



**REMARKS**

**BY**

**GWICH'IN TRIBAL COUNCIL (GTC) DEPUTY GRAND CHIEF AND  
VICE-PRESIDENT JORDAN PETERSON**

**TO**

**THE SPECIAL SENATE COMMITTEE ON THE ARCTIC**

**Yellowknife, Northwest Territories**

**September 10, 2018**

**NOTES FOR REMARKS BY GWICH'IN TRIBAL COUNCIL (GTC) DEPUTY  
GRAND CHIEF AND VICE-PRESIDENT JORDAN PETERSON TO THE  
SPECIAL SENATE COMMITTEE ON THE ARCTIC**

Monday, September 10, 2018

**Introduction**

- Good afternoon and thank you Honourable Chair Senator Patterson, Honourable Members of the Special Senate Committee on the Arctic, Committee Clerk Fortin, other Committee and Senators' staff, Ladies and Gentlemen. I'm pleased to be here today as Deputy Grand Chief and Vice-President of the Gwich'in Tribal Council (GTC) to represent the Gwich'in people and share our perspectives on the Arctic and Northern Policy Framework. The GTC is the regional land claim organization that upholds the rights and interests of the Gwich'in and implements the Gwich'in Comprehensive Land Claim Agreement (GCLCA) – our modern treaty signed in 1992.
- I am accompanied today by the GTC Director of Intergovernmental Affairs, David MacMartin, who has been working with other Northwest Territories Indigenous Government representatives, the Government of the Northwest Territories (GNWT) and with officials of Crown-Indigenous Relations and Northern Affairs Canada (CIRNA) in the collaborative process for development of the initial outlines of the Arctic and Northern Policy Framework.
- Our plan today is for me to make opening remarks and then for us to answer questions from Special Senate Committee members. We have brought with us and provided to Committee Clerk Fortin copies of the text of my remarks for reference by Committee members, along with copies of the Gwich'in Tribal Council March 2018 submission to the Government of Canada's Arctic Policy Framework.
- In my remarks today I will touch and build upon the main points raised in our submission. I will also update the content of these remarks, as there have been some significant developments since that time that alter the context in which the GTC's initial submission was made.

- I understand that the Special Committee is interested in hearing our views regarding the themes raised in the *Arctic Policy Framework Discussion Guide*. We offered our initial thoughts on these themes in our March submission, which we ordered in the following sequence:
  1. Strong Arctic people and communities;
  2. Comprehensive Arctic infrastructure;
  3. Strong, sustainable and diversified Arctic economies;
  4. Arctic science and Indigenous knowledge;
  5. Protecting the environment and preserving Arctic biodiversity; and
  6. The Arctic in a global context.
- We ordered our discussion of these themes in this sequence, because as the representative of the Gwich'in people and the advocates for, and defender of, their individual and collective treaty rights under Historical Treaty 11 and the Gwich'in Comprehensive Land Claim Agreement modern treaty, it is our job to assert and defend the *Constitution Act, 1982* section 35 aboriginal and treaty rights of the Gwich'in people. It is through this lens that we view the emerging Arctic and Northern Policy Framework. It is this perspective as well that informs our major observations and recommendations concerning it, and the major themes of the Arctic Policy Framework *Discussion Guide* that I will discuss today.
- But first, I would like to talk about the concepts of reconciliation and nation building and their relationship to the important Arctic and Northern Policy Framework initiative.

### **Reconciliation, Nation Building and the Arctic and Northern Policy Framework**

- It is useful to recall that in 2015 Prime Minister Justin Trudeau announced that the Government of Canada accepted the Final Report of the Truth and Reconciliation Commission and he committed to a renewed nation-to-nation relationship with Indigenous peoples based on a recognition of rights, respect, cooperation and partnership.
- In July of 2017 the Government of Canada released the “Ten Principles” document, entitled, *Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples*. This is a very important document

that we at the GTC have considered very carefully and discussed with Crown-Indigenous Relations Minister the Honourable Carolyn Bennett what these principles might mean in the modern treaty holder context.

