it negatively. This would be to find out what we might not want.

**Ms. Hayden:** To find out where we want to go.

**Mr. Peterson:** I think it needs to be done quickly, so that, if it is the case that you do not want to join anyone else, but you do not know yet whether you would like to be a territory or a province, or something else, then if you do it ahead of the federal government and the other negotiations, you will be in a position to say, the people do not want that, rather than reacting to it, if you do that.

**Ms. Patterson:** Is that not what we are here for? Do we want to be a province, or do we want to stay as a territory? That is the question you are asking us.

**Mr. Pringle:** Want and can afford are two different things. We have a population probably equivalent to a small town in southern Canada, or in the midwestern States. Where is the money going to come from.

**Ms. Patterson:** That is just it.

**Mr. Anstee:** It is going to come from the same pocket, anyway.

**Mr. Pringle:** We do not have the population, we do not have the resources.

**Ms. Patterson:** We do not have the industry. We cannot support ourselves. It is too soon to be a province. There is no doubt in my mind.

**Mr. Pringle:** If you are looking at the taxpayers to foot the bill for this thing, all the taxpayers, what few there are, are just going to pack up and head south. Where will you be then?

**Ms. Patterson:** Look what happened to Alaska.

They had half a million people. Everything just shot right up. They wanted to be a state. There is just no way we can do it. I believe that we would like to govern ourselves, like health and welfare, and education. It is slowly coming but, as far as funding is concerned, we cannot afford that. We are having it pretty good. There is employment, people have just about everything we need.

The other thing I would like to say about the constitution and the French people, my answer to that is like Ron says: if the French want to go, good-bye. Look what Trudeau did, and all the expense he went into on the taxpayers' expense, trying to teach everybody French and English to keep French in there. It is no good. It cost a lot of money. So, if the French want to go, let them go. We can do without them. Why baby them all the time? Everybody is equal. Let us treat everybody the same. We are all people, and we are in this country together. That is what I would say.

**Mr. Pringle:** I would far rather see the different native groups learn their language. The French are talking about their culture, and that is fine. They have their culture in Quebec, but let the native people have their culture here. Let the young people learn their native language of each group. I think that would be the way to go.

**Ms. Patterson:** Just like the people in Alberta. They said to learn the Ukrainian language would be a lot more helpful than to learn the French language, because there are a lot more Ukrainian people living there. I fully agree with that.

**Mr. Anstee:** Ukrainians have to retain their language, and the French have to retain theirs. Languages and cultures are retained because the people that had that language and culture

want it to be retained and do it within their own culture. I do not see the government, like Trudeau or whatever, footing a bill on the Canadian taxpayer to push the French language and culture on the rest of Canada. What is worth saving is saved by itself.

**Ms. Hayden:** We are off topic a little bit again.

**Mr. Pringle:** I am not anti-French, but I think that some of the priorities in the last few years have been turned around.

**Mrs. Firth:** The message is the same that we have heard in other communities. There is a desire for the native languages to be considered to be more important in the Yukon than the French language. That is the message we are getting.

**Ms. Patterson:** You can use that. I am not saying anything against the French. I think it is good to learn French for anybody who travels a lot.

**Mr. Pringle:** It should start in the family and in the school. It should not start at the top of the government where, if you have no French, you are on your ...

**Mrs. Firth:** We have heard that comment in other communities, as well.

**Mr. James:** I have to look at it in the amount of monies that are spent on the language. Let us say that anybody had the right to speak any language they wanted but, when we start sitting down and looking at the funds, I do not know how many billions of dollars are spent on French language programs. The federal government is spending all these billions of dollars on that and, then, the English as well. We have to sit down and look at that. What is happening now is that the Asian people are coming over here, and you have the Asian population going up, the French population going down and, pretty soon, the Asian people are going to say, we want our language to be legislated, as well. You are going to wind up with all these problems.

If you change the constitution to recognize one language, but everybody has the right to speak their own language, the same thing as the United States, I do not think you would have this problem of short-changing everybody here by funding all these French programs. You could take back some of those dollars that are out there and put them into some of these other things that can be worked on.

Everybody seems to be looking at all these things. I have looked at it, and I have thought, why not scrap the whole thing, then we will not have this problem of the French saying they want to separate now. How can they do that, when they get their powers from section 92 of the constitution? It does not make sense to me.

**Ms. Hayden:** Do you have any opinions or feelings about whether we could support ourselves in an economy that could support ourselves in any way, if we were to become more autonomous, even less than provincehood?

**Mr. James:** I do not think you could do it. Look at what is happening now. We only have 27,000 people here. Look at the Yukon River. It is being polluted now. You have 30,000 or 40,000 people sitting in Whitehorse, there is going to be raw sewage running right down to Alaska.

People have to sit down and look at these kinds of things. You have one big mining company over there controlling us now. You have another big conglomerate here, the White Pass, controlling us by the gouging of all these gasoline prices. Why

not sit down and look at something on how we can start working things out among ourselves, instead of having them say, we are going to control all this?

There has to be some way where people sit down and do some good planning. Right now, there is no good planning at all. Somebody says, I am going to put a mine over there; okay, here is the permit to go through anything to get there. You develop it, and you do not watch how that guy develops his mine. You have oil spills, you have chemical spills, you have all these things going along there. What is the guy fined? The big conglomerates come up here and they get a fine of \$5,000. It is just a drop in the bucket for them.

**Ms. Hayden:** You are saying to put our own house in order first.

**Mr. James:** We have to be the ones ... Look at Mount Skukum over there. It is polluting this river. Yet, what are we doing about it? We complain about all these things and, now they are going to sell out to somebody else. Then we have no power to control their water licence anymore, because they have transferred it over to somebody else. We cannot really sit down and do anything. That is the kind of thing we have looked at.

We want to make sure that you tie everything up so, when they do something, they have to clean it up, as well. They have everything sitting there. We have sheep feeding there, we have eagles and falcons there, who are going to be dying off pretty soon. What are we going to do?

**Mr. Anstee:** Why is the City of Whitehorse allowed to get away with that? Somebody keeps passing the buck. There is legislation in place to control that.

**Mr. Pringle:** If we were a province, do you think it would improve?

**Mr. Anstee:** No, it would be 10 times worse.

**Mr. Matthies:** That is the thing about the Yukon. We like to think of ourselves as uniquely individual, and we certainly are. To me, that is the risk of going to any kind of provincehood, because of the expected massive influx of southerners and outsiders, as well as all their ways. As Stanley points out, there is some pretty precious land up here. I, for one, want to see that retained as much as possible.

**Ms. Hayden:** We have heard that all around the territory.

**Mr. Anstee:** The problem I have as far as the Yukon government, it is always monkey see, monkey do. Whatever B.C. does, the Yukon government does. It does not make any difference whether it is Conservative or NDP. Whatever they do down there, somebody up here decides that must be all right because they are doing it down there, so we will do it. I do not know why that is.

**Mr. Peterson:** I would like to point out one thing, when you are considering a territory and provincehood, and money and not money. Right now, we are at the whim of the federal government as a territory. We are all sitting here comfortably, saying is this not ducky? We do not need a mine here, and we do not need this and that but, tomorrow, the government will change, or something will happen, and they will not send you any money. Then, you will be crying and will not have had a chance to sit at the table.

**Mr. Anstee:** I hope to hell the government will change.

**Mr. James:** That is the problem. When we, as aboriginal

people, sit here, we sat here 500,000 or 600,000 years ago. We are still sitting here. Other people come in, like I say, and they do all these things. Then, once they are finished, they go back where they came from, but we are the ones who are suffering here.

I do not care if Albert says all these things but, if everybody has this problem of the federal government cutting off the funds, then those are the people who are going to move back to where they came from, but we cannot move any place, because this is our homeland. You see those kind of things, and we have seen it all. We have seen the comings and goings of all these things. Now, all we are trying to do is to put something here that is going to make sure that we maintain something here for the next generation. If we do not, then we have failed, and that is the way we look at it.

We do not look at it as next year, but we look at it seven generations ahead. We have to make sure that things are there for the next seven generations. That is why, when we look at planning, we look at planned development, not the whim of somebody who can really talk and give you a lot of money to boot with it. We do not look at that.

All these things are going to be brought out but, at this point in time, there is going to be no government over here that is going to say, you guys become a province, because they do not see any use for it but, if we discovered a great big 600 trillion cubic feet of gas right here tomorrow, you would see what would happen then. Everybody is going to be here saying, how about becoming a province?

**Ms. Hayden:** Or, do not become a province, because the revenue goes somewhere else.

**Mr. Pringle:** You can pay your way now, so you are more of a partner in the whole scheme of things. As Stanley says, economics is a big thing. If we can pay our way, fine, become a province. We do not have the population base; we do not have the economic base.

**Ms. Hayden:** Is it important to you to keep the door open and to do that long-range planning, as Stanley has suggested, that we somehow constitutionally keep the door open for future generations to make changes in our constitution, or to entrench something in our constitution?

**Mrs. Firth:** For eventual provincial status. Do you think the Yukon will be ready one day for provincial status?

**Mr. James:** Eventually, if you look at it in the long-range planning, like Stanley mentioned, as long as the Yukon does not have any say as to how the government sells off our resources, then you know we are not going to become a province.

Take a look at the salmon treaty, and the deal they made with the United States. They sold it right down the river. The poor fishermen in the Yukon are the ones who suffered, because the big bulk of the ... are in Alaska.

We talk about diversification. Yes, we have a lot of resources we could tap into, other than mining. There is tourism, but you get someone in Ottawa making decisions that sell you right down the river. There is no way you can become independent.

**Mrs. Firth:** Do you think we should be working toward provincial status sooner then, so that does not happen, or so we have more say?



**Mr. James:** No, as long as Ottawa keeps making the big decisions as to how they negotiate all types of resources with the United States, it is a long ways off.

**Mr. Van Zoest:** We need a very strong planning board. I do not think we will see provincehood, at least in my time. I do not think Ottawa is going to give it to us. As Stanley says, and other people have mentioned, there is gas and oil here. I do not think Ottawa is ever going to give it to us.

That may not be all that bad. If you look at statistics, and I saw some a couple of weeks ago, the civil service in Ontario amounts to about 18 percent of the workforce. In the Prairies, it is somewhere around 22 percent. In the Yukon, it is 45 percent. Forty-five percent of the workforce: why do we have all these people? Why do we have a Yukon territorial government for 28,000 people? Seven thousand of them are administered by Ottawa, to begin with. I do not know what the overlap is, but there are 18,000 people sitting in Whitehorse municipality. How do you manage to take 45 percent of the workforce to administer all those poor people, I never will know. What on earth would that be if you have provincehood?

**Mr. Matthies:** Good point, Bill.

**Mrs. Firth:** Are you asking me if I am responsible for us having 45 percent of the workforce as government employees?

**Mr. Van Zoest:** If you sliced the Yukon territorial government in half, it would not do any harm.

**Mrs. Firth:** Maybe you have us mixed up. Joyce might have something to do with that, but I sure do not.

**Mr. Van Zoest:** This probably started with your government. Your government spent just as wildly as all the other ones. Carcross is a shining example of that: ... goes to the school; \$100,000 here for ...; \$100,000 for streetscape. Just in case we did not know what to do with the \$100,000, the initial \$25,000 went to consultants, and on and on it goes, and that was your government.

**Mrs. Firth:** No, it was not. Maybe we could discuss it after, when we are finished the discussion about constitutional development.

**Mr. Van Zoest:** You are still an honourable guest, and please come back.

**Mr. James:** Just to carry on where Bill left off, you look at 2,500 bureaucrats administering programs to just about 30,000 people in the Yukon. Where are all these services supposed to be provided?

**Mr. Anstee:** When you try to find a place to park around there, there is nothing but employee parking.

**Mr. Martin:** This leaving the door open you mentioned, I think it should be closed. They come in here with the door open and fill their pockets with money. The sooner the better to close the door.

**Mrs. Firth:** We are talking about provincial status. Are you saying that you do not ever want provincial status?

**Mr. Martin:** That is up to all the government parties.

**Mrs. Firth:** That is what we were asking about, leaving the door open, to eventually having provincial status, or should we be saying that we never want provincial status?

**Mr. Martin:** Whatever they vote.

**Mrs. Firth:** Do you think that you would like to be part of that vote? When it comes for the Yukon to make a decision about provincial status, do you think that everyone in the

Yukon should be involved in that?

**Mr. Martin:** Not for provincial status, but definitely I would like to be a part of it.

**Ms. Hayden:** One of the things we have been asking people is, if the time ever comes, and many people are pressing and asking for provincial status, how do they want that decision to be made. That is part of what we were discussing just now.

Is a referendum the way to go? Do people like that concept, to have a say?

**Mr. Pringle:** It is certainly not a decision to be made by the MLAs.

**Mr. James:** I think there must be a residency requirement. You cannot have 50,000 people coming up from B.C. and voting up here because they have been here six months. There has to be a residency of 25 or 30 years, or something like that.

**Mr. Pringle:** Two years.

**Mr. James:** Never mind two years. It gives too much, because these people come up here, they work here, they retire here, then they go to Vancouver or Victoria. They make all their money here, like Willie says, then they go back over there.

**Mr. Pringle:** With a big severance package.

**Mr. James:** Then they say, they will come up to the Yukon and visit you once in a while. You have to start looking at those kinds of things and closing those doors. Those guys in Faro who are working there are probably flown in from Ontario and wherever. How many of our people here are working over there for the Yukon? What percentage of people working in the Yukon are working in Faro? Those are the kinds of things you have to sit down and look at.

I do not care if Clifford Frame is going to spend \$5 million here, but we are going to give him \$50 million to build roads and highways for him, and maintain them. Look at this road down this way. We are doing that for him. Yet, he brings all his people in from outside. None of our people are working there.

We have to sit down and look at it. That is why I say, we have to look at some of these things and plan them out right. Just because a guy has a lot of savvy and a lot of big wigs behind him, it should not deviate or stray the government to accept some of his proposals until they find out what the people want.

**Mr. Matthies:** There is certainly a strong sense of resentment among people who consider themselves long-term Yukoners to having a whole bunch of people, who are short-termers, and essentially still Outsiders, imposing their views and their vote on a process such as we are dealing with here. I think Stanley is dead on. There has to be a reasonably substantial time period set for a residency requirement, just as one example.

**Ms. Hayden:** What would you suggest?

**Mr. Matthies:** Probably at least seven to 10 years. These are people who have at least displayed an intent to make their home here.

**Mr. Pringle:** Ken, would you say, if you went to work in Toronto, that you should have to live there for 10 years before you could vote for an alderman?

**Mr. Matthies:** No, that is a different situation.

**Mr. Pringle:** Why? Democracy is democracy.

Residency requirements are fine and they are valid, but you can get ridiculous with them, too.

**Mr. Matthies:** Yes, you can, but I think the issue here is a little broader than simply voting for an alderman. You are going to be talking about constitutional development for the Yukon's eventual provincehood. I do not like to see short-termers have a major say.

**Mr. Pringle:** There has to be reasonableness in the whole thing, too.

**Mr. Phelps:** This is a non-argumentative thing, because it is in the constitutional charter of rights. It has been argued already in the Yukon about the right to vote, and how long you have to live here. A year seems to be the maximum. That is because of the Charter of Rights, and that is something you cannot change.

**Mr. Van Zoest:** You cannot change that at all?

**Mr. Phelps:** Not unless you get the constitution of Canada changed.

**Mr. Van Zoest:** I am puzzled by it, because I think both Bill and Ken have a very strong point. As Bill points out, it is a democratic community here, and a one year residency should be, because it applies to the rest of Canada, as well. I do not think there is any other place in Canada, except the Northwest Territories, where we have such a transient population as we have here.

I do not know if it is coming up the highway or down the highway. If I went back over a 20 year period, how many people left? They come and go.

**Mr. Phelps:** I understand the law. There was a court case in the 1985 election, where a guy who was here for eight months got to vote. There was an appeal, and the law is fairly firm because of the Charter of Rights. It seems to be about one year.

**Mr. Anstee:** The minimum Iraqi, if he stepped off the plane, the minute he gets into Canada, he is just the same as if he had been here for 10 years.

**Mr. Phelps:** No, he has to be here for one year to get his citizenship.

**Mr. Anstee:** Yes, but he is protected by this stupid Charter of Rights.

**Mr. Phelps:** I am not defending the Charter of Rights. I am just saying it is there and it is very hard to change.

**Ms. Hayden:** Are we finished talking about constitutional development for the territory?

**Mr. Peterson:** You mentioned that you have heard quite a lot that land claims should be settled first, then we will deal with this. That may be the opinion of a lot of people, but that is what you said.

I find it hard to talk about constitutional processes for the Yukon excluding the entire land claim agreement. The way I am seeing it, people are coming from different areas within the room and throughout the Yukon on what they see this to mean, and what the future holds. As I understand what you said, your guidelines are not to include the land claims.

**Ms. Hayden:** We do not have the information or the authority to discuss land claims. I think it was put rather nicely last night by a young man from the Whitehorse Chamber of

Commerce, Gord Loverin, who said that how he saw it working was the two nations — the First Nations and the non-native Yukon nation — going hand in hand toward constitutional development. I think part of this process can be some understanding of how people, particularly those who are not part of the land claims process, want to see it developing along with the land claims process.

