

MP Dennis Bevington speech on Bill C-15 Northwest Territories Devolution Act.

December 4th, 2013

Mr. Speaker, as a lifelong northerner, I am pleased to have the opportunity to address Bill C-15, the devolution implementation bill.

I would first like to congratulate the premier of the Northwest Territories, Bob McLeod, his cabinet ministers and the staff for the hard work they have put in on this file. That extends back through the time of the Northwest Territories to many other people who have dedicated their service in building a territory with political rights that are equivalent to those in other parts of Canada.

Bill C-15 has two very significant and different parts. One makes changes to the Northwest Territories Act, an act that is virtually the constitution of the Northwest Territories. All actions there fall under the Northwest Territories Act. Other laws are being changed to implement the devolution agreement between Canada and the Northwest Territories.

The second part brings in changes to the Mackenzie Valley Resource Management Act, primarily doing away with the regional land and water boards created through land claims agreements with the first nations, replacing them with a single super board. There are other changes in the act, and I will speak to those as I go along. They are very significant changes that, apart from what the minister has said, will leave even stronger powers for the minister over resource development in the Northwest Territories. It is quite clearly the case.

We in the New Democratic Party support devolution. We see this as a step forward for the Northwest Territories in some respects, and we will look to the bill going to committee. We will look to the opportunity to put forward amendments that may better serve the people of the Northwest Territories.

The devolution part of the bill partially realizes the dream northerners have had for over 50 years: taking more authority over their lives from bureaucrats in Ottawa. I have lived that life and I know what that life is.

The Carruthers Commission in 1966 moved the capital of the Northwest Territories to Yellowknife and brought a number of bureaucrats there, but that was what we could call "second-stage colonialism". We brought the federal government into the Northwest Territories and to the greatest extent it ruled the north from the north, rather than from Ottawa.

The federally appointed Commissioner of the Northwest Territories was the speaker, premier and lieutenant governor, all rolled into one, up until 1975. In 1975, we had our first elected territorial council of 15 members. This includes the territory known as Nunavut now, under one roof.

Before that a mixture of people elected and appointed by the federal government provided governance. Executive powers still lay with the commissioner, assisted by a deputy and an assistant commissioner.

With the appointment of John Parker in 1979, the move began away from an executive commissioner toward a more ceremonial role as lieutenant governor. I will get back to that point, because it is a point I want to bring up in this speech.

In the late eighties, health services, administration of justice and the management of forestry were devolved to the Government of the Northwest Territories, which has handled all of those as well as can be and deserves great praise for providing services to people across a vast territory with limited resources.

We have taken on education, social services, highways, airport administration and a number of the roles that would be classified as provincial. That was never satisfactory to the north, as after the nineties when we had constitutional development conferences in the north, where we talked about our future and what direction we would take, I think we all felt that we wanted to be a unique place in Canada.

We wanted full respect for aboriginal governments. We wanted partnerships between aboriginal governments and public governments so that we would have a territory that would truly represent the people, the history and the real claim that first nations have to the land and resources of the north. That is a dream that is still held by most northerners.

There were devolution efforts in the early part of 2000, with the Liberals. The deal was virtually the same as this. Perhaps they were offering a little better money, at the time, and I think a little more control over development. That deal was actually rejected by the parties, in the end, because there was not a common agreement.

I think one of the great accomplishments of Premier McLeod, with the devolution file, has been to bring many of the first nations on board. Premier McLeod himself is of aboriginal descent and has a great deal of respect among first nation peoples—among all of us in the north—for his strength and his fairness. I think that is something that has helped the devolution file tremendously.

The MVRMA part of the bill, however, would implement the Conservative desire to move forward with more rapid resource development in the Northwest Territories. That is what we see here. That is the purpose of this. This is the great trade-off that has been made with this bill—the trade-off that we all have been put under.

