

From the House

By Dennis Bevington MP Western Arctic

One Hand Gives, the Other Takes Away

Our Canadian Parliament, sometime this winter, will have to deal with two different pieces of legislation that deal directly with the future of the Northwest Territories.

Out of the Devolution Implementation Agreement signed last summer comes a Bill that, in the joint statements of both the Prime Minister and the Premier, will give control over land and resources in the NWT to the territorial elected public government. This Bill will require amendments to the NWT Act and repeal a number of other Acts of Parliament.

The Agreement sounds good to many but there has been strong opposition voiced by those First Nations yet to settle land claims. The actual details of what is involved will not be confirmed until the draft Federal legislation is available for everyone to see. The continuing rhetoric from the Premier and the Prime Minister has been very strong touting this as a "historic" agreement that gives absolute control of lands and resources to the GNWT.

However, another Federal Bill is on the road to Devolution, and its amendments to the Mackenzie Valley Resource Management Act are likely to pull back on much of the proposed GNWT control that has been touted as coming our way and actually enhance Federal authority over our lands and resources.

To consider these Bills and their impacts correctly, one has to differentiate between responsibility and authority. Certainly, devolution will turn over all the responsibility for lands and resources to the GNWT and Canada will no longer enforce any laws or regulations, provide any licences, lead any environmental research, provide advice to decision makers and the like.

Responsibility is important. Our ability to deal with the requirements of our very large territory; to understand, analyze,

inspect and enforce regulations regarding our land and resources will have a major effect upon the territory. These responsibilities are important, engaging and vital for our future, but they are not the world of authority.

Authority can say "yes" or "no" to development or to the terms of development. Authority would mean that the laws of the NWT Legislature would not be treated by Canada any differently than how the laws of the provinces are treated. Authority would mean the people of the Northwest Territories would have the final say on what happens in their territory.

So, the larger questions of our authority hangs in the air.

Will the NWT have the authority to make appointments to the decision making land and water boards?

Will those boards be independent of political interference or will the federal minister issue policy direction?

Will the Northwest Territories be truly free of Canada's top down control or will Canada be able to issue binding direction to the Commissioner?

We must be concerned with the degree of separation that is going to exist between those who are responsible for the ongoing protection of land and environment and those who control the decisions that have an effect on these areas. The likely result of this will be disagreement, frustration, delay and obfuscation.

Devolution Agreements are high profile media events as we have witnessed twice this year. However the truth will be evident in the actual legislation tabled in the House of Commons for when it comes to living with the final arrangement, it will fall heavily on the people of the NWT.