Although we cannot discuss the specifics of the land claims process, it certainly is a very large part of our lives and will have probably a huge impact on all our lives and all Yukon people. The way he expressed it seem to put it best, that we go hand in hand toward what it is we are trying to achieve.

**Mr. Peterson:** That means to say that the entire land claims process, which is so fundamental to how the Yukon is going to be governed in the future, 80 percent of the people who live here have not been able to discuss that point. Yet, it is fundamental to the constitutional development of the Yukon, and you are getting an opinion that we should wait until after it is done.

So, once that is done, we are left with a situation that we just have to take. Do you know what I mean?

I am suggesting, and it is probably not exactly proper in this place, that the entire land claims process should be much more open to all people, and that this or another committee should tour prior to it being passed in the House, in the same way you are doing now.

**Mrs. Firth:** To discuss land claims specifically.

**Mr. Peterson:** That whole process should be much more in the open. Right now, it is a discussion between three parties. Many people will be affected here who, so far, have no say other than to throw somebody out of office or reward them with another term.

**Mr. Anstee:** Does anyone know what the ballpark figure is for the time that the land claims is going to be settled? Is it going to be five years down the road? Ten years down the road, or what? Can you tell me, Stanley? Do you have any idea?

**Mr. James:** That is what I said. If they discover oil and gas here tomorrow, it will be settled.

**Ms. Hayden:** He is probably right.

**Mr. James:** There is no way that I see the federal government having any guts to settle land claims. They are not going to do that until they are satisfied that they have run their course. Right now, what seems to be happening is they are cutting back on all these funds to everybody, and people cannot do anything. There are a lot of problems there. I do not think the government has the guts to settle land claims, because it would take away so much of their powers.

**Ms. Hayden:** What I have heard generally is that people want a discussion about land claims before it is settled. You want the territory to do some long-range planning. You are not ready to rush into provincehood. You do not feel like the bride or the bridegroom being left at the door.

Are there any other kinds of issues around constitutional development?

**Mr. Van Zoest:** I think this is the most difficult one of them all, and that is something that I really hope that, in the years to come, a great deal of thought and planning goes into. Particularly, the small communities like Pelly, Carmacks, Ross River, Carcross, Dawson and Liard and Burwash, that places

like these need some kind of an ... There is a lot of talk on having to have those. ... every day. What on earth are we going to do?

We have some 200 people here ... We have a band office with a paid staff, ... fax machines, you name it. Are we going to duplicate it all over again?

It somehow does not make sense. I know that is a very difficult issue, but God forbid that we are going to duplicate all these governments all through the villages. The civil service will not be 45 percent; it will be 85 percent.

I know it is difficult, and I know it is controversial, but I really hope that thought can be given to that end of an integrated government, ... on these boards or allocation of seats, I do not know, but not this endless duplication.

Mr. James: When you sit down and look at it, our community may have 300 people, if not more. If we include Tagish and all the way around, then why can we not start looking at, when you talk about decentralization of government, why can you not look at something being developed here? You have \$371 million in Whitehorse. Then, it is being divvied up a little bit here and little bit there, and we maintain a big pot in Whitehorse.

When you base it on the population figures, the same thing you negotiate on the Ottawa level with, why could some of those things not be looked at for our community? Then, we can have the kind of things we really need.

We need some good recreational facilities, not just a curling rink and stuff like that. We need to have something where the young kids are not running around getting into all kinds of problems, and these are the kind of things we have to look at.

If you can start looking at that as some form of regional government, or community government, then I think we are moving somewhere, because you have been talking about decentralization. Yet, people are saying, when. For the last 10 years, you have been talking about it. When we sit down in the communities, and we see all these things happening, then they say, we want to build a new curling rink. They say, here is \$25,000 to start off with. Then, every year, you get \$25,000. It does not help us.

Ms. Hayden: I think we have truly finished talking about constitutional development. We will wrap that portion up and, if you want to continue on discussing the other issues, that will be fine.

Mr. Pringle: I think the point that is being brought up here is quite relevant to constitutional development, in the fact that, if we do not have a proper form of representation for a small community like Carcross, or some of these other places that Bill mentioned, how can we talk about something like provincehood, when we do not even have a satisfactory type of representation for a small place like Carcross?

Mrs. Flrth: So, you are saying to get the local house in order.

Mr. Van Zoest: ... organizations, ... this is absurd. I know it is difficult, but I think if we face the enormous cost and burdens that, somewhere along the line, a goodwill will develop and ...

Mr. Anstee: It is like having a team of horses with one pulling one way and one the other, or like a husband and wife, one going one way and one going the other. There is no way

that they can stay together.

Mr. Van Zoest: Half a million dollars ... and half a million dollar community centre. It is absurd.

Mr. James: I see that happening since I have been around. There is no ending to it. You have two different systems operating in one small little community, and all these resource dollars coming in, and you have the little groups spending it their own separate way and never once coming together. Any time we try to come together, there is always a little tactic where someone comes in to divide the whole community again. It is a system that completely divides the community all the time.

At different times, there are different government outfits coming in saying that it is due to land claims that we are not getting land, and different things like that. Not only is it dealing with land claims and everything, they are now saying that you have all these agricultural policies and different things, and the government is now getting people to believe that, once land claims is settled, that is going to solve everything. That is not the case. They are getting people to believe that.

To me, it is the beginning of a ... I would certainly like to see, at one point in time, where you have a good, strong community voice, where you have an amalgamation of some type of two government systems governing the whole community, not separately, but as one group.

As far as the constitution, you talk about provincehood and different things like that, I think the government should try to get some control of our resources. You look at the oil and gas at the Beaufort Sea: how much of that do they own? They do not. The United States owns most of that. There is very little that belongs to the Yukon, even though it is off the Yukon shores.

Those are some of the important things if we are going to talk constitutional development. Those are some of the things we can talk about now, controlling some of the resources.

Mr. Peterson: You get control by taking control, which is either provincehood or some change in the relationship. If you are arguing against that, you are arguing to do something, not to sit back. If you sit back, you are letting other people do it, and the time is now to do something. If we wait one and one-half years, we may not have a voice. We may not even have a Yukon, but will be part of B.C., or whatever happens to us.

It does not have to be a province, and the fiscal arrangements can be open. We can say, we cannot support ourselves. They are already giving us the money. If you just sit here and look at what is happening politically in Canada, they are going to auction the Yukon away, or do something without you having any say. You will then say, we did not want that, and then you will have a petition or something to say no, we do not want that, but it will be too late, because that is the way that goes.

Ms. Hayden: Anyone else?

There are lots of people who have not spoken tonight.

Mr. James: If we become a province, are we guaranteed a voice in Ottawa? Is that how it works?

Mrs. Flrth: You gain certain things that they cannot take away.

Mr. Peterson: We have a voice in Ottawa now.

Mr. Anstee: Thank God she was not Prime Minister of Canada when the Iraq war started. I am not against liberated women but, boy, she takes the cake.

Ms. Hayden: We will take a break for coffee and have some general discussion.

Mr. Phelps: As the MLA, and having introduced the committee, I would like to thank everybody for coming out. Feel free to talk with them and bend their ear.

Ms. Hayden: Thank you all for coming.

*Adjourned at 8:45 p.m.*





**Dukon Legislative Assembly**  
**27th Legislature**

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Council Chambers, Faro**  
**Monday, March 25, 1991 — 7:30 p.m.**



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

**MEMBERS OF THE SELECT COMMITTEE**  
Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

**STAFF**  
Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

**PARTICIPANTS**  
at the Faro Meeting of March 25, 1991

Atwood, Miranda	Graham, Iain
Bamford, Russell	Jansen, Anne Kinsey
Bamford, Thomas	Johnston, Barbara
Byblow, Maurice (MLA)	McLachlan, Jim
Graham, Deborah	Peever, S. Bruce

## FARO, YUKON

March 25, 1991 — 7:30 P.M.

**Ms. Hayden:** I am Joyce Hayden, and this is Bea Firth. We are both Members of the Yukon Legislative Assembly. With us tonight is your MLA, Maurice Byblow. Patrick Michael and Missy Follwell are the Clerk and Clerk Assistant of the Legislature.

Last year, Bea and I were appointed as the Select Committee on Constitutional Development and given the task of travelling to every constituency in the territory to hear what people had to say concerning constitutional development or, if you wanted to be more precise, the green paper on constitutional development. Recognizing that that is not high on people's reading list, we do not restrict the conversation directly to the green paper although, if you have comments on that, we would be pleased to hear them.

This spring, we will report back to the Legislature. We have to draft a report, giving your opinions on constitutional development. We are taping every meeting so that we can report accurately. Each meeting will be transcribed, and excerpts from the transcripts will be used in the report.

We have asked you to sign your name so reports can be sent to your community. I hope they will be sent to each of you, but they will certainly be sent to your community.

The other thing I would say is that some of the questions we are looking at, in general, are questions like how do we fit in confederation; is that a very high priority on your list; is that important; do we stay as a territory; do we try to become a province, or do we look at some other option? What are the concerns that you, as Yukon people, have about what is happening to us as a territory, in terms of our relationship with the federal government? People have specific comments to make.

When we gather in a group like this, we just begin the conversation informally. The only thing I would ask is that you speak one at a time, so the person who is trying to transcribe can do so accurately. It becomes pretty difficult if two or three people are speaking at once.

That is about all at the moment. Bea, did you have anything to add?

**Mrs. Firth:** No, I think you have covered everything.

**Ms. Hayden:** I have gone through this spiel so often that I tend to forget some things at times. We are finding as we travel around the territory that there are people within each community who do have some concern about where the territory may be going, whether it be development concerns, environmental concerns, legislative, how we are viewed in Ottawa, the respect or non-respect that is shown to territorial leaders, and all those kinds of issues.

I would just kick it off by asking if you have any feelings or direct comments about where you think the territory is now, and whether it should be developing in some other way, or how you see things happening at the present time.

**Mr. Byblow:** Perhaps I could just initiate some discussion. I have heard from a number of people in conversation about provincehood that there is a strong feeling that it is entirely premature, that we do not have a revenue base strong enough or healthy enough to pay our own way. The argument

goes further that, should we become anywhere close to a province, or comparable to other provinces in structure, then the financing formulas will be similar to those provinces, and we would actually lose money, so it is not ... at this time to look at strict provincehood. It has to be something in between.

**Ms. Hayden:** Iain, do you have a response to that, or in terms of how you feel on what is happening?

**Mr. Graham:** I do not feel that we are ready to head quickly toward being a province. With all the areas that have been devolved to the territory, there has been a big argument between the territory and the federal government about who is going to pay for it. If we want the responsibility of it, we should be in somewhat of a position to take over some of the responsibility of paying for it, and we are not at that point yet.

I do like to see responsibilities being given to the territory, even if the federal government does have to help fund them, because it gives the territory a little experience in handling their own affairs and, eventually, when it goes to the point where they can look after themselves, they will be in a position to take it over and do a good job.

**Ms. Hayden:** We have heard often slow, careful devolution of powers to the territory; not to go rushing off full-speed, and do not stop where we are now. Is that fair?

**Mr. Graham:** That is fair. One has to learn to walk before you can run or jump.

**Ms. Hayden:** We have something like a maximum population of 30,000.

**Ms. Graham:** That comes to my point. How realistic is it to talk about provincehood, when you are talking about fewer than 30,000 people? To me, it seems like we are a long way from that kind of thing. Also, what is the potential growth in the territory? There are 30,000 people now. Ten years from now, how many people will there be? The growth in the north has not been that fast in the past. Is there any reason to think that it is going to be that much greater in the near future?

**Ms. Hayden:** One of my understandings of the purpose of this committee is to do long-range planning, that the territory look now at planning for the future. Is it important to you that the door be kept open so that, some day, if we choose to become a province, that becomes possible?

**Ms. Graham:** I suppose, when we start talking about some day but, to me, it seems that that some day is a long way away. It is hard for me, because I am a newcomer. You get used to living in a province, and you get used to how things are done in that province, and then you come to the territory. First of all, it takes you a little while to get your bearings as to what is different.

It seems to me that things in the territory now are moving so quickly, development-wise, when it comes to government and policies and procedures, it seems to me that it is a really exciting time right now. I do not know how long it has been that exciting but, since we have been here, for the past five years, it has been. With responsible government being so new in the territory, looking to provincehood seems premature.

**Dr. Bamford:** Is it required that we be necessarily economically independent in order to gain that constitutional independence? In other words, would it be possible to organize a constitutional independence, so that we have complete control as a population over our own government, and .... the



distribution of wealth, which could be given in a lump without provision from the federal source, much as some of the Caribbean islands negotiated, some unsuccessfully?

My other concern is, is this an exercise in pseudo-nationalism, with concerns in the background of the country breaking up, and we had better look after ourselves in case it really does? The real question here, and I hope you can help with this, is it feasible to separate the economic concern? Most people are saying we cannot be independent with 30,000; therefore, why are we talking about the constitution? Are those two things necessarily ...?

Ms. Hayden: Certainly, we have had a presentation, and I would only speak to that. It was from one individual in particular, who maintains that it not only does not have to be tied, but it might be economically feasible. Bea, do you want to speak to that?

Mrs. Firth: The question is that about the constitution being tied to economic independence. People have made reference to that being kind of a chicken and egg situation. If we were a province and had negotiated a satisfactory arrangement with the federal government with respect to revenues from our resources, the question has been asked, how much money, in the form of revenue from our resources, has already left the Yukon Territory and gone to Ottawa, to be used by the rest of Canada? Then, they turn around and hand us back enough money to live in a comfortable style here in the Yukon. We would have the potential to have that revenue here in the Yukon ourselves, and that would be a negotiated agreement with the federal government.

Then, there would be some potential to see some economic viability. We could be economically independent but, in order to do that, we have to gain more control as a territory, or as a province, over the resources, so we are getting the revenues from those resources.

Dr. Bamford: If federal aid was completely cut, could we survive as a territory, as an independent? Do people argue that we could?

Mrs. Firth: If we had control of our resources. The argument is, if a mine opens up in the Yukon, the taxation goes to Ottawa, not to us. The provinces all benefit from their logging industries, and their fishing and mining industries, themselves. They have their own source of revenue. We do not. Our only source of revenue is Ottawa, small business, taxation of private citizens, personal income tax, and that kind of thing.

Dr. Bamford: So, if we do the balance, is it close enough that one could actually make a point about being self-sufficient?

Mrs. Firth: This is what the discussion is all about.

Dr. Bamford: Is that not the backbone of the constitutional argument?

Mrs. Firth: Some argue that it is, and that it can be done, that we can be economically independent and, therefore, we should be entitled to provincial status, even though we only have 30,000 people here, even though we are still going to require some assistance from the federal government. All the other provinces still get some kind of transfer payment, or equalization payment, from the federal government.

Ms. Hayden: The problem with how the other provinces

receive their funding is that they receive it as equalization payments, based on per capita income. Per capita income in the territory is actually quite high in relation to provincial per capita income. On that basis, we would be a rich province, as opposed to a poor province, but our population is so small. Therein lies that problem.

There are many people who have said we would rather be a rich territory than a have-not province, and we have heard that many times.

In relation to the second part of your question, which had to do with concerns about the country breaking up, or whatever, we have had people raise the issue. First of all, our job is not to offer our opinions on this. You will have to understand that. We try to turn the question back to you, but we can tell you what other people are saying.

We have had people raise the concern that, if Quebec leaves, then the country may break up into chunks, and they wonder where the territories go then. One comment is that we would be the only true federal part of Canada. Other comments are that some of the provinces may look at us quite greedily. Others say that we should stand our ground. It runs the whole gamut, but it has been raised as a concern, and it is part of the whole context of constitutional concern and development.

Dr. Bamford: I would like to see, as far as possible, objective analysis on the economic side, and present that for debate. Then, follow that with a constitutional referendum and ask people if they want to give this a try or not.

Mrs. Firth: That is essentially what we are hearing from people. It is very difficult to say, yes, we want provincial status or no, we do not, when you do not have all the information to make a well-informed decision. We have heard from every community we have been in that, when it comes time to make the decision, people want a referendum so they are part of the decision, and they want additional information, so they can make a well-informed decision, as opposed to just flipping a coin.

Mr. Byblow: The formula financing arrangement that exists with the territory now is one that other provinces do not have. It is a special arrangement with the Yukon, based on its unique circumstance of what it costs to operate, what it needs to maintain a certain standard and level of service, based on past expenditures.

That boils down to, of our total budget, at least 60 percent of it is transfer payments from Ottawa for the operations and capital costs of our \$350 million budget. A simple economic barometer is that, right now, we barely generate 40 percent of our own cost of maintaining our current level of service. The extension of that is that, in the spirit of what has been said, we should continue devolving programs, gaining more responsibility, because we have every right as Canadians to manage our own affairs, I believe. There will come the day of reckoning, at some point in this whole devolution of responsibilities and, eventually, the resources of the territory, whether it is mineral rights and mineral wealth and subsequent royalties from companies that extract that mineral wealth. Eventually, the day will come when we are going to have a reckoning of whether or not we want to go our own way, economically as well as constitutionally.

Constitutionally, I believe we are already moving that way.

**Mr. Peever:** My comment is from the federal side. In looking at the evolution of Canada as a country, I think it would be in Canada's interest to have the Northwest Territories and the Yukon evolve as something more than a territory, in terms of our sovereignty.