When I got a comprehensive audit of people's attitudes toward changes in the MVRMA done by outside consultants a year and a half ago, it was pretty clear that most people in the Northwest Territories were not thinking that the regulatory system needed more than some very straightforward tweaking.

One thing we all did agree with was that the land use plans, which are part of the MVRMA, needed to be completed, including McCrank. Everybody agreed with that. The current government has not moved very fast to make that happen, which was one of the biggest problems we had in the regulatory system.

For more than 20 years, the aboriginal people in the Northwest Territories have hung their hat on having some say and control over the resource development process on lands and waters. They have tied this to the MVRMA with their duly developed land claims agreements with the Gwich'in, the Sahtu and the Tlicho governments.

These people have agreed to regional boards. They have supported regional boards. Yes, there are provisions that perhaps one single board could be made, but what we have found in the Northwest Territories is that regional boards actually provide a useful and necessary function within the Northwest Territories to, clearly, provide that vision that we talked about earlier, the vision of a territory that had balance between aboriginal and non-aboriginal governments.

So, what we would see with this bill is that particular structure would change to a single board. It might be possible to change it back later. That is very much a question that is up in the air now.

However, certainly, an NDP government would go back to take a look at this. We would go back to see whether this was appropriate for the development of the Northwest Territories according to how the people see their development taking place.

The MVRMA remains a Federal legislation, but it is an essential part of how the balance of the Northwest Territories is developing.

Let us talk about the changes to the NWT Act for devolution. The question here is whether we are moving to more province-like powers. Yes, in the administration of environment and the administration of land, we are. In the enforcement of those provisions, yes, we are. Those are things that are valuable. I thank all of those involved in pushing those forward for the people of the Northwest Territories.

However, there are other things that trouble us in the bill, where we look for amendments, perhaps.

When it comes to directions to the commissioner, I mentioned the commissioner was moving more to the state of a lieutenant-governor ceremonial position. This bill would draw him back into the fold of the federal government. Bill C-15, clause 4, states:

The Commissioner must act in accordance with any written instructions given to him or her by the Governor in Council or the Minister.

This is stronger language than in the current NWT Act. The Yukon Act contains no comparable sections, and in Nunavut these instructions are made public through tabling in the Legislative Assembly.

What do we see here, in this particular section of the devolution act? We actually see more control being applied through the commissioner's office. Strengthening the federal control of the NWT, when combined with the provision of section 29 that adds the power of the minister to order the commissioner to withhold assent to bills that are passed in the Legislative Assembly, the commissioner, under the instruction of the minister, can withhold assent to those bills, and has up to a year to do it.

What we see there is fairly strong control over any changes that could be made in the Northwest Territories in the years to come with different governments there that may have agendas different those of the present government or any other government.

Regarding borrowing, this bill would continue the process whereby Ottawa sets the amount of debt the NWT can acquire. NWT debt is not a burden on Canada. This is an outdated and colonial practice that inhibits our development by not allowing us to invest in things like hydroelectric generation capacity. We have to go to the federal government, cap in hand, and ask it to please give us a little more borrowing power and to possibly let us do something that we know is good for our people.

I put a bill forward in the last Parliament. This issue has been very well discussed and is very well understood. The opposition at the time voted unanimously, and we passed that bill through second reading. Only the Conservatives wanted to limit the borrowing capacity of our government.

What is it in like in the provinces? The federal government may not give direction to a provincial lieutenant governor. All natural resources are completely under the control of the provinces, with no Ottawa interference. There is no control over borrowing. The lieutenant governors cannot be directed to not assent to bills.

These are things that are in the devolution agreement. We see that the devolution agreement would give us more in certain areas but would put reins on us in other areas. That would limit our capacity, unlike other Canadians. These things can be changed by amendments, and I encourage the government to support some amendments that would give us more flexibility under this act.