It is more powerful to have some type of recognized state, whether it be a quasi-territorial state or an actual province in the north, than it would be to have something like a territory, which is really what it says, a territory. It has no real power, especially when you have the United States, in Alaska, and the Soviet Union across the other side. It does not give Canada, as a nation, much status just to have a territory sitting ...

**Mrs. Firth:** Like a part of the country that really is not part of the country, in the status form, as with provinces.

**Mr. Peever:** I do not think sending icebreakers across the channel does it, or sending commandos out to try to scale the Chilkoot Pass. That really does not offer much, in terms of jurisdictional authority or international law.

That is one comment. Another comment goes back to the financial criteria for constitutional development. As has been said, it is a chicken and egg thing. That is all I have to say.

**Mr. McLachlan:** My work is a little more structured, because it is Liberal party policy.

The policy for the party is that we should not be persevering in attaining provincehood, but the territorial idea of expanded powers and devolution is the one that we should be following. The green paper makes reference to the fact that the last joiners to confederation in 1949 and 1905 were not necessarily economically as strong, for example, as we are now, and that this was not a prerequisite for confederation.

We believe those days are past now, as a result of the 1982 constitutional amendment, or the 1987 ..., be that as it may. Some other speakers tonight have made previous reference to the economic thing, but I think it is very important, because I see the other provinces not necessarily willing to let us in the door, if they believe they will come out on the short end of the stick.

I believe that, for example, the economy of the territory and the wealth of the mining industry generated here is very important, but it is on such a seesaw ride in some cases that it is going to be difficult to pin it down to the point where, when we have enough, we say now it is ready to go.

Let me illustrate that with this comparison. In 1986, this mine was getting going again. In a period of five years, we had five subsequent closures. In 1986, Canada Tungsten, although not in this territory it contributed to the economic effect of Watson Lake, closed. In 1987, the Mount Skukum mine near Whitehorse closed. In January, 1989, United Keno Hill announced a closure. In 1990, Canamax closed the door, after only two years. In 1991, the planned re-opening of United Keno Hill was shelved because the silver prices went the wrong way again. That leaves us with one major producer. We have all heard that 20 percent of the territory's economy is based ... Part of these problems are that they are small precious metal producers in silver and gold. We still have the placer mining in Dawson, of course, but that is also based upon ... between the \$350 price per ounce of gold and an \$800 per ounce.

To summarize that, I do think the economy is an important

factor, and I think you are going to find others who have something to say about whether we should be a province raising that issue a lot. I do not think they would want to take on a poor orphan.

The party sees us taking over more programs, but very carefully. To illustrate this, the health and welfare issue is one that is finally coming after many years, and that is an expensive one. We are going to have to watch the dollars and cents very carefully. The one that frightens me is the forestry, because of the forest fire problems and the cost that can be incurred over a two or three month season. The fires in Old Crow last summer were \$6 million, and that is a lot of money out of the budget, to say we now have the power over forestry. It is nice to be able to say we have stumpage fees, we control the forestry in Watson Lake, but you have to pay on the other end to save the trees .... That is the sort of thing that I believe the federal government has more in their coffers than the territorial government has.

On the mining issue that Mrs. Firth has raised, and I have heard this before about if we had the revenue from our resources. I want to go backward in time to 1983, when it took a very expensive federal package to recommence operations at this place and, then, only on a limited basis. It was a stripping program, but not a milling program, because there was no money in the end product. That took \$19 million to \$21 million of federal funding to start up the stripping program. If we did have the resource revenues, like a province, would the territory be able to sustain that kind of budget ... to put 180 people back to work? My answer is no. I think that kind of funding only comes from the federal government.

That is the kind of problem we run into when we have an economy based on mining and tourism for four months, even though we were tempted to develop tourism in the shoulder season, and some in the winter.

I do not see a union with Alaska or Greenland as being an option for the territory. This is referred to in the green paper. On the idea of union with British Columbia, et cetera, I feel Yukoners are too independent to be able to consider that as an option. I do not see that on the books. I will have more to say. I will turn the floor back to others to make comments, but I want to come back with some other statements later. I want to come back to something Mrs. Firth said and ask a question. She said, when there is a new mine developed in the territory, Ottawa gets the taxes. Did you mean royalties, or did you mean taxes?

**Mrs. Firth:** Revenues.

**Mr. McLachlan:** Not taxes. Mining operations are on a tax-based formula in the territory, are they not?

**Mrs. Firth:** The taxes that are paid by the mining companies go to Ottawa, as well as the royalties.

**Mr. McLachlan:** The assessment of mineral properties?

**Mr. Byblow:** They are part of the formula base. That is, the taxation of the property, but not the royalties of the minerals.

**Mrs. Firth:** The royalties go to Ottawa.

**Mr. McLachlan:** The question is, did you not mean royalties?

**Mrs. Firth:** Yes, royalties.

**Mr. McLachlan:** To whom does the tax money for real

property taxes go? That is where the confusion is coming from.

**Mrs. Firth:** Some of it goes to the municipality, if it is within a municipality. I am talking about the royalties, the revenues that a province would get for one of their resource-based industries. As a territory, we do not get that kind of revenue at all. It all goes to Ottawa.

**Mr. McLachlan:** I understand that.

**Mrs. Firth:** When you mentioned the circumstance about the mine closing here in Faro, when Cyprus Anvil closed and it took \$21 million to get it operational again for the 180 people to do the stripping program. Prior to that, the money that was going to Ottawa from this mine, in royalties and revenues that were being paid to Ottawa, were in the vicinity of \$360 million a year. This is the point Steve Smyth argues. All these mines you mentioned — and I am not presenting this as my point of view; I am saying this is the other side of the argument — all these mines that the Yukon has had, Mount Skukum and all the ones you mentioned, all the revenues from those mines that were paid, that would have gone to one of the provinces, were going not to us as a territory, but to the federal government. Then, they turn around and give us money back. That is the point Steve Smyth raises in his paper. We would like to know how much money has left the Yukon Territory, because we may very well have been able to look after ourselves and not be a poor orphan. We may have been very wealthy.

Again, that raises the point of the other provinces being interested in us and what happens to us, as a territory, whether we do achieve provincial status. That raises the concern that people have expressed to us. Since we are not a province, we cannot make the decision solely with the federal government. The constitution states that seven other provinces, with 50 percent of the population, will decide whether or not we become a province.

If Quebec leaves, the concern that Russell raised, and Canada was going to be chopped up or changed, or whatever, we would not make the decision as to who we wanted to be part of. It would be the federal government, seven provinces and 50 percent of the population who would make that decision on our behalf.

**Mr. McLachlan:** A clarification of the point I was making is that the revenue from the royalties goes to Ottawa, but the property taxes go to the territory, unless there is a municipality, in which case it goes to that municipality.

**Dr. Bamford:** Is there anything we can do about that?

**Mrs. Firth:** About the constitution?

**Dr. Bamford:** That is nothing we can do about the fact that the other provinces decide what happens to us?

**Ms. Hayden:** Not as we understand it. At this point, it is under the "7 and 50" formula, which is pretty well entrenched.

**Mrs. Firth:** Unless they decide to change the constitution, and they are talking about that now, too.

**Dr. Bamford:** They are hardly going to say, yes, okay, you can go ahead and go it alone if you like, because we know you want to. Therefore, what is all this about?

**Mrs. Firth:** The intention of the exercise was to get a feeling of what Yukoners felt about the whole situation.

**Ms. Hayden:** We are getting that very clearly.

**Mrs. Firth:** It is to see what Yukoners feel, do they think it is important, do they think it is worth arguing about, do they

feel helpless that they could not do anything about it anyway?

**Ms. Hayden:** Someone mentioned a bit about links with other circumpolar regions. Is that something that is important to people? Do you see that as important, that we maintain some kind of link, whether they be formal or informal? We are talking about anything from Greenland to Alaska.

**Ms. Graham:** When it comes to thinking about joining Alaska, to me, that is a bit mind-boggling. We are talking these days about how people think of themselves, and I certainly think of myself, personally, as a Canadian, and secondly as a Yukoner.

When it comes to exploring relationships with other jurisdictions, I think that has value. Again, I have a bit of a problem with even provinces, for instance, Quebec has always wanted special relationships with French-speaking countries, and that sort of thing. I have a bit of a problem with those jurisdictions dealing with those other countries rather than Canada dealing with them. I get uncomfortable when it comes to smaller jurisdictions making their own way, other than through the federal system.

**Mr. Peever:** What is the status of Alaska right now?

**Mrs. Firth:** We just had an exchange with the Alaskan legislators, and they were open and very welcoming to us, if we ever wanted to join them, but I do not think they were looking at it in a reciprocal manner, where they would consider it.

**Mr. Peever:** Are they very much tied to the southern states?

**Ms. Hayden:** As I understand it.

**Mrs. Firth:** They have similar problems to us. They are concerned about Washington, like we are about Ottawa.

**Mr. Peever:** Do they get the oil revenues?

**Mrs. Firth:** Yes, because they are a full state. That is why they have lots of money. Just for trivia information, they told us that, because of the Gulf crisis, their oil revenues this year are going to be in excess of \$500 million of money that they were not anticipating getting. It is interesting the amount of money people talk about in governments.

**Ms. Hayden:** One of the concepts that has been put before us has been the idea that, as the territory is looking at constitutional issues, they should be building specific kinds of things into it, not necessarily provincehood, but specific concerns. They vary from concerns about protecting water, because it has been indicated by some people that they see water as probably the most valuable resource at some point, and they are talking not just clean water, as in looking at the environment, but water as a dollar resource, in terms of the southern United States. Another was the protection of wilderness, and others have talked about other kinds of ideas.

Many people have talked about the uniqueness of the territory, and wanting it preserved. Does that touch anything for you, or is that not part of where you are coming from?

**Mr. McLachlan:** I believe the state of the water resource, because ... revenues to support the territory. There is a big fight on every time we try to harness the water to develop power. ... Did it refer to water going north or south?

**Ms. Hayden:** What was proposed to us was south and the water shortages in Oregon, California and some of the more western states. We were told there are very real clean water

western states. We were told there are very real clean water shortages.

**Mr. McLachlan:** Mississippi is a little short of water, too. It may be a little hard to harness the Yukon ...

**Ms. Hayden:** I kind of thought that, too.

**Mr. McLachlan:** I think it is an excellent source for revenue, and I think it is something that, in the next 20 years, the territory will ask about more. That is one of the ... about hydro-electric generators and dams. Water regenerates itself every spring from the snowfall and snow caps, and we certainly have a lot of that. There is no sign of it decreasing over the next few years. I think it is viable.

I have a little bit of problem with people saying we should protect the ..., because we have a lot of it. ... Aishihik. I think it is a potential source of revenue.

**Ms. Hayden:** I am amused. I assume that is bowling.

**Mrs. Firth:** It is weights.

**Ms. Hayden:** I cannot wait until the people are transcribing this and wondering whether we are actually having things heaved at us.

I think they are dropping them after they have lifted them.

**Ms. Graham:** When you are talking about people wanting to keep the Yukon the way it is, and valuing the unique character of the place, is it at all reasonable to be saying to the rest of the country, yes, we are interested in moving toward provincehood, and yes, we want to be more like you and live more like you and have more of what you have, but we want to keep this place the way it is for us. Is that a reasonable attitude?

**Ms. Hayden:** Do you think it is?

**Ms. Graham:** No.

**Dr. Bamford:** Are you saying they are opposite sides of the coin?

**Ms. Graham:** I would hope there was some kind of a compromise in there. I think there is an attitude here in the Yukon that we want to preserve it as it is, and I do not see that happening, if you are wanting to move in any kind of way. They do not go together. You either keep it as it is, or you move.

You are going to have to accept a bit of the negative things that go with growth and development, if that is what you are interested in.

That is what I value about the Yukon, the wilderness and the clean water.

**Dr. Bamford:** I personally think that every move we make toward selling the territory, whether it is ..., we cut out a percentage of our other major income, which is tourism. People seem to come here because all those things have not been done. Let us say .... Yukon has successfully signed a contract with California to sell water. ... purely artificial economy based on farmers insisting on growing ridiculous crops like tomatoes, and in having free water at the expense of the cities. It is completely unnecessary for them to have a water shortage in California. They could completely solve their water shortage simply by charging farmers for water, and maybe they would then start growing reasonable crops and stop selling us their cheap stuff.

**Mr. Byblow:** I do not think it is cheap up here.

**Dr. Bamford:** That is another issue. I do not think California should get as much sympathy as it is getting. If it

was written up in *Time* magazine that the Yukon had signed a successful water contract with the western United States, we would then be cutting out a percentage of tourists, much like a rising interest rate cuts out a number of house buyers.

Again, one can argue for and against any particular move, based solely on economic projections. I would personally be opposed to the Yukon joining anybody. Most Yukoners are ferociously independent. They would probably fight to the death to stay independent.

**Ms. Hayden:** People who are here have heard this story, but it is one of the things that fascinates me. In 1936, the then Minister of Indian and Northern Affairs, or whatever it was called at that time, and the Premier of B.C. made a deal to annex Yukon to B.C. At that time, and we still do, we had a very strong Roman Catholic church within the territory, with some clear understandings about educational rights and those kinds of things.

The Roman Catholic church in British Columbia said, that means that we will get exactly what people in the Yukon have, right? Remember, there were only about 5,000 or 6,000 people in the territory at that time. The story goes that, as soon as that was raised, the whole issue of a territory being joined to B.C. went quickly down the tube. At that point, we were saved by the Roman Catholic church from becoming part of B.C.

In WAC Bennett's time, he proposed several times that he thought the territory should be annexed to B.C., and there was a hue and cry. People do not take to it kindly.

**Dr. Bamford:** I am sure we could do with a Fantasy Gardens here.

**Ms. Hayden:** It would be wonderful.

It is interesting the way the individualism comes out as we travel around the territory. It shows itself in many diverse ways. People who want to maintain the territory as it is, with its uniqueness; other people who want to be able to go out and develop what they want to develop.

**Mr. Byblow:** I missed part of the previous discussion. You may have talked about Alaska. I was part of the legislative exchange to Juneau last week. There were informal discussions, and Alaska did talk casually about the prospect of joining up, as they have much the same feeling about Washington as we have about Ottawa. They are in a big battle over oil revenues, taxation, revenue-sharing in general.

**Ms. Graham:** Is it the same feeling that Faro has about Whitehorse?

**Mr. Byblow:** Possibly.

**Ms. Hayden:** Similar.

**Mrs. Firth:** I think it is the same.

**Ms. Hayden:** Something that I found really fascinating as we travelled on the Alaska Highway, and this sort of gives you an idea of how we think in the territory, we were in Destruction Bay and they were annoyed at Haines Junction for being the big community that was getting everything. Then, we went to Haines Junction and they were really annoyed at Whitehorse for getting everything. Then, we had a meeting in Whitehorse and they talked about Ottawa.

**Mrs. Firth:** Actually, we did not hear that comment. We heard the other comment that Deborah raised about Faro versus Whitehorse, and we heard that in all the communities. Whitehorse does not understand us. Pat Michael was laughing

at a comment I had written down in my book here. I like to make little notes of things people say. One gentleman said that Whitehorse is nothing but the urban population ruling the territory.

**Ms. Hayden:** There is a very strong feeling about that.

**Mrs. Firth:** That is how he felt, and there is a strong feeling about Whitehorse being out of touch with the communities. I can see why, after just visiting all the communities.

**Dr. Bamford:** I would mirror that on the medicine side. I wanted to start a new ... positions in the Yukon. We would have three members.

**Mrs. Firth:** You and Graham Henderson, and who else?

**Ms. Hayden:** Watson Lake.

**Dr. Bamford:** Could I ask a question on a serious note?

As MLAs, do you feel the machinery of government, and the size of the machinery, or the value per dollar — let us just call it the size and complexity of machinery — would it be greater or lesser if we were independent?

**Mrs. Firth:** I think that would depend on the government of the day. That might involve some political decisions.

**Dr. Bamford:** There is a slight feeling among some people I have talked to. The typical placer miner feels that the present government is pumping itself up a little bit, to put it in a phrase, and that maybe there is too much government and maybe we would be better off if we got rid of local government and just be run from Ottawa. I am not certain we would have any less government if it was sitting in Ottawa. What do you think?

**Ms. Hayden:** I would want to ask someone who had lived here for a very long time if they had less government to any great extent when Ottawa did control almost everything. You are asking me as an MLA, so I will respond to that. The second comment would be that the very same people who ask for less government would, perhaps not in the next breath, but around the next turn, would be coming back asking for some program or something.

In my opinion, we are a very government-centred or focussed territory. How that happened over the years, I do not know, but it has, and it did not just start yesterday, or whenever. It started a very long time ago. I am not sure that answers your question.

**Mrs. Firth:** I have some strong personal opinions about government, but I will talk to you after the meeting. It is really inappropriate that I express my personal opinions.

**Dr. Bamford:** We had better leave that question. It may be a concept that, by becoming independent, we would simply be another little ... Again, as in the economic question, that may not necessarily be the case. It might be possible to have a tighter, more succinct government system, because you will not need all the liaison with the feds.

**Mrs. Firth:** Also, you would remove duplication of services.

**Dr. Bamford:** Therefore, that is another side that could be presented.

**Ms. Arkley:** Is it not needed just for conversing with Ottawa? That is the way the Canadian government is set up, so you do have to have government that can converse with governments.

**Mrs. Firth:** That is why we have Departments of Inter-

governmental Affairs.

The size of government is more a political question than it is a constitutional question, depending on services and responsibilities, whether our government would get larger or smaller, or whether we would feel that we would need a larger government to serve a larger population.

**Dr. Bamford:** That would be described in your constitution framework.

**Mrs. Firth:** I do not think it is in other provinces.

**Ms. Hayden:** Not that I am aware of.

**Mrs. Firth:** It is a political arm.

**Dr. Bamford:** Would you not have to describe the form of government and the number of representatives per head of population?

**Mrs. Firth:** In the constitution, yes. We have that in the *Yukon Act*. It would be put into a constitution.

**Dr. Bamford:** That at least represents the number of MLAs.

**Mrs. Firth:** That is correct.

**Dr. Bamford:** There is something else that just occurred to me. Would this be a great debate for school kids who are probably going to be around when this really becomes an issue?

**Mrs. Firth:** I go every year and judge the debating competitions that they have in Whitehorse. I think we have had them debate this issue a couple of times in the last eight or nine years that I have been judging them. It is very interesting the arguments that they present.

**Dr. Bamford:** Do they get fairly hot about it?

**Mrs. Firth:** Oh, yes. They do their research. Depending on who you think is winning, you could be all for provincial status one minute, and be totally against it the next. They are very clever, these young people.

**Ms. Arkley:** What about the question in the green paper on alternative forms of government? Have there been answers to that in the communities? Has anybody suggested one ...?

**Mrs. Firth:** That is sort of what we have now, an alternative kind of government. People seem to recognize that. People have been saying to us, why can we not carry on just the way that we are? We have responsibility for some areas and not for others, but we can gradually get those responsibilities. Yet, we continue to have the comfort of having the federal government support us in a healthy financial way.

**Ms. Hayden:** In a manner to which we have become accustomed.

**Mrs. Firth:** The comment we do hear that is related to the concern about the economic independence is how economically responsible we are here in the Yukon. We have heard that comment from a lot of people in the communities. Does anyone have a comment about that?

We hear people say that we have to prove ourselves. We have to prove that we can handle the money that we are getting now, before we get any more. Do you have any strong feelings about that?

**Dr. Bamford:** The health issue is going to be a good test for that. That is almost like taking the most difficult one first.

**Mrs. Firth:** Yes.

**Mr. McLachlan:** We are going to have to work twice as hard for half as much money. Everybody agrees with that.

**Mrs. Firth:** That is a concern people have expressed.

**Mr. McLachlan:** I have already started returning to the barter system, where a couple of fish go instead of ...

I have some thoughts on that. If we were independent, the idea comes up right away that we might have more government, because we would have to service everything that we have now, which is partly run by Ottawa. So, you make the decision on what you want to do. ... placer miners go and do their thing on the creeks and not worry about whether they are doing damage. They are extracting gold, and that is good for the territory's economy, and just ... the fish. That is the sort of decision Mrs. Firth was referring to. You make the decision on what you are going to look at first, what you are going to cut free, and you are going to let them go. It becomes a decision for the government of the day. Some would look after more, some would not. Some would just let it go.

It is a pretty difficult question to ask, because you have to look after the Alaska Highway. Maybe you have to look after the forests; maybe you do not. You have to look after the health care issue. It is really a complex issue to be totally independent.

I believe that we are on the opposite side of Quebec on this present debate over whether they stay or not. There is some concern if Quebec says, we do not get our deal, we are packing our bags and leaving. Can you imagine that argument if the Yukon said that? If we do not get the right deal, we are packing our bags and leaving. We do not have a lot of impact that way.

**Ms. Hayden:** There are not even 30,000 votes, just 30,000 people.

**Dr. Bamford:** It would be 30,000 people who, all of a sudden said, we did not like that deal, so we are our own little state. It matters with Quebec because of its size and its value, its people and its money. It does not quite matter as much with us.

**Mrs. Firth:** It depends on how valuable we are to the rest of Canada.

**Dr. Bamford:** The Yukon is one of the most ... People from all over the world have heard of Whitehorse. They do not know what the fuss is about Quebec.

**Mrs. Firth:** What is the fuss about Quebec? What do you people feel about that? It is another one of those arguments. What can we do about it? We may not be able to do a lot, but ...

**Dr. Bamford:** They are leaving this marvellous country with all the space in the world, and they are wealthy, and they have the highest GNP in the world, and they have more per capita spending money than anybody else. They have all these things. What are they arguing about?

**Ms. Hayden:** I heard just that comment from a young man who had emigrated from Hong Kong a few years ago. He was just going around shaking his head and saying, Canadians have to be crazy.

**Dr. Bamford:** Over the Quebec issue, do you mean?

**Ms. Hayden:** Yes.

**Mr. Byblow:** I was at a parliamentary meeting, and there were people from the British Commonwealth countries.

**Mr. Graham:** They are the ones who screwed up in the first place.

**Mr. Byblow:** There were people from all across the world. A fellow at the meeting stood up, because it was at the

time, a year ago, when the Quebec crisis was very evident during the Meech Lake debate. He was from India. He made the point, I do not understand what your constitutional crisis is about. In India, we have some 850 million people; we have some 123 different languages; we have some 60-some different political regions. What is your problem with Quebec? A second language and a second cultural interest. They do not understand.

**Ms. Arkley:** About economics, Faro is the production centre for economics in the Yukon. There is something they produce in Dawson. In Whitehorse, there are diapers being made, and gold jewellery being made. There are some cottage industries.

The government makes a lot of service industries, but for a producing economy.

**Mrs. Firth:** I recognize the point you are making.

**Ms. Arkley:** .... There is no manufacturing at all, and we know why there is not, and we know why there is no oil being piped across ...

There has to be that. There has to be agriculture. There has to be a basic self-sufficiency to the territory. People can never seriously think about provincehood in that way. You can build up to it. You can get really good at delivering some services, like health services. That is wonderful but, until we know that we can feed and clothe ourselves, provide ourselves with shelter, and trade with the other provinces, and the basic idea of bartering, until we know that we are a self-sufficient community, we cannot really make that ... Yes, it is a question of economics.

**Mr. McLachlan:** In that connection, you probably do not get this that much but, in the smaller communities, there is a feeling that the payroll base in Whitehorse is largely dependent upon government: federal and territorial. If you could get a government job in Whitehorse, you have really made it. ... efforts recently to devolve some of that back the other way.

We are the only community that has no grader station. Why? We are fairly adequately served by ones on either side of us. Everybody else has five or 10 employees, equipment, fuel that is sold within the community to fund the government grader station. We do not. We have the mine. Okay, so we are far ahead.

This is the sort of back and forth attitude you will get sometimes from rural communities about the government payroll based in Whitehorse.

I can tell you a story that also illustrates that. From my motion picture experience, in 1982, in the grips of the recession, I would be at motion picture conventions talking to exhibitors from cities that were exactly the same size as Whitehorse: 19,000 to 20,000. These guys were having a tough time. Most of them were pulp and paper towns. They were having a really tough time because there was no payroll base. Everybody was laid off, the mills were stopped, they were not producing any logs, right from the cutting to the pulp and paper end.

Whitehorse, with four screens, was doing just fine, thank you very much, and I put that down to the fact that the government payroll was there. The line-ups of kids on Friday night at the theatres in Whitehorse were great. They were

doing very well. Those same communities elsewhere in British Columbia were flat on the weekend. That comes down to a government payroll base. There is definitely a feeling, except for the teacher payroll, which is very solid in the community, that some of the communities would like more of the government payroll than they are presently getting. We realize devolution to the communities is a tough measure, and it is not one that is going to take place over a few months.

As Ms. Arkley has said, we are digging it out. A number of people view the decisions that are made about how we dig it out, or environmental matters related to how we dig it out, is coming from a community that has nothing to do with the actual physical job. While we talk about this argument on constitutional development of the territory and how it relates to Ottawa, this same type of argument is here in the territory between the small communities and the big communities. Economics and power of government decisions.

**Ms. Hayden:** Yes, with the exception that we hear from more people in the rural communities than we have in Whitehorse. The report will reflect primarily the views of rural communities.

**Mrs. Firth:** The attendance at the rural meetings has been much larger than the attendance at the Whitehorse meetings.

**Ms. Hayden:** We had five to seven in Whitehorse. We have had two meetings so far. We have another one Wednesday night, and we have one presenter that night, that we are aware of. Whether anyone else comes or not, I do not know.

This is a good turnout. If you take the percentage of any community and look at the percentage of your community who are here, if you did a percentage, it would be what? Ten percent or so? Certainly, seven people in Whitehorse is not that high of a percentage.

What I am getting at is, on something like this, because it is written on what people come out and say, rural communities have the biggest say.

**Dr. Bamford:** Jim raises an interesting kind of selling point on the possibility of becoming more independent. They might be able to go to people in rural Yukon and say, look, if we had our own self-government, we might have less centralized self-government, depending on how you wanted to set it up. You might end up having a popular type of approach that way. It would radically change the way things are distributed rurally and, therefore, make it a more widespread benefit in terms of geography. That is just an idea to make things more attractive. Ultimately, of course, if it came to a referendum, it is the number of people who vote that counts and, therefore, whether or not Whitehorse would turn out as much as the smaller places, I do not know.

Ultimately, I see this as a referendum issue, which is probably going to take place after the present government has shown its mettle in the health care distribution and in the sticky environmental ...

**Ms. Hayden:** It is certainly not planned for tomorrow or the next day, or whatever. As I understand it, and I cannot presume to guess what will happen with the report, other than I know that it will be tabled, and then it is up to the Legislature, and then the government, to do with it what it is going to do with it.

We have heard, all around the territory, the go slow, carefully, do it well, whatever you plan on doing.

The only other question that I would ask, and I may have missed some here, is does it trouble you, and I guess I would refer to the Meech Lake process, as much as anything, the way territorial leaders are not at the table, or are treated by the feds? Is that a non-issue? That is one of the questions in the green paper.

**Ms. Arkley:** It is a question, because we are a territory. Whether there should necessarily be a vote, the reason for not being invited into the room ...

That is more of an insult than anything. We all recognize that we live in a territory, and we would like to have our views known.

On the other hand, maybe I do not listen to the right media. I do not have a television, and I listen to CBC Radio. I did not hear anything from Quebec, and I do not listen in French, saying yes, we want the territories, and the women and the natives to have these rights. I did not hear that. I do not know if it went on and we missed it. That is still a question in my mind, because the territory, women and natives, everybody said, sure, we want Quebec as part of Canada. I do not know if this is just a political thing and is part of gamesmanship, but I want to know whether that point was made in Quebec, and we just did not get to hear it during the Meech Lake crisis.

**Ms. Hayden:** Not that I am aware of.

**Mrs. Firth:** Did they not bargain it away in the constitution?

**Ms. Arkley:** I did not get to hear enough of what went on in Quebec. I got to hear of the clash between English and French Canada.

**Mrs. Firth:** This was the constitution, not the Meech Lake thing. This was set back when the constitution was signed.

**Ms. Arkley:** I did not get to hear what was said inside Quebec.

**Ms. Hayden:** I think probably none of us did.

**Mr. McLachlan:** I have some problems about the referendum issue. I am curious what other people think. I think those are difficult issues. I also believe that you can sway a vote one way or the other, depending on the colour that you impart to the main issues, and the facts that go with it. As I remember correctly, Newfoundland turned it down first, then it was a high-pitched sale campaign to make the people interested in joining. The first one was a solid turn down.

The other issue that comes up is that there are a few of us here who have been here for a number of years, but there are people who have only arrived a year ago. Sometimes, to have those people decide whether we become a province or remain a territory, or what form we take, is sometimes a little hard for those who have lived and struggled with the issues for a long time to accept.

The referendum issue, and the way it is worded on who gets to vote, on what, is a very big issue, when it comes up.

I remember going through this issue years ago, when Erik Nielsen was a member of the Liberal party in the territory. Feelings were just as strong as they are now. I think the referendum is a tough thing to do.

**Ms. Arkley:** Do you not have a residency qualification?



**Mrs. Firth:** If it was not the same as for voting territorial, where the residency requirement is one year, it would be challenged constitutionally.

**Mr. McLachlan:** You are saying five years is out of the question?

**Mrs. Firth:** I think someone would challenge it. You are just asking what we think about that, and that is what I think would happen. They would feel that, constitutionally, they have the right to vote on it. I can tell you what my personal opinion is after.

**Mr. Graham:** I think a year residency to vote in the Yukon, whether it be a municipal election or a territorial election, is a little far out, too. You can move anywhere else in Canada, and be there for 30 days, and vote in a federal election. You do not have to be a year in each provincial jurisdiction to vote in that jurisdiction, if you move to it.

**Mrs. Firth:** Provincially you do, though, do you not?

**Mr. Graham:** No.

**Ms. Hayden:** I think it is six months.

**Mr. Graham:** A year is a little long.

**Dr. Bamford:** That has been tested in court, and won. There were reasons for it, in the judge's decision. It is because of our population.

**Mr. Graham:** I am quite sure there are reasons for it, because a lot of people do not stay here a year.

**Dr. Bamford:** May I ask a seemingly unrelated question? Given the recent decision in B.C. to do with the land claims, centred in Hazelton, by Judge McEachern, will the Yukon's present government be able to pursue its own settlement independent of that decision?

**Mrs. Firth:** I do not know. I think they are going to go ahead with the settlement. What the legal experts are going to tell them, I have no idea.

**Dr. Bamford:** This was, if you like, a third test for the territory. If it pursues land claims agreements that are well-received, then there is going to be a better feeling about the place looking after itself. The interesting potential about the thing is that, if you settle land claims agreements, do those people who live within the land claim then continue to vote for government?

**Mrs. Firth:** They will be.

**Dr. Bamford:** Therefore, in a way, they are the consumers of a certain agreement. They may well be a great ally, or otherwise.

**Mrs. Firth:** The feeling we have been getting from people around the territory is that they would like to see the land claim settled prior to us looking at provincial status. When the land claims are settled, the Indian people will get surface and subsurface rights to the land involved in their settlement, which will be something other Yukoners will not have until they have provincial status and negotiate surface and subsurface rights with the federal government. They will actually be a step ahead.

**Ms. Hayden:** Or, until those surface rights are negotiated, as we have talked about the health transfer, until land is transferred, whether it is provincial or not.

**Dr. Bamford:** On a personal basis, I will be testing this government on their health care management. If we get a heart transplant centre in Faro, I will be fairly happy.

**Mrs. Firth:** I do not think you will see that.

**Ms. Hayden:** We have gone around most of the questions. There are people back there who have not commented, but thank you very much for coming.

**Mrs. Firth:** We are prepared to stay and discuss other issues with you, if you want, individually.

**Ms. Atwood:** What is the percentage right now of the income that the Yukon requires to survive that is generated within the Yukon?

**Ms. Hayden:** It is about 40 percent. At least 60 percent comes from the feds.

**Ms. Atwood:** The two combine to cover everything, or is there a shortfall?

**Mrs. Firth:** We spend \$365 million a year, a million dollars a day, in the Yukon.

**Ms. Hayden:** There is not a deficit, if that is what you are asking.

**Ms. Atwood:** Forty percent of that is Yukon-generated.

**Mrs. Firth:** Yes.

**Ms. Hayden:** We will see about the deficit.

**Mr. McLachlan:** Where did you get your figure of \$365 million?

**Mrs. Firth:** I think it is \$367,000.

**Mr. McLachlan:** Where did you get the figure of \$360 million accrued to Ottawa from mineral royalties?

**Mrs. Firth:** That is an old figure.

**Mr. McLachlan:** It is progressive, or is that in one year?

**Mrs. Firth:** That was the one year that I had the information for. It was the year that I was a Minister.

**Mr. McLachlan:** I thought mineral royalties accrued to Ottawa when the people doing the mining made money. If they lost, are they still paid?

**Mrs. Firth:** They were making money in that year.

**Mr. McLachlan:** That seems very high. We know the value of production per day, or per year, any way.

**Mrs. Firth:** I will talk to you about it after, Jim. I was a Minister at the time, and it was information we were given.

**Mr. Graham:** That would include all the mineral rights of the territory. That would not be just Faro.

**Mrs. Firth:** That is correct.

**Ms. Hayden:** In terms of constitutional development, people are pretty well talked out. Thank you very much for coming.

*Adjourned at 9:00 p.m.*







**Yukon Legislative Assembly**  
27th Legislature

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

Yukon College, Whitehorse  
Wednesday, March 27, 1991 — 7:30 p.m.



PRINTED ON RECYCLED PAPER

## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

- THAT a Select Committee on Constitutional Development be established;
- THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;
- THAT the Green Paper on Constitutional Development be referred to the Committee;
- THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;
- THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;
- THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;
- THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and
- THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

### **MEMBERS OF THE SELECT COMMITTEE**

Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

### **STAFF**

Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

### **PARTICIPANTS**

**at the Whitehorse Meeting of March 27, 1991**

Carlyle, Larry	McLaughlin, Brian
daCosta, Marco	Ouellet, Rino
Grenier, Alain	Penikett, Tony (MLA)
Horn, Steven	Savoie, Elda
Laird, Brian	Smyth, Steven
Laroche, Pierre	Vienneau, Gilles
LeBlanc-Hutchinson, Florine	Zimmermann, Steve

## WHITEHORSE, YUKON

March 27, 1991 — 7:30 p.m.