Let us move on to the changes to the Mackenzie Valley Resource Management Act. This measure would eliminate regional boards created through the land use process. It would replace them with one super board with only 11 members. This bill also would also give the minister the right, in any part of this bill and for any of the boards that will exist in the Northwest Territories, to provide binding policy decisions to those boards. In other words, the minister could tell the board the way it will judge actions.

There is no consultation with the Government of the Northwest Territories included in that provision. That would make sense. It would make sense that the people who are taking care of the environment and the land would have some influence over the policy decisions that are going forward to the boards that make decisions about development. What would be wrong with providing that consultation to the Government of the

Northwest Territories? Again, with a simple amendment we could put that in place. If the Conservatives want to listen, that is fine.

There have been environmental audits done in the Northwest Territories. The main problem with our regulatory system, according to these independent environmental audits that were done in 2010, was that foot-dragging by Ottawa on appointments and on approvals of developments was the biggest impediment to resource development in the Northwest Territories. Now we would have a system whereby one government would control some things and the other government can have a say over everything when it comes to resource development. This is a difficult situation. This is going to lead to conflicts.

We need one government in charge of making decisions, and that should be the Government of the Northwest Territories in consultation with and working together with the first nations, who have a right to land and resources in the Northwest Territories and who we want to have as complete partners in the development of the Northwest Territories.

This is a goal that we all have. It is a goal that northerners have in the Northwest Territories. We are not interested in matching up to Alberta. We do not want Alberta in the Northwest Territories. That is not what we are here for. We want our own government, under our own rules, with our own relationships, with the groups that make up the north and have lived there for hundreds and thousands of years and have done very well with that.

There is strong opposition among the first nations to the changes to the MVRMA. The Gwich'in Tribal Council made a unanimous decision to reject the changes at a meeting held in Inuvik by community leadership representing all the Gwich'in communities. These are the words of Gwich'in Tribal Council president Robert Alexie. He said: "My people have spoken, and what Canada is proposing is clearly unacceptable". The T'licho government is opposed. Grand Chief Eddie Erasmus has said:

There's no need to change the Wek'èezhli Land and Water Board. There's nothing wrong with it. Absolutely nothing wrong with it. It's working very well. Why fix something that is not broken?

With regard to appointments, why is the minister holding on tightly to all the appointments to all these boards? Why is he saying that a nomination from the Government of the Northwest Territories to any of these boards must meet his approval? Why do aboriginal governments that make nominations to these boards need the minister's approval? How is that devolution? How is that taking charge of our own affairs, when nominations can be rejected outright? When it comes to the chairs of the new super board, the minister only has to consult on appointing a chair. The minister's man will be in Yellowknife as head of the super board. He will be getting instructions, binding policy direction, from the minister about how things develop in the Northwest Territories. How does that represent true devolution?

I do not know if anyone across the way understands, but if they go talk to their provincial counterparts, they may understand what provincial-like powers actually are. The minister said the Yukon is doing extremely well with environmental assessments. Yukon actually makes decisions for itself. The Yukon first nations make appointments to their boards. The Yukon is doing it by itself. Bill C-15 does not permit us to do the same things that the Yukon is doing.

I have been through two phases of colonialism in my life. The first was when the federal government in Ottawa simply sent representatives up to govern us. I was a student in school, and different kids would come from Ottawa because their parents would be sent up there for a couple years to do northern duty. I was great friends with people from Ottawa and with their children, but they were not northerners. That was phase one.

Phase two was when the government came to the north. We have made remarkable progress in that time. We have done a lot with our territory. It is a great territory, one that I am absolutely proud to represent here in the House of Commons every day. I love the place. I want it to grow. I want to be a Canadian just like everyone else, but what we have here is only the third stage in colonialism. It is the stage when we take care of most things on the ground, but the decisions are in Ottawa. That is where we are at. We will work with the government as much as we can, but in the end, we know that our job as New Democrats will be to give the people of the north a real say, a say that is equivalent to that of other Canadians in how they manage their affairs.