Hon. Mr. Penikett: [*Translation from French*] Ladies and gentlemen, I am Tony Penikett. I am the MLA for this constituency. I introduce to you Joyce Hayden, my dear colleague, and Bea Firth, MLA for Riverdale South.

Welcome to Whitehorse West this evening.

Ms. Hayden: Thank you all for coming. We were almost getting flustered at having this many people around. We have been out and around for a while, and some of our meetings have not been huge, although there have been many that have been well attended. As Tony said, I am Joyce Hayden, chair of the Select Committee on Constitutional Development. This is Bea Firth, and with us are Patrick Michael and Missy Follwell, the Clerk and Assistant Clerk of the Legislature.

We were appointed by the Legislature about a year ago to travel around to every constituency in the territory to hear Yukon people express their opinion on where the Yukon should be going constitutionally, to look at the green paper that was put out, and if they would answer the questions in the green paper, or give us other thoughts and ideas about constitutional development in the territory.

The general theme of our questions has been, do you consider that the territory should be progressing more rapidly toward provincehood; are you happy with the way we are; or do you perceive some other form of constitutional development for the territory?

The procedure that we have followed has been for those of you who have brought presentations, and I am aware that we have at least two tonight, to make the presentation. Bea and I may have some questions for clarification. Then, we will go on to the next presenter. When we have heard from everyone, we will open the meeting to general discussion.

It has been our habit to hear from anyone who wants to speak at the meeting. All I would ask of you, as we get into the general discussion, is that you identify yourself the first time you speak, at least.

We are taping all our meetings, and they will be made into transcripts. We will be writing a report from those transcripts on what you say and taking that report to the Legislature this spring. Then, our task will be finished, and the report will belong to the Legislature and, ultimately, to the government.

That is about all. Our first presentation is from L'-Association de franco-yukonnaise. If you would like to go ahead, we would be pleased to hear what you have to say.

Ms. LeBlanc: [*Spoke in French, translation not available.*]

I will continue this in English, because we do not have simultaneous translation.

Madam Commissioners, dear Yukoners, I am very pleased at this opportunity to present to the Government of the Yukon the position of the Association franco-yukonnaise on the constitutional future of this territory. So far, very few places in the country have witnessed this convergence of the community's interests. In the Yukon, the First Nations, francophones and anglophones of all ethnic origins wish to see their status improved within the Canadian constitution. Francophones are

particularly happy to live in this enchanting territory and to be able to reinforce the existing harmony between its inhabitants by contributing more and more significantly to the development of the territory.

In May 1988, the Legislative Assembly unanimously passed the *Languages Act*. Since then, our development has progressed without interruption. We truly hope this progress continues so that we may contribute even more significantly to the collective future of the Yukon.

In this paper, we would like to present a brief overview of the historical development of the French community in the Yukon, of the membership consultation we undertook in September, 1990, and of our opinion on the constitutional future of the Yukon. We would also like to suggest certain elements to include in the strategy to obtain an improved status for the Yukon within Canada. Finally, we will conclude by establishing the fact that we can be a strong asset in the next round of constitutional talks.

As we have just said, we hope that the status of francophones will be improved within Canada and the Yukon. Therefore, we hope the government will not forget us when negotiating with the rest of Canada.

Our sincere thanks to the present government and all the Members of the Legislative Assembly for the *Languages Act*. Moreover, we are pleased to see that this law also seeks to promote aboriginal languages, and we will support all endeavours in this regard. We hope the Yukon government will continue to show our community the same openness that it would want the rest of Canadians to show northerners. As well, we hope that the government will further recognize the historical contribution of francophones in the growth of our territory and our country.

The Yukon Francophone Community - Who are We?

Francophones have been in the territory since before the Gold Rush. As in the west and elsewhere in the north, they helped shape the beginning of this country. As "voyageurs" here for the Hudson's Bay Company, they traded for furs with the First Nations.

Although francophones have contributed to the development of the Yukon since the arrival of non-native people, we have only recently started to take our future into our own hands and develop into a homogenous whole. In 1986, according to Statistics Canada, there were approximately 620 French-speaking Yukoners, mostly concentrated in Whitehorse. Today, we know of significant numbers in other communities, such as Dawson City and Faro.

Francophones in the Yukon never assembled into a village or parish. Because of this lack of institutions, they "naturally" assimilated themselves to the general population. Nevertheless, their contribution to the growth of the territory was important, as witnessed by the history book on French Yukoners, *Un jardin sur le toit, (A Garden on the Roof)*, which will be published this fall. Our community is young. The Association franco-yukonnaise was created in 1979. Then, in 1985, propelled by Section 23 of the Canadian Charter of Rights and Freedoms, a French first language school program was established. Since then, the francophone community in the Yukon has witnessed considerable growth. The open-mindedness of Yukoners is certainly one of the reasons for this

growth.

In 1988, the Government of Yukon adopted the *Languages Act*, which provided for the implementation of French language services by 1993. This law recognizes the dual character of this country and the importance of a viable francophone community for the Yukon and for Canada.

Since then, we have established an homogenous French school, Ecole Emilie-Tremblay, and we have opened a French daycare. Furthermore, the new law provides for the creation of a French school commission, which will manage the education of our children throughout the territory.

#### THE YUKON FRANCOPHONE COMMUNITY - STRONG AND INTEGRATED IN THE YUKON COMMUNITY

The francophone community of the Yukon has always demonstrated its desire to fit into the greater Yukon community. Just take, for example, French Heritage Week, the sugar shack, the weekly radio show "Rencontres", the participation in Canada Day, the cross-cultural evening during Family Week, co-presentations with the Yukon Film Society, the Frostbite Music Festival and the Dawson Music Festival, the French immersion program, as well as the recent cooperation with local merchants for the distribution of books, music and videos in French.

We firmly believe that the blossoming of francophone, First Nations or other communities favours the healthy and harmonious development of the entire Yukon community. The fact that Yukoners want more control over their future indicates that they want to be full partners in the Canadian confederation.

The francophone community of the Yukon is very dynamic and contributes ever increasingly to the vitality of the Yukon. The most recent proof of its social commitment is the school council election for Ecole Emilie-Tremblay. The smallest school in Whitehorse, Emilie-Tremblay, was one of only two school boards to hold elections in Whitehorse. The setting up of a school commission in the fall of 1992 remains an important objective.

Our vitality is easily explained. We believe it comes from the fact that the French school, the French daycare and the French school commission are essential tools to our survival. Without the existence of these institutions and other institutions, such as the school community centre, which we hope will soon exist, we would be condemned to assimilate ourselves and disappear. We must ensure that these institutions answer our needs adequately and, to do this, the French community must take charge of them. In this, we are somewhat like the Government of the Yukon, which wants the transfer of federal powers normally devolved to provinces to ensure that the development of the Yukon truly corresponds to the needs of Yukoners.

#### CONSULTATION WITH MEMBERS OF OUR COMMUNITY

Let us move on now to our position on the constitutional future of the Yukon. Our concern in this matter dates back to the Meech Lake Accord. In February 1990, we decided to support the Meech Lake Accord with the companion resolution. At that time, we asked the Federation des francophones hors Quebec (FFHQ), our national federation, to include the

question of territorial status in their constitutional position.

Then, on September 15, 1990, we consulted with our members on the government's green paper on constitutional development. We greatly appreciated having this document translated by the Bureau of French Language Services, as it facilitated the consultation process.

It became quite obvious during this consultation that, as northerners, francophones are dissatisfied with the way their elected representatives are treated on the national scene, especially in all political forums involving ministers and premiers. These forums have a major influence on the policies adopted in all sectors in Canada and are then applied to the Yukon and the Northwest Territories. This affects our daily lives, despite the fact that our elected representatives have not had a chance to comment or intervene on their content.

As long as northerners have the democratic right to elect members to a Legislative Assembly, and as long as these elected members have the responsibility of passing and enforcing laws, it is vital for our representatives to receive the same treatment at the national level as do all other elected officials with similar responsibilities.

Because of its present reality and its historical development, the Yukon must be considered as a province in the making, and its leaders should be treated as such.

Although our members want their representatives to be heard at the national level, they are fearful that provincehood might considerably diminish the quality of Yukon life, which could in the short term affect territorial demographics. The government's role in assuming its new provincial autonomy would be made more difficult by a population loss.

Finally, if we take into consideration that people stay in the north for an average of five years, it becomes important to look into the cultural and educational infrastructure necessary to the stabilization of the population.

Francophones have also expressed a fear that provincehood will diminish the charm, the exoticism of the territories, as though with provincehood comes the southern way of life, the lack of space, the unchecked increase in population, urbanization and, finally, the diminishing of wild spaces, as we know them.

In short, this is what Yukon francophones are saying: they want to be full Canadian citizens without losing their standard of living or the exceptional environment that exists here.

#### THE POSITION OF THE FRANCOPHONE COMMUNITY ON THE CONSTITUTIONAL FUTURE OF THE YUKON

The discussions we have had since this consultation began lead us to the following position. The Government of the Yukon must look for ways to improve the constitutional status of the Yukon without trying to obtain provincehood.

To go for provincehood at this time seems, to us, quite risky because of the national political and economic situation. We believe that the Government of the Yukon should work with all Yukoners in defining a Yukon charter, which could be included in the Canadian charter, or put in an appendix. We leave these technical matters to the experts.

This charter should contain the right for our representatives to be heard in all the forums attended by ministers and premiers of Canada. Mention should be made of the inviolable

character of the Yukon's borders. We should ask that access to provincehood be possible with the agreement of seven provinces or 50 percent of the Canadian population.

Finally, we would like this charter to recognize the linguistic duality of this country and the historical contribution of francophones to the development of the territory.

Even though we do not believe that we should ask for provincehood, we believe that the government should pursue the devolution of powers that normally belong to provinces. This devolution, however, should take place according to our agenda, rather than the federal government's. Therefore, we should establish priorities according to what seems necessary to reinforcing our own identity.

#### A STRATEGY BASED ON OUR REAL STRENGTHS

The acquiring of improved constitutional status will require planning. We would like to suggest some elements that should be taken into consideration.

We recently adopted the constitutional position of the FFHQ, which suggests the creation of a constituent assembly to solve constitutional deadlocks and deal with the process of constitutional amendment. Both territories, as well as francophones and First Nations, should be invited to participate in this assembly.

When true negotiations begin, it is quite obvious that the heavier demographic weight of Ontario and Quebec will count heavily. We also believe that the protection of French language and culture, and the demands of the First Nations, will be at the heart of the debate.

In the Yukon, the First Nations represent between 20 percent to 25 percent of the population, and the francophones 2.7 percent. At the national level, Yukoners represent 0.1 percent of the population, and francophones 26 percent. It is important to look at these figures because we believe that, just like the francophones in the territory, the Yukon does not have any real political weight and that it must emphasize what constitutes an asset. The Government of the Yukon must put the emphasis on its strengths. We believe that one of its great strengths is the way it treats its First Nations and francophone communities. In this perspective, the territorial government can present itself as a responsible partner and show that it has no lessons to learn from anybody with respect to the needs of the First Nations and francophones.

In conclusion, we hope that the proposals and the position we have just voiced will be of use to you in your reflections on the constitutional status of the Yukon.

The francophone community of the Yukon, represented by the Association franco-yukonnaise, is a member of the Fédération des francophones hors Québec, the Commission nationale des parents francophones, the Fédération culturelle canadienne-française, the Association de la presse francophone, and is part of the 26 percent of Canadians who are francophones. We believe we can contribute significantly to the constitutional dossier in the next few years. Our presence is noticed at the national level and we are ready to do our best to improve the constitutional status of our territory.

For its part, the government must understand that it cannot ignore or forget us. There are many advantages in supporting the development of our community. Morally, the Yukon cannot ask for the improvement of its "minority" status within

Canada without also improving that of its own "minorities".

Thank you.

This was a consultative effort from a great many people in the community.

**Ms. Hayden:** I have a couple of questions just to clarify. You talked about a province in the making. I take it from that that you can assume that, some time down the road, the territory would be looking toward provincehood. It was a bit unclear, because you also talked about keeping the uniqueness, or the essential part of being a territory. Were there mixed feelings?

**Ms. LeBlanc:** There were in a way, but we did come down to a consensus, and the consensus was that it would not be a good political move at this time to seek provincehood, because it could place the Yukon in a very disadvantageous position. On the other hand, we want the Yukon recognized constitutionally as an entity, as needing to be represented. There should be 13 chairs always at the first ministers conference, and not 11. That is our firm belief.

**Mr. Laroche:** I would like to add that there is the economic situation, and the debt of Canada could, at this time, put the Yukon in a really bad situation, if we got provincehood at this time. It is not because we think it could not happen in the future but, at this time, we think it would be really hard to get the same status and the same distribution of money.

**Ms. LeBlanc:** When we weighed the advantage in the economic balance, if we became another Newfoundland, with only one-tenth of its population, what would we acquire? What we really want is representation at the national level, without losing any of the status that we have acquired along the way, but improving and increasing it considerably.

It does not preclude seeking out provincehood at a future date, where it would be more germane.

**Ms. Hayden:** That was going to be the rest of my questions. Bea, do you have any questions?

**Mrs. Firth:** Yes, I do.

I can see that there has been a lot of cultural thought go into your presentation. Could you tell me what kind of consultative process you used? Who got together, whose opinions are represented here, what organizations or groups?

**Mr. Laroche:** It was in September that we started this process. We sent the document, the green paper, to every member we know of our community. We asked them to come together or to send out their opinion about what the Yukon could be in the future. That was the first part.

After that, there was a lot of discussion in our structure. We followed the actuality and, as everybody heard, we heard everything about what could be on the place.

**Ms. LeBlanc:** Everything in the media.

**Mr. Laroche:** This was the consultation that we had. If you ask us if every francophone agrees with that, I would say no, because we did not have enough time. We know that is the opinion of the main membership.

**Mrs. Firth:** The main organizations that represent the francophone community, the French community participated. I know everybody would not agree with everything you have said. Was your consultative process fairly controversial, or did you arrive at a consensus quite soon?

**Mr. Laroche:** It was really easy. If we came this evening,

and if we are saying that we want provincehood, maybe we would have some problems after that, but we know what the francophone community thinks about that.

**Mrs. Firth:** We have had a lot of people express concern about what is happening nationally with respect to Quebec particularly. How is the francophone community responding to that? How do you see that affecting our development constitutionally here in the Yukon? Did you have any discussions with respect to that?

**Ms. LeBlanc:** It is pretty ongoing for us. We have a great deal of concern on what will happen to Quebec. Of course, we feel that, for us, it is a waiting process. We do not feel that we can intervene in things, although we did make a presentation to the Belanger-Campeau commission. We voiced a strong position on what we feel federalism should be, that we feel that some changes should happen within Canada, that we are hopeful that some of these progressive messages will come through to Ottawa, and that something will be brought to the Quebec legislature so that some conciliation can be done.

**Mrs. Firth:** We have been hearing a concern expressed by all Yukoners with respect to what is going to happen to Canada and how that may affect what happens to the Yukon Territory.

Could we have a copy of the presentation you made to the commission? That might be useful for our constitutional committee records.

**Ms. LeBlanc:** We did not make a specific one. We had wanted to make a specific one, and we were later informed that we might not be heard. We decided to condense all our thoughts with the FFHQ. Pierre was there when it was presented.

**Mr. Laroche:** Yes, I was in Quebec at that time. We could send you the FFHQ position, which we agree with.

**Ms. LeBlanc:** We sent back and forth the facts.

**Mr. Laroche:** It was a consultation process across Canada.

**Mrs. Firth:** You have obviously done a lot of work. I think it is admirable that your organization has taken the time to consult so thoroughly and at least distribute the green paper for discussion and come forward with a position that represents the francophone community's point of view.

I think that is probably unique.

**Ms. Hayden:** I have one more question. Did you discuss your feelings or interest in Yukon taking part in circumpolar, or northern, enterprises, whether we try to further our circumpolar links? Is it important? Was it part of your discussion?

**Ms. LeBlanc:** It has been brought up on a cultural level, but we did not discuss it on a political level. Anything that the Yukon wishes to undertake that furthers its interests is always something that we think is a good thing.

**Ms. Hayden:** Thank you very much.

**Mr. Penikett:** This is not a question. Mrs. Firth asked a question about Belanger-Campeau. It might be noted that ... made a presentation to the joint committee of the parliament and senate recently, the transcript of which will be available in both English and French by now. The committee will have access to that. It would provide a very good statement on their position.

**Ms. Hayden:** Thank you very much. I am sure others will

have questions later. Larry Carlyle, I believe you have a presentation.

**Mr. Carlyle:** Good evening. I am a local prospector-geologist. As the ladies at the front, and some of you who were at the last meeting in town, may remember, constitutional development here in the Yukon is something that is very close to my heart.

I am well in excess of a 30-year Yukoner. Both my wife and my children were born here and, with any luck, they will remain here.

I begin my presentation tonight in the same way I did in my off-the-cuff statements at the last meeting.

I recognize the two ladies at the front chairing this meeting as being long-suffering and long-serving Yukoners, and I find this a much preferable situation to the "whiz kids" sent up here for two years from Ottawa to get northern experience so they can go back there and become instant experts on how we should do things.

I have said on several occasions that I have two ambitions for the rest of my life. I am middle-aged. These are to do what I can to help my children inherit a province called Yukon, and to find a mineral deposit that becomes a mine to aid Yukon development. I am greatly angered when I see both of these ambitions being destroyed by the most corrupt and incompetent federal government since the time of the Trudeau socialists, and being destroyed by the most incompetent territorial government in my 25-year memory.

The Yukon desperately needs development to create the stable economy and the population needed to achieve provincehood. It is my view that this development is being stopped by an alarming change in the direction of both federal and territorial legislation. This change is creating investment uncertainty and driving investment from the Yukon to other areas of Canada, and even to other countries.

The change in legislative direction to which I refer is from telling developers what rights and benefits they will get and receive from putting their projects forward to telling them how many layers of committees, panels and boards they must satisfy, all at their cost, before they will be allowed to bring their project forward.

I find it small wonder that this country finds itself in such a profound recession.

This directional shift is seen in federal water, mining and environmental assessment review process legislation and the recent territorial draft environment act. These pieces of legislation have played a major role in driving 1990 placer production down by 22 percent from the 1989 level. Metal exploration has been driven down to \$10 million to \$11 million in 1990; levels of spending not seen since 1972. If inflation is considered, 1990 spending is far worse than that of 1972.

Part of this dismal development performance is caused by the total abdication of the responsibilities for northern development by the DIAND Minister, Tom Siddon. Also, federal legislation is frequently drafted to garner votes in Ontario and Quebec, with no consideration given to adverse effects in the territories. The other and larger part of this development failure is, I believe, caused by power-brokering in both the federal and territorial bureaucracies.

The immense and unjustified power resting with the federal

bureaucracy, and not with the legitimately elected Members of Parliament, is described on page 92 of Erik Nielsen's book, *The House is not a Home*, when he writes, "I seldom if ever took a project idea directly to the Minister, nor to the Deputy Minister, nor to the Assistant Deputy. My most successful tactic was to inject the idea at about the level of the chief assistant to the assistant chief and wait for it to seep slowly upwards, giving it a prod from time to time if necessary. Although this method was somewhat more time-consuming, by the time the idea reached the top, it had acquired bureaucratic authority and departmental approval and became the child of the minister as soon as he announced it."

Parks and areas with restricted access are needed to preserve wildlife and ecological and historical sites. Lands being set aside at present are far too large. For example, the Klucane National Park and the North Yukon Park Reserve alone occupy nine percent of the Yukon land mass, far exceeding the national parks planning system limit of five percent. This is in sharp contrast to the less than three percent of Yukon land held in quartz and placer claims, from which more than 40 percent of the Yukon's gross domestic product flows. The federal bureaucracy habitually combines land withdrawals in the Yukon with those in the Northwest Territories to make the overall numbers acceptable. This practice is highly detrimental to the Yukon's ever becoming a province.

I, like most Yukoners, believe in a fair and just land claim settlement for our native population. This is not, I fear, what we are getting. What we are getting is a document for bureaucrats, by bureaucrats, to justify their existence. This document has so many councils, committees, boards and processes built into it that it will be virtually impossible to advance the development needed to achieve provincehood.

Although I do not want to be seen to condone genocide, I consider the umbrella agreement to be backward-looking and unrealistic. I really cannot see the young native population hunting and fishing for a living, as their ancestors did. To me, it is far more likely that young natives will want to take their rightful place as active, constructive members of Yukon society, wanting to advance themselves and their people.

At a recent dinner, where the Minister of Indian Affairs, Tom Siddon, was present, a guest came wearing a large badge proclaiming non-status white. This badge expressed the sentiment of many Yukoners who are beginning to feel like second class citizens in their home. They feel that they are being disenfranchised and not being consulted or represented well in the land claim process. It is my belief that Yukoners could settle our differences more easily and certainly more quickly if we were a province and freed somewhat from so much federal interference. Having said that, I immediately realize that this desire is too simplistic and certainly too idealistic.

There is a statement on page 10 of the green paper, which reads, "Another problem in pursuing devolution actively is federal resistance to pay the full cost for the Yukon to take over new responsibilities." I find this to be unrealistic, even nonsensical.

Those of us who are parents would not consider saying to our children, "You want to leave home and take care of yourself? Great. Go rent an apartment and buy a car, I will pay for them." Why should the federal government essentially do

this for the Yukon or for any other area of Canada, for that matter. It is time for all areas of Canada to become more fiscally responsible. After all, we are suffering from a \$400 billion deficit, another legacy of the Trudeau socialists, and one I do not wish to pass along to my children.

Nowhere in Canada is fiscal responsibility needed more than in the Yukon. I have received information from a source I consider to be reliable. That is what I have in my text, however, today I received approval to use his name. The source of this information is Alan Fry, who is an executive director of the KPMA, and he has really done this in-depth. I have received information that indicates that territorial government revenues do not even appear on a list of primary economic generators for the territory. The list I have contains only four items: \$275 million from the federal government, which includes transfer payments, wages of their personnel, and programs they operate or finance here in the territory; \$200 million from mineral production; \$60 million from tourism; and \$50 million from renewable resources.

Taking the \$275 million obtained from the federal government and dividing it by our 30,000 population results in a sum of \$9,000 per capita. This compares to the \$1,111,000,000 obtained by Saskatchewan for its one million people, or \$1,100 per capita. Even Newfoundland does not compare to the Yukon. It obtains \$1,367,000,000 for its 573,000 people — \$2,385 per capita. For shame, Yukon.

Finally, I see full provincehood for Yukon as the only viable solution: provincehood separate from other Canadian or foreign jurisdictions.

The only way to achieve it is through development, development, development.

We have tested our wings with the negotiation of freshwater fisheries devolution and are negotiating other small items. Let us now start negotiating the ones that will really get our economic legs under us so provincehood can be a reality as soon as possible. Negotiating land and mineral resources devolution should be next.

The sooner we achieve provincehood, the sooner we will be freed from the rule of an absentee and frequently insensitive bureaucratic ruler. Realistically, however, the most constructive thing your committee could do is start us on an organized and timed sequence for devolution of responsibilities. I suggest a time frame of 20 years.

Thank you.

Ms. Hayden: Thank you. You obviously care a great deal about what you speak of. I know I asked you this question before, but I am going to ask it again, as someone who grew up in the Yukon. Is there a part of it that you consider totally unique that you would like to see preserved for your children and your children's children?

Mr. Carlyle: Of the Yukon?

Ms. Hayden: Yes.

Mr. Carlyle: There are several sites. For example, I can use the Coal River Warm Springs. I have unfortunately not visited the area myself, but I have seen pictures of it. They strike me as being very beautiful and very delicate, as far as the ecology goes, and are worthy of preservation. However, as is the habit of the parks branch, whether federal or territorial, it does not seem to matter, they take the broad brush. The park



that was initially proposed for that area covered an area of 66 square miles, to protect two warm springs that cover an area of approximately two square kilometres. Through a good deal of cajoling, agitating and whatever, I believe that park has now been sized down to something in the order of 15 or 20 square miles. That is just one example. I am sure there are areas in the Kluane Park, such as the Steele Glacier, which I have had the opportunity of seeing. It is very picturesque and would be worthy of preserving. However, there again, the federal bureaucracy, this time, decided that they were going to have a park there, come hell or the revolution.

As I understand it, the national *Parks Act* declares that there will be a mineral and other inventories done of any area chosen for park designation. The day that park was proclaimed was also the day that the mineral inventory came down on that park. So, it did not get a whole lot of consideration. As it has subsequently been shown, the Alexander geological terrain, which is included in the park, is one of the most prolific mineral-bearing terrains in all of Canada. All we have to do is look into British Columbia south of there, in the same terrain, where they now have discovered the world-class Windy Craggy deposit, expected to be a billion tons of something like one and three-quarter percent copper, or better, plus a lot of other minerals, cobalt in particular, which is a strategic mineral.

Further south, we have Grandview copper mine, the Premier gold mine, the Scotty gold mine, this Eskee Creek deposit. That is the kind of thing I see.

Other areas I would like to see preserved are the dredge tailings of Dawson, which is one of the few things I agree with that is being done well.

Ms. Hayden: With development, do you see a large population in the territory? Is that what you would see as going hand in hand?

Mr. Carlyle: Personally, I do not see the number of bodies we have here as being that crucial. What I see as being more crucial to our achieving provincehood is having the economic wherewithal to go to the federal government and say, get out of our face, we want provincehood and we have the money and the wherewithal to do it. On that note, I have to make the addition that we are directly north of Alberta and B.C., two of only three of the 10 provinces in Canada which are "have" provinces, and our economic bonds are very strong with those two provinces, so I do not see any reason why we should not be able to become a have province.

I have to make a correction. At the last meeting, I said there were four have provinces. At that time, I believed that Quebec was also a have province. However, subsequently I have learned that Quebec receives in excess of \$100 million more from the federal treasury, and which it gives to it. Therefore, I have to classify it as a have-not province, as well.

Ms. Hayden: Bea, do you have any questions?

Mrs. Firth: Yes. Larry, this 20-year time frame you mentioned. What are you thinking of there?

Mr. Carlyle: Basically, it works out to the fact that I would like to still be alive when it happens.

Mrs. Firth: Do you think we have started that 20-year time frame?

Mr. Carlyle: I can remember the time when we said we will have provincehood in 10 years.

Mrs. Firth: That is right. That is why I am asking.

Mr. Carlyle: I think we have probably started it, but just barely. It has been my experience, since I have been dealing with a lot of federal and territorial legislation and stuff, the time frame on which that operates is so long that I would dearly love to be able to say 10 years. Realistically, I think 20 is probably a minimum.

An example of how this legislation seems to be taking forever is that something in about 1986, a new Yukon waters act was decided to be developed. This is now just finally in the draft form. That is five years. With that kind of a time frame, and the realization of the time frame, I would have to say 20 years.

Mrs. Firth: Would you like to see that shorter?

Mr. Carlyle: You bet. The sooner that we can get rid of this federal interference, as I politely call it, the better. The reason I say that we should start now getting our land and mineral resources is that that is what is going to generate our wealth and get us on our way to the goal sooner.

Ms. Hayden: As we have travelled around the territory, many people have said that they want more information on what being a province would mean, and they are talking about dollars and a variety of things. They are also saying that they would want to see a referendum, or some type of plebiscite, held in order to make that decision. What is your opinion about that? Do you agree with that, or how do you think the decision should be made?

Mr. Carlyle: You mean for Yukoners to decide and vote on whether they wish to become a province or not, so they become aware of the good and the bad side of it?

Ms. Hayden: Yes.

Mr. Carlyle: I think a plebiscite would be the appropriate way of doing it. The one thing that comes to my mind concerning that is that, as was mentioned in the previous presentation, we have a very large native population, 20 percent at least. The latest statistics are something nearer 17 percent. My fear on the plebiscite would be that the natives would not get to speak, like this evening. We have no natives here. I think they do deserve to be informed and get their say, just like the rest of us. I guess they just do not feel comfortable in this kind of a forum, and I would see that as a possible drawback to a plebiscite.

Mrs. Firth: To give you some information about that, we have heard from a lot of Indian people in the communities. They want to be part of the decision-making process. Although we have not had any representation from any Indian people here in Whitehorse, we certainly have in the communities, particularly active communities like Pelly Crossing, and young Indian people in Burwash who are becoming very active in their own self-governing structures. They have some really strong opinions about provincial status and participating in the provincial status decision.

Mr. Carlyle: Some of my comments in my presentation may have seemed antagonistic, red-necked. I have been accused of that before. When it comes to the natives, I am extremely pleased to see that many of the natives who are leaders now were kids who went through school with me and graduated with me. Also, as I occasionally go and substitute teach at FH Collins and Porter Creek Junior Secondary, I am

also very pleased to see the larger number of natives enrolled in the school system.

Although I am not happy with the land claim process, I have to say that I do believe that the native population has to be heard and has to be considered in all things.

**Ms. Hayden:** Thank you, Larry. We appreciate your making this presentation.

Does anyone else want to make a specific presentation, whether you have it written or not?

**Mr. daCosta:** I would not mind making one off-the-cuff. I am here principally as an individual tonight. I would like to thank you for this opportunity, and I would like to present a new venue in this process for approaching provincehood. If I may address the situation of self-government here within Yukon being very derelict in its fiduciary duty in regard to meeting the mandates or legislation that is now in place and enacted by executive council. I find their inability to deal with what laws are presently available puts them in a very haphazard situation in trying to encroach new laws, or in trying to envision themselves as a province over all.

I read this green paper tonight and, on quite a few occasions, I ran across the words "the responsible government" that we have. Up to page 14, I think I read the words "responsible self-government" no less than probably 30 times.

I want to be brief, because I have not prepared anything. I am thankful for the opportunity to speak. In regard to family issues, if I might present a focus for the Premier and yourselves, Madam Commissioners ...

**Ms. Hayden:** We particularly appreciate your addressing the Chair and the Commissioners, as opposed to the Premier, who is here as the MLA of this area.

**Mr. daCosta:** I understand that. If I might address the situation of family continuity, I believe that, if Yukon took on the mandate of taking family continuity as a social unit for society as a whole, here within our community in Yukon, and if we had that continuity to develop heritage and culture, and effectively provided legislation, or enacted the legislation that is in place right now, and proved to the rest of the country our self-sufficiency in not needing extra funding for any socio-economic policies or developments, I think we would be welcomed by not just the rest of Canada, but by the rest of the civilized world, with open arms, in joining with them to establish a more efficient society as a whole.

I have written a paper that will come to the government here very shortly. I have just completed the draft stages and presented the paper to different levels of government and it will reach the upper stages in no time at all.

I do not blame the government for what goes on. The mandate the government has to cover is beyond any context that I could ever even begin to encroach. Trying to provide avenues and resources for personal or group aspirations that come along, different venues of different social community groups or cultures, as we have with the franco-yukonnaise committee and the Yukon aboriginal committees, I think that if we cleaned up our own house within, and fixed the problems that we deal with every day, rather than try to retain new avenues of pursuit in any regard, and if we enacted on what we have presently as law, and if we could carry out the mandate of that law without extending beyond the parameters

of jurisdiction at different branches of government, that we would, within ourselves, develop a community that would be welcomed by the rest of Canada with open arms.

We cannot be jumping into Canada as it is now, where Canada cannot handle its own deficit. If I may add, this problem is not just restricted to the jurisdiction of Yukon, but extends throughout the country. I do not want to break down into any particular branch of government, because it is not appropriate at this time. If you did involve government in that approach and take on that venue, as my learned friend here stated earlier, there are no natives here tonight. I am of aboriginal descent myself. I am an Iroquois native from South America, and we were here long before the natives of North America. They stopped here and would not come down further to the warmer climes.

I must add that we have always worked, in the Third World, as a community. Even now, it is pitiful to see that the progress that has brought us to where we are today is to haphazardly loose, with everybody taking off in different directions, rather than trying to work as a unified body. It has made everybody's mandate unapproachable.

**Ms. Hayden:** If I may interrupt at this point, I am a little unclear. Are you saying that, if we managed our own house better, that we would be a province? Is that generally what you are saying?

**Mr. daCosta:** I am saying that, if we managed our own house properly, and were not seeking new venues or political aspirations, or what brings most political attentiveness, being different bodies. I mentioned to a learned friend of mine in politics a while back that if he could convince the general populace of his jurisdiction on the theory of belt-tightening or working from within to accomplish what they needed to accomplish on the outside, he would have far more success. His words to me were, we only have a four-year mandate, and we cannot accomplish it within four years. He said, we have to project public opinion in two years of that mandate and do what we can in the first two years.

I do not know if I have expressed my meaning quite well enough in that respect. Yes, if we fixed in-house what was wrong, or if we adapted to what was in-house now, we could handle a lot of the situations.

**Ms. Hayden:** Let me focus this a little more. I take it that you are in favour of the Yukon becoming a province.

**Mr. daCosta:** I am very much in favour of the Yukon becoming a province.

**Ms. Hayden:** ... and being self-sufficient.

**Mr. daCosta:** ... and being self-sufficient and having complete control over its natural resource, and having complete control within its own community and boundaries. I also must stress that, in achieving that goal, do it through in-house clean-up, rather than bringing on the burdens that we cannot accept at this time.

**Ms. Hayden:** So, at this point, you are not in favour of more devolution of programs from the federal government.

**Mr. daCosta:** Until I personally see that the powers we have now in place are more effectively provided for, then no, I am not in favour of devolution. We cannot accept it. If I may give you an example, without mentioning branches, and this is government answers that come to myself personally and as

a group. We do not have the funding or the staffing to provide that resource at this time.

**Ms. Hayden:** The previous presenter talked about development in terms of our mineral resources, and possible population growth, although he did not feel that was necessarily part of it.

**Mr. daCosta:** If we viably developed our economic resource, or our natural resource, the population base would flame in here. Right now, we have people who are encroaching upon the Yukon because it is a more viable opportunity than they are faced with in the provinces outside.

**Ms. Hayden:** We have heard many people around the territory speak with great concern about maintaining what they call the uniqueness of the territory, about not having a large population, about the importance of maintaining the wilderness, and that kind of thing.

**Mr. daCosta:** I have heard it referred to as frontierism. If you create frontierism that we so much love and enjoy up here, you are creating a shangri-la. If you are going to try and stop the people from coming into that shangri-la, then you have one heck of a mandate to defend.

**Ms. Hayden:** I am just telling you what people are saying.

**Mr. daCosta:** I understand exactly what you mean.

**Ms. Hayden:** Bea, do you have questions?

**Mrs. Firth:** No, I do not.

**Ms. Hayden:** As I understand it, you are in favour of provincehood.

**Mr. daCosta:** I am in favour of provincehood.

**Ms. Hayden:** You would like to see that happen ...

**Mr. daCosta:** I would like to see us deal mostly with our in-house problems now and be more effective in being the authoritative body over the lives and the socio-economic problems that we deal with every day within Yukon before we become a province. Thank you.

**Ms. Hayden:** Thank you.

Is anybody else interested in making a presentation or shall we open this to general discussion?

**Mrs. Firth:** If anyone has any comments they want to make from their chair, feel free.

**Ms. Hayden:** I would ask you to address your comments to the Chair, particularly for the process of transcribing this meeting and so we not have two or three conversations going on at once. If you would make your comment to the Chair, it would be most helpful.

**Mr. McLaughlin:** I was born in Montreal and I grew up there. I grew up with the phrase, ... I believed it then, and I believe it now. What concerns me with the present state of the Yukon is that the executive body is only there right now as the result of a letter from a minister, allowing our people to represent us. I know one time Mr. Penikett said, this is an action which would not be easily taken away, but a letter could be written to create us, so a letter could be written to take us away.

That has to be solidified in some manner. I do not know if that means that we have to be a province but the right for the legislature to represent our will has to exist and cannot be taken away by a minister. That is the primary thing that bothers me.

The second thing, which several people have talked about

already tonight, is the question of the control of resources and land. We only have the ability to govern two percent of the land mass. We cannot govern anything. How can we control our development when someone in Ottawa may decide to have ... from Carcross to Whitehorse, because it looks pretty reasonable on a map from Ottawa. We need to have the control of that aspect.

The other thing that I am curious about and wonder what the legislation is doing, is when people keep on talking about the cost of provincehood. When I was in Montreal, it was the cost of a separate country. The question is, what is the cost? If I know what the cost is, I can make a decision about whether I will forego certain things for it. I would like to know what the cost is.

**Ms. Hayden:** We have heard that request many times as we have travelled around the territory, that people need and want more information. If and when the time comes to make a decision about provincehood, they want to have very clear numbers, they want to know what it means. You are not alone in that.

For others, the letter that Brian is speaking of was the letter from the Minister Jake Epp, the Minister of Northern Affairs in 1979, who wrote to the Commissioner, giving the authority for a cabinet to exist, for an elected executive council to make decisions.

It is under the *Yukon Act*, which is an act of the national Parliament, which could also be changed. That is part of the whole issue around the status of the Yukon Territory. We have a cabinet that has its power from a letter from one minister of Northern Affairs. Precedent, or tradition, is now firmly in place but, again, there is always that fear that what was given by one minister can be taken away by another. Bea, did you have any response you wanted to make to that?

**Mrs. Firth:** Just so I know what you are essentially asking for, you are saying that you want more information when it comes time to make the decision with respect to provincial status, or do you want that now?

**Mr. McLaughlin:** No, it is not a question of when we come up to it, but we have to have reasonable information at that point in time. Right now, I am saying there are primary things that ... we have elected representatives.

**Mrs. Firth:** I understand that. You want some legislative protection for the status of our government right now, as opposed to a letter. Then, you said you wanted better information so you could make a well-informed decision with respect to provincial status, particularly about the cost.

**Mr. McLaughlin:** ... and the control of lands and resources.

**Ms. Hayden:** I will say that we have heard many times that it is important to many Yukoners that land claims be settled, and then the process of other land be under Yukon control. Does that fit with how you feel?

**Mr. McLaughlin:** Yes.

**Mrs. Firth:** The three pieces of information that people seem to want across the territory are the costs, information about the control of resources and, also, how it changes our powers: what powers we have now as opposed to what powers we would have as a province.

**Ms. Hayden:** Are there any comments from anyone?

**Mr. Horn:** I did not, and I will not, make a formal presentation, but it has always seemed to me that, when we consider that size of the Yukon and the number of people who actually live here, if we are talking about a province, assuming that we can gain control over our natural resources, we are still talking about a province which, in a sense, is so fundamentally different from any other that what we should really not be concerned about is sticking the label of province on what we want, but that we have the protection of our institutions and our guaranteed participation at the national level, and that we worry less about calling it a province. Especially when I see what is happening now, I consider provincehood a dirty word, at the national level.

I really question whether one should get carried away with the label. What we should really do is what the green paper attempted to do, which is to set out what we want clearly, as opposed to saying, we want provincehood. If we do want provincehood, which provincehood? That of British Columbia, or that of Newfoundland? Unless we get very much more control over natural resources, we are always going to be stuck in the position where, if we become a province, in a sense, we wind up with less revenue than we did beforehand.

Those are passing observations. As a lawyer, I am actually more impressed by the Epp Letter than others might be. It is not the kind of thing that is changed by the stroke of another minister's pen.

**Ms. Hayden:** That is reassuring.

**Mr. Horn:** ... but, it would be nice to have an entrenched document attached as part of the constitution of Canada.

**Mrs. Firth:** The comments you are making are essentially the same as those people who are asking about what difference we would have in power if we were called a province or a territory, and would being a province give us guarantees and the same rights that other provinces have? One of those guarantees is that, once you are a province, they cannot take away anything from you that goes with being a province. Those are the kinds of questions people are asking to have more information about. What exactly the interpretation is of being a province.

**Mr. Horn:** It is very clear, if you look at Canadian constitutional history that, for something like 25 years, Alberta and Saskatchewan and, to a large extent, Manitoba, were very different provinces, because they did not have control of their mineral resources for that period of time.

Other provinces, almost even from before confederation, particularly British Columbia, enjoyed the position that is almost unparalleled and unique. If you are talking about advancing provincehood as a model, I think you almost defeat the purpose by calling it that, because you have to be considerably more precise about it.

**Ms. Hayden:** So, you would see us in that other category.

**Mr. Horn:** As opposed to saying we are going to be a province, I would be much more interested in seeing what is going into the package, as opposed to the little label of the package.

**Ms. Hayden:** I will come back to you, Larry, but let us give other people who have not spoken a chance.

**Mr. Zimmerman:** I have a question about the next step in the process. I had not been aware of the Epp letter before. I

also heard on the radio tonight about this Belanger-Campeau committee in Quebec and talking about a potential referendum in Quebec in 1992, in 18 months. At the time, I was thinking about some of the constitutionality of a province holding a referendum to leave confederation. I know it has been done before.

In this case, what would be the purpose of a referendum or a plebiscite held in the Yukon? Yukoners are just discussing the kind of deal that we would be made ... Would we then use this as something to argue from, saying, here is what the people of the Yukon want, give us this?

**Ms. Hayden:** First of all, what I did not say tonight, and I often do say, is that I see this process, or our hearings, as something that government does not always do, which is an exercise in long-range planning, looking at what is going to happen and what people want to have happen to the Yukon in the future, as opposed to next year.

Your question was about what effect it would have. What we are hearing, and Bea will have something to add to this, is that people want to have some say in whether or not we make the pitch for provincehood. They are saying that is the way they would like to do it, by having a chance to respond to a referendum.

**Mr. Zimmerman:** You are then looking for a mandate from the people?

**Ms. Hayden:** Yes.

**Mrs. Firth:** In response to the specific question you asked about what the purpose of the referendum was, my understanding is that it is for Yukon people to be involved in the decision-making as to whether they want to be a province or not. That does not mean you are going to get provincial status but it is simply to involve the Yukon people in that decision. This is not a referendum that is going to involve other Canadians. It is simply a question that will be put here.

It is the same as the Belanger-Campeau commission, which is asking that question in Quebec. Do you want to be part of Canada or not? That is a question for the Quebec people to participate in and to tell the rest of Canada what their desires are. I think that would be the same purpose of the referendum here.

It is strictly for Yukon people to participate in.

**Ms. Hayden:** Understanding that many people we have heard around the territory are saying, yes, leave the door open, but not provincehood tomorrow or the next day.

**Mrs. Firth:** They are also saying, we do not want just those elected people to make that decision on our behalf. We want a say, is what we are hearing. It is a very popular comment with respect to having a plebiscite or a referendum.

**Mr. Smyth:** Following up on this gentleman's question, I sense that you are getting a lot of requests for information from people around the territory, as well. That is a very good sign. It is showing that there is some interest and thought and questioning.

I also think that it requires some answers, in the sense that the discussion paper is a very good starting point to get people thinking about it, and this process you are going through is a very useful and valuable process, in terms of preliminary stuff in canvassing Yukoners' opinions, ideas and thoughts, but I would hope that, before we ever got to some step where we

were going to do a plebiscite, or anything of that nature, there would be much more in terms of public information put out to give people a better understanding of the issues.

Although the constitutional issues are getting a lot of press, there is a lot of misunderstandings among the public. There is perhaps not a good understanding on the part of people about some of the issues. The fact that they are asking questions is a good sign that we do need to do more public information around that issue. Perhaps after your report is tabled, there should be a continuing process and more focussed processes, maybe conferences and some publications, maybe some discussion groups. I can see a variety of different processes being put in place that would allow people to provide further thought and input but, as we go along, more informed comment and input, and perhaps a definition of the issues that need to be addressed, the questions that need to be answered so that, at some point down the road, we will have a fairly well-informed opinion developed to help us make some crucial decisions.

**Ms. Hayden:** Larry, you wanted to make a comment before.

**Mr. Carlyle:** I stated in my paper that provincehood was the only viable thing for the territory. The reasoning for that is primarily to get rid of what I perceive as being the federal axe in our back.

Listening to this thing about the Epp letter, I had to think that we do need to have that in black and white, because I certainly do not trust our federal political strength.

On the other hand, I sort of get into a conflict situation here. Even with provincehood, you are not guaranteed being able to say what you want without the feds coming in and interfering. The reason I say that is, at noon today, I listened to a "coal" person at the Chamber of Mines talk about the literal fist fights that they are having in the Alberta and British Columbia legislatures with the feds concerning environmental assessment review processes. This is all because of these Rafferty-Alameda dam and the Old Man River dam decisions by the Supreme Court of Canada, I believe it is.

The feds are starting to interfere in what they consider to be provincial jurisdictions. I get a conflict in my own mind as to whether becoming a province is really as good as it first seems.

On the other hand, coming back, if you could have everything that a province has, why not call yourself a province?

**Ms. Hayden:** Are there any more comments?

**Mr. Horn:** I would add one comment, and it actually goes along well with what Larry said earlier on. The one thing that struck me odd about the green paper is that, if we are talking about pursuing responsibility for something, then we may not be able to call on the open federal purse to guarantee that the .... will go at a particular level and a particular way. As a matter of fact, that may be a totally unrealistic expectation. If one is considering the advantages as well as the costs, one of the costs of taking over responsibilities may not mean that we have to build a better mouse trap, because we will not have enough money to fund the existing one.

**Ms. Hayden:** It seems we are just about talked out. I would ask Mr. Penikett if he would like to make a final comment.

**Mr. Penikett:** Thank you, Madam Chair. I had not

thought about making a comment. I appreciate that so many people from my constituency came. The range of opinions expressed is, I think, pretty representative of the opinion of the territory.

Some of the questions that have been asked, such as Brian's about wanting to know what the cost of the options are, are very good. It touches on the arithmetic that Mr. Carlyle put forward. The problem is that there is not a simple answer. The reason there is not a simple answer is because, as very well stated in a representation made by Steve a while ago, that usually if people are comparing the cost of provincehood versus non-provincehood, what they are doing is taking a look at the money we now get under formula financing from the federal government, which represents something like 58 percent of our revenue in the territorial budget, and what we would get under the equalization formula as a province now. They compare the number of the \$6,000 we get to the \$2,000 Newfoundland gets per capita and make the case that that is a huge shortfall. That is true. If you look at those numbers, there is no doubt that you could draw the conclusion that, if we were a province today, on the same basis as Newfoundland, for example, we would essentially be a bankrupt province if we wanted to maintain the same level of service as we have, if we wanted to keep the schools and roads open, and so forth. Just our schools and roads alone represent a large percentage of our budget. We are talking about a gross in terms of something like 40 percent. You are talking about those alone. We would either have to close our schools or close our road system if we had the kind of funding arrangement that Newfoundland has.

Steve's point was that, if you were going to become a province, you would want to negotiate the terms, and you would want to negotiate financial terms that were not those that Newfoundland has, or you would have to accept that they might not be as good as the formula financing arrangements now. We can certainly start from that point.

The other point is that my sense is that almost everybody is saying that Yukoners want to keep their options open, and Yukoners want to make this decision. What we have really been reacting negatively to over the last few years with Meech Lake, and so on, is the possibility that everybody else in the country would get to decide this question for us, not us.

The other point I would make is that people are talking about the claims. My personal view, given what has happened in British Columbia, and it is even more confirmed through Mr. Justice McEachern's decision of a few weeks ago, that it would have been, and still would be, a profound historical mistake, and political mistake, for us to contemplate provincehood ahead of settling land claims. I do not know what is going to happen with the McEachern decision when it gets to the Supreme Court, but it seems to me that the longer that British Columbia puts off dealing with that question, and we know how long it has taken here, the more expensive it will be for the province.

My sense has always been, and we will see if public opinion as a result of your hearings will confirm this, that Yukoners now, although they might not have thought this 20 years ago, very much want to get that important piece of business over before they face the question of whether or not they want to become a province.

Mrs. Firth: We have heard that all over the territory, and that partly addresses one of the issues that Mr. daCosta raised, that we should be working as a united group. That was one of the reasons that the Indian and non-Indian community was making that representation to us as a committee. They wanted the land claims settled first, so we could then get together and work together as Yukoners to look at provincial status, as opposed to the Indian people working on land claims and us looking at provincial status. I think that is a consensual opinion.

Ms. Hayden: I thank you all very much. If this green paper and our meetings have stimulated thought among those of you who have attended, and some of the other people you have discussed it with, then for myself, and I suspect for many people, they have been worthwhile. I thank you all very much for coming tonight.

This is the last meeting we will be having in Whitehorse. We have one other meeting, then we will be writing our report.

Mrs. Firth: We go to Old Crow on April 2 and that will finish it.

*Adjourned at 9:15 p.m.*





**Yukon Legislative Assembly**  
27th Legislature

**Select Committee on  
Constitutional Development**  
**PROCEEDINGS**

**Community Hall, Old Crow  
Tuesday, April 2, 1991 — 2:30 p.m.**



PRINTED ON RECYCLED PAPER



## **SELECT COMMITTEE ON CONSTITUTIONAL DEVELOPMENT**

The Select Committee on Constitutional Development was created by the following motion of the Yukon Legislative Assembly on May 14, 1990:

THAT a Select Committee on Constitutional Development be established;  
THAT the Committee be comprised of two Members of the Legislative Assembly, one to be appointed by the Premier and one to be appointed by the Leader of the Official Opposition;  
THAT the Green Paper on Constitutional Development be referred to the Committee;  
THAT the Committee receive the views and opinions of Yukon citizens on the Green Paper, and present a record and interpretation of such views and opinions to this Assembly;  
THAT the Committee hold public hearings on the Green Paper in Whitehorse and at least one community in each of the electoral districts outside Whitehorse;  
THAT the Committee invite oral and written representations on the Green Paper from residents of the Yukon and, where appropriate, from individuals and groups outside the Yukon;  
THAT the Committee report to the Legislative Assembly no later than the 1991 Spring sitting of the 27th Legislature; and  
THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

### **MEMBERS OF THE SELECT COMMITTEE**

Hon. Joyce Hayden, M.L.A., Whitehorse South Centre  
Bea Firth, M.L.A., Whitehorse Riverdale South

### **STAFF**

Patrick Michael, Clerk of the Assembly  
Missy Follwell, Clerk Assistant

### **PARTICIPANTS**

at the Old Crow Meeting of April 2, 1991

Amirault, David  
Bruce, Robert Sr.  
Charlie, Joanne  
Frost, Alice  
Frost, Brenda  
Jansen, Carlyle  
Josie, Edith

Kay, John Joe  
Kaye, Roger  
Netro, Florence  
Netro, Hanna  
Netro, Kathy  
Nukon, Kathie  
Peter, Joel

## OLD CROW, YUKON

April 2, 1991 — 2:30 p.m.

**Ms. Hayden:** About a year ago, the Legislature in Whitehorse appointed Bea Firth and myself to a committee to travel around to every constituency and every community in the territory to talk to people and hear what people wanted to say about what they want the territory to be in coming years; whether people are interested in the territory becoming more like a province, like British Columbia, in relation to all Canada; whether people are happy with us being governed by the Department of Indian and Northern Affairs, which we are now; if people have ideas about how they want to see the Yukon grow, or if they want to see it stay the same.

Now, the whole of the territory is governed by the Department of Indian and Northern Affairs, to some extent. That is where we get our authority; that is how we can do things. It is because they say we can. So, one department of the federal government is able to tell us whether we can have a government or not. It is more complicated than that, but that is basically how it is.

In relation to Alaska or the Northwest Territories, we are like another province, like another part of Canada. The question that the Legislature has asked us to ask is what people are thinking about, and what people are concerned about. Maybe for your people, it does not have anything to do with whether or not Indian Affairs has anything to say about what we do. Maybe it is something else.

We would like to hear what you are thinking and what matters to you. We are told to come back to the Legislature this spring and make a report. That is why we are taping everything. Everything you say will be typed out into a transcript and a report will be written from that. Copies of that report will be sent back here to your chief and the community.

For us, it is important to hear what matters to you, and whether you see the rest of Canada as important to you, or if it matters. I know your people are both in the Northwest Territories and Alaska, so maybe it does not matter. I do not know. That is one of the questions I have.

Bea, do you have anything to add?

**Mrs. Firth:** I think the first question is whether this is really important to you as an exercise that we are doing, or do you think we should not even be doing this yet, that it is too early. Is it even important to you whether we look at being a province one day, or whether we wait for some more time, or do you think we should start looking at it now, and then wait for a later time to become a province? We do not even know if that is important to the people of Old Crow and that is why we are here. We want to hear from you whether it is important to you and what your ideas are about it.

**Ms. Hayden:** I would add just one thing. We hear everywhere, and we believe, that it is very important for land claims to be settled before we talk about anything like this. This is like planning for our grandchildren and for our great grandchildren: planning for the future. In order to be able to do that, people in government need to know what the people in the territory think.

Chief, do you have anything to say?

**Mr. Kaye:** Last month when we were down in Whitehorse, we had the chance to speak with Joyce Hayden and Bea Firth and talk about this constitutional matter. At that time, we stated our position that we would wait until after our claims are settled, then look at the constitution. We look at it with a positive attitude, that the constitution will be developed to the benefit of our people and consistent with our constitution at the band level.

It would be nice to hear from any one of you. At the time, we did not think that talking about provincehood was the right time for us because the economic opportunities are not there yet. I do not think we have enough resources to run the Yukon as a province. These are some of our concerns. Myself and Stanley Njootli were the two people who went to Whitehorse.

**Ms. Hayden:** Does anyone else have any thoughts or questions on this?

**Mrs. Firth:** Do you ever think about whether the Yukon should be a province or not? Is that important to you?

**Ms. Netro:** Last summer, in August, we went to Arctic Village to have a meeting for one week. There was Alice and everybody went down there. I think that some people do not know anything about this. There are not many people here at the meeting but I would like to talk about it right now.

**Ms. Frost:** I am from Old Crow, and I have lived here all my life. I have a family here, all grown up. Some stayed here, and some are in Whitehorse. Through my experience, I do not want to see the Yukon become a province. Not yet, anyway. As far as economic development, social problems and stuff like that, we should take a look into the future at becoming a province. I do not know how the younger generation is going to see it. Time changes all the time and, for a small community like this, us Gwich'in people still carry some of our traditional language here and try to hang on to some of them. At the same time, we are trying to make all the changes and try to put the two together. We aren't ready yet.

**Mrs. Firth:** Edith, do you have some ideas about the Yukon becoming a province?

**Ms. Josie:** I was a news reporter for the *Whitehorse Star*. I moved here in 1940, and have been here ever since. I know the people and how they are living here. Our chief, Roger Kaye, he goes to meetings in Whitehorse, and so do his two councillors. Now, the two councillors are gone. They could bring up what they hear in the meetings in Whitehorse and what it is all about. That is how we could talk about our land. Those two councillors are gone. The people need to use their land the way it is for their kids and their grandchildren, also. That is all I have to say. It is not much to say.

**Mrs. Firth:** We came to hear your ideas.

**Ms. Hayden:** We have heard many people say that it is important to keep the land, to be sure the land is saved for their kids and grandchildren. There have only been a few who have said that they want to see lots of development, just a very few.

**Mr. Bruce Sr.:** I went to Carcross School for eight years, but didn't learn very much. Before that, the way of life is like you see the caribou herds roaming the country. That is what the people were way back. We didn't know anything about the government. I do not think the government thought much of the people of the north in those days.

I came back in 1929 and there was little change. People

were getting five dollars a month. Now, since then, there has been quite a change. There is a school building down there, and a nursing station, where there was just trees and wilderness all the way down. When I came back in 1929 I hauled wood from the first lake to town. Nobody got wood rationed. Everything is on hold. Until the government stepped in, there was no such thing as income tax. The year after I came back is when income tax started. Before that, I do not know. There is no easy life. We lived on straight caribou meat, tea, flour, and sugar. We did not see eggs but for once a year in the spring when the boats came up. Now, all that has changed.

When my father first got a pension it was \$20. I thought it was a lot of money then. Later on, the government stepped in, income tax came through, the pension went up. People helped bring in the wood. Now, all that is given away free.

What is the Yukon right now? Just the Yukon, no province?

Ms. Hayden: Territory. It is not quite a province. The Department of Indian and Northern Affairs is the department that has authority over our whole territory, even though we do have a government in Whitehorse. In some ways, it still answers to the Department of Indian and Northern Affairs. Provinces do not.

We are not quite our own boss, yet.

Mr. Bruce Sr.: We are like free people yet. I hear they are going to have self-government in each community. Old Crow is going to have self-government first. I don't know how they are going to work it. If the government was still going to help them the way they are now it would be okay. But if the government stepped down and said "we can't give you what you want because you are a self-government now", then we would be up against it. I am pretty sure of that. So being a province might make a difference. Well, the whole place is splitting up now. Quebec is splitting up with Canada, and we are split up here. I suppose we've got to be put together. That's the way I see it anyway. We'd be better off as a province.

That's all I have to say.

Mrs. Firth: How about some of the younger people?

If being a province is not that high on the list of things that Old Crow people want to do, what messages should we be taking back to the government about what the people in Old Crow want? What is important to you? What do you want for your community? Maybe that is something we should talk about.

Mr. Kaye: One of the things we are doing, through the land claims, is trying to build a better future for our children. One of the areas we are looking at is the self-government agreement. In that agreement, we are trying to retain some of our culture and, yet, still move ahead with what is happening today.

Certainly, this constitution the government is trying to develop, in a way it is with agreement, but it does not have anything here in terms of how the native people have input into developing such laws. For example, there are certain laws that the people here would like to have and would like to develop at the community level. One instance is the prohibition. If we can develop our own constitution under self-government, then we will have the powers ourselves to enforce these types of things.

This is one of the reasons that we want to have this green

paper held until our claims are settled. This is what I hear the elders saying. Let us hang on for a while. To develop a province, I think we are getting too far ahead of ourself. We certainly do not know too much of where we are going yet, until we really sit down and look at those goals.

I would like to hear more on the others, if they have any questions on them. What is this constitution? Is it binding on us, or is it going to jeopardize us in the future? What is it?

Ms. Hayden: It is hard for us to answer. As I told you when we met in Whitehorse, what we have to do is to take this back to the Legislature. Then, it is up to the Legislature and the government, eventually, as to what it does with it.

We are hearing all around the territory very clearly that people do not want the Yukon to rush into anything. I cannot assume that I know, but that is what we are hearing, that very few people want us to rush in toward further constitutional development. They would like to see the powers the territory now has, in terms of the self-government the territory as a whole has to run its own business, enshrined somehow in federal legislation, whether it is in the *Yukon Act*, or whatever, just like I understand people would like self-government at the First Nation level, something written, something solid that cannot be changed easily. That is how I understand what people are asking for in terms of the territory, that we somehow make sure that what we have cannot be taken away from us and be told that we can no longer have a government. That would not likely happen, but people want to make sure that it cannot happen. They do not really much care whether we are a province or not. I guess the best way to say it is that they want to have our own form of self-government, as a whole Yukon people, and to make sure that is in legislation somewhere. It is not quite there now.

It is there with a letter, and it is there with a little bit of this and that, but it is not quite there. That is what it would mean. If I had to take it down to how I really understand it, that is what constitutional development means in terms of the whole territory, making sure that our own self-government is in legislation somehow. It does not have to be a province to do that. It just has to be either in the *Yukon Act*, or some other way. That would be up to the constitutional lawyers to figure out, if the people of the Yukon wanted that to happen.

People are saying be careful, go carefully. I hope that answers your question.

Mrs. Firth: The specific question that Roger had about the Indian people being involved in that green paper, we were hearing from everybody that they wanted the land claims settled first, so the Indian people have their concerns addressed and their settlements so that, when it came time to decide whether the Yukon would be a province or not, the Indian people and non-Indian people were working together to look at whether we would be a province or not.

Otherwise, we would have the Indian people concerned about their land claims, and the non-Indian people talking about a province, and we wanted to be working together. That is how the Indian people will be involved in that whole process.

Ms. Hayden: Once the claims are settled, then all Yukon people can work together to achieve self-government for the whole Yukon Territory, in whatever way they decide.

**Mr. Kaye:** Where does it go from here, after you have finished the report to the House?

**Mrs. Firth:** We table it in the Legislature. Joyce, myself, Pat and Missy will write the report up, and it will be tabled in the House for all the Members to read. We will probably debate it in the Legislature. Then, it goes to the government, and they decide what they want to do with it.

After it is tabled, that is when we will be sending it out to the communities for everybody to read.

**Ms. Hayden:** It is our responsibility to give it back to the rest of the MLAs first, because they sent us out. Then, we have said we will send it out to each community.

**Mrs. Firth:** The report is not to be recommendations to the government to say, yes, we should be a province; no, we should not. It is just to be a report that tells the Legislature what the people of the Yukon have said. Joyce and I are not to be expressing our opinions whether we think the Yukon should or should not be a province. It is simply to get a feeling of whether it is even important to Yukon people.

Some Yukon people have told us it is not really important to them, and that they have not thought about whether we should be a province or not, because they are more concerned about other things, like health care and land claims, and stuff like that. We will make a comment that some people did not think it was a very important issue.

There will be some comments about what other people had to say, when we should be a province, how we should go about it, that it should be done slowly. It will be Yukoners' opinions, not ours. We will not be recommending to the government to do anything. They will make that decision after they read the report, whether they want to do anything or not.

**Ms. Netro:** What about hunting, fishing and trapping?

**Mrs. Firth:** Do you mean, will that be part of the report, as a concern? Is that a concern you have on hunting, fishing and trapping, in respect to the land claim settlement, or the provincial status?

**Ms. Netro:** In land claims.

**Mrs. Firth:** That kind of issue will be addressed for the Indian people in the land claims settlement so, when it comes to provincial status, the Yukon will be looking at whether they have all the control over the lands, as well as all the wildlife, and that is the decision they will have to make. The Indian people should be ahead of the rest of the Yukon in that way, because you will have your land claims settled, and you will know where you stand when it comes to hunting, fishing and trapping.

**Ms. Hayden:** When this paper was written, apparently an agreement was made with CYI not to include discussions in it about self-government because, first of all, we do not have either the information or the authority to talk about things that are more rightfully done at the claims table. So, that was part of the decision that was made, understanding that that process is happening all the time now. We do not pretend to take anything away from that process at all.

The Members of the Legislature are just concerned about the whole territory, looking at its development hand in hand with the First Nations people, so we are not dragging way behind in the non-native people's understanding of where the Yukon is going and what it is going to be.

It becomes very complicated. It is pretty fuzzy in my head at times, but it has been very important and very interesting to hear how people feel around the territory. The Members of the Legislature will be reading with interest what people have to say.

**Ms. Frost:** People here think it is coming around too fast. I agree with Roger. Wait for settlement with the Indian people, then you are going to find out what the Indian people in each community really want. That is what they want, and that is what they would like to see happen. Everything within land claims is what the native people want. With the agreements and everything, how they would like to govern themselves. With the land selection they have made, inside that land selection, we can live the way we want, not what the government is telling us all along, with the little money that they offer. They say, okay, you live this way or that way. No, you cannot do this; you cannot do that. With our settlement, we ourselves can live the way we want, like we used to a long time ago. We can go back to being self-sufficient. That is what I call self-government. That is why we wait for the settlement. Then, the Yukon government or federal government is going to find out what the native people want. Then, you can go and ask native people. Then you will understand. Okay, this is what the native people have. What can we do together? Then, you can come up with a constitution. Then, maybe you can become a province.

This is too soon, right in the middle of negotiations of native people. When is our settlement? We are still hanging in there for some answers. After we find out, then we will understand, and probably understand each other, where the native people stand, where the white people stand, or the government stands, and then we can probably sit down and start talking.

**Ms. Hayden:** That makes sense.

**Ms. Frost:** Right now, you say it is frustrating. It has to be frustrating, because the native people are negotiating, and you are trying to do this.

**Ms. Hayden:** Is there anyone else?

**Ms. Jansen:** I am a newcomer to the Yukon. I first arrived last year. One thing that has been raised before is the issue of rushing into things. In reading through the report here, there were a lot of general statements as to what the differences are between provincial status and territorial status. It is important to look at what the impacts are, what benefits there are, if any, of becoming a province, and what are the disadvantages of becoming a province and, likewise, of being a territory.

Many of those things you will not be able to understand or see until the land claims are settled and implemented and well on their way, so you know where things are at. Then, you can start projecting, if we do become a province, this is what would happen. In that sense, I think it is important to really know what the costs and benefits of the two options are, which could take a while to be able to know for sure.

**Ms. Hayden:** Many people have said that they need more information, down the road, if a decision has to be made in 20, 50 or whatever number of years, that before they are asked to make a decision, they want to know the pros and cons.

**Ms. Jansen:** For example, one thing it mentioned was that the federal laws overlap with the territorial laws. In that case, the federal laws override them. So, what advantage is

that to the people of Old Crow? Maybe the federal laws are better to them than the territorial ones. It is hard to say.

However, I do feel that it is very important for the Yukon to have a guaranteed and important voice in all issues that relate to Canada as a whole. The Yukon has been left out of a lot of debates, and I think it is very important to recognize Yukon people as an important part of Canada. They need a strong voice in any decisions that relate to the whole of Canada.

There also has to be some kind of protection, such as the act, maybe within a Yukon act, or whatever, against any changes in the transfer agreements, just to make sure that all the services are provided for, and the government, through the Department of Indian and Northern Affairs, cannot just start pulling things back. There has to be some kind of security there for the Yukon.

Mrs. Firth: There were some other issues, Roger. You raised the issue of the decision that has to be made on prohibition and the resources. Do you need more resources to go ahead with that? Is that the concern?

Mr. Kaye: One of the concerns I have in that regard is that, last summer, when the Health Minister was up here one of the questions that was thrown at him was what is your budget for community development? They had none. Right now, we are in the process of looking at prohibition. Once the House passed the law, and Old Crow gets this prohibition, what kind of resource can they give us? What kind of funding can they give us to help us achieve that goal?

From my understanding right now, they do not have any money for that.

Mrs. Firth: Perhaps we can ask you some questions. I am interested to know when the college is going to be ready.

Ms. Hayden: Perhaps we could just wrap this up. Are there any more constitutional questions?

Mrs. Firth: Then we can have discussions on other things.

Ms. Nukon: I have been sitting here and listening to the people, and I have not given much thought to any constitutional development, let alone provincehood for the Yukon. I would like to think that we are a unique group of people up here in Old Crow, being isolated, but we are not really isolated. To a certain extent, we are. Any major issues that come to Old Crow, to us as a people, a lot of us do not understand what it is all about. I think we need to be educated on things well in advance. For example, this green paper should have been passed around at least a month before you people came.

Ms. Hayden: It did come up to the community earlier.

Ms. Nukon: I never saw it around.

Ms. Hayden: It was probably so long ago that you had forgotten it was here. I expect it came to the band office.

Ms. Nukon: I did not see it. That is why I am saying this.

Ms. Hayden: I appreciate that.

Ms. Nukon: For me, I agree with Roger and Alice when they say that we need to wait until the land claims are settled. This is a major issue, especially for people of Old Crow, to go ahead and rush into it. I would like to make my suggestions that we do not rush into this. I have not given it much thought. With that, I would have to say that it is something that has not come to my mind and it's not important. However, I know that,

in the future, it will be coming up, so it is good that we deal with it now. That is all I want to say.

Mr. Bruce Sr.: I think this paper should have been distributed a couple of months ago.

Mrs. Firth: It was out last May.

Mr. Bruce Sr.: This is the first time I have seen it. We need more time to get our land claim settled, and then we should consider this.

Mrs. Firth: I do not think this will be the final discussion about this issue. I am sure the next Legislature will want another committee to go around and talk about it, and the next one after that.

Ms. Nukon: So, what happens with this Green Paper?

Mrs. Firth: This is just for the public to get some questions going and some ideas. Then, when we table the report, we will give it to the government. The government will make an announcement that they received our report.

Ms. Hayden: Mostly, people are saying, first of all, we have not thought about it and, secondly, we want time to think about it, so go slow. We want to have some respect within Canada, and we do want to make sure we stay as self-governing people, but do not go too fast.

A few people have said, who cares? For most people, it is not something they think about every day. When we asked people about it, though, they really do care, deep inside, about what happens to the Yukon. It is something to think about and to know that probably nothing will happen quickly, as you say, it needs to go slow. This is really long-range planning on how people think now. Presumably, somebody will ask again before anything else is done. It is good to know how people are thinking.

Mrs. Firth: The other thing we have heard is that Yukon people do not want to be told that they cannot be a province, if they decide they want to be. We want to leave our options open so that, if the day comes that we decide, and everybody says yes, we want to be a province now, we do not want to be told no, you cannot.

Ms. Hayden: Thank you all for coming.

*Adjourned at 3:20 p.m.*