- Several of these key principles relate directly to our perspective on the Arctic and Northern Policy Framework and on any other Government policy initiative for that matter...

**Principle #2** – states reconciliation is a fundamental purpose of s. 35 of the *Constitution Act, 1982*;

**Principle #9** – states that reconciliation is an on-going, evolving process and that these evolving reconciliation processes will need to be innovative and flexible and build over time in the context of evolving Indigenous-Crown relationships;

**Principle #5** – reflects Supreme Court of Canada treaty law jurisprudence and states that treaties are intended to be acts of reconciliation and should serve as foundations for ongoing efforts at reconciliation.

- *In short, we believe that reconciliation needs to be a prominent and central goal of the Arctic and Northern Policy Framework and that modern treaties in the Northwest Territories and throughout the North are and should be key, foundational building blocks for construction of the policy framework for the North looking ahead to 2030.*
- My colleague David MacMartin informs me that our GNWT colleagues have been very helpful in conveying this perspective through to the other governments involved in the intergovernmental collaborative process that has been ongoing this year. We want to acknowledge the GNWT's efforts in this regard and we thank them for it. However, we are not so sure that some other governments involved in the process share the GNWT's constructive and helpful perspective on this point.
- *We strongly urge the Special Senate Committee on the Arctic to consider emphasizing in its Report that reconciliation must be a central goal for the Arctic and Northern Policy Framework and that modern treaties in the North must be explicitly identified and emphasized as constituting key building blocks in the foundation being built for the Framework.*

- Since March when we made our submission on the Arctic Policy Framework there have been several important developments that affect the context within which the six *Discussion Guide* themes that I've just summarized must be considered.
- Throughout the late winter, spring and summer of 2018, Crown-Indigenous Relations Minister Carolyn Bennett has conducted extensive engagement and consultation meetings with Indigenous Nations concerning the Government of Canada's planned Recognition and Implementation of Indigenous Rights Framework that will be an important mechanism for putting the "Ten Principles" into action.
- Given that the "Ten Principles" emphasize that reconciliation is an on-going, flexible process and that treaties are acts of reconciliation and are foundations for on-going efforts at reconciliation, it follows then that treaties and reconciliation have key roles to play in the Arctic and Northern Policy Framework.
- Finally, *it is important as well to view this new Policy Framework in a Nation Building context* – both for Canada as a whole and for Indigenous Nations in particular.
- On July 19 the Government of Canada announced a new Indigenous Nation Rebuilding Program. This program aims to deliver on the *Budget 2018* commitment to invest over \$100M over five years to facilitate Indigenous Nations charting their own path to reconstituting their nations. The Nation Rebuilding program is inspired by the 1996 Report of the Royal Commission on Aboriginal Peoples (RCAP) that emphasized that Indigenous people want to rebuild their nations based on their own priorities.
- Given these other important policy and program initiatives of the Government of Canada, *the GTC contends that the emerging Arctic and Northern Policy Framework is, should and must be considered and developed as not just a geographic area focused policy framework, but also as an important Canadian reconciliation and Indigenous Nation Rebuilding Canadian intergovernmental policy framework.*
- This provides a convenient point of transition to discuss the six themes in the Arctic Policy Framework Discussion Guide...

- For us, the first one is...

### **Theme 1: Strong Arctic Peoples and Communities**

- For us this theme is the foundation and links up very closely with the goals of the Nation Rebuilding program. For the goals of the Arctic and Northern Policy Framework to be achieved, Indigenous Nations in the North and their individual members must be healthy. Significant investments are required to achieve this in a range of areas.
- In our March 2018 submission we mentioned two very different areas requiring investment, but each of which will contribute to creating strong Arctic peoples and communities.
- The first area relates to the need to assist people battling addictions. *In our March submission we called for establishing a detoxification centre in Inuvik, NT.* Efforts are underway to create such a centre, but \$400,000 in repairs and start-up funding is required, together with additional funding for on-going operations. An investment in this kind of social infrastructure is critically important and would benefit the Northern population as a whole.
- The second area we mentioned in our March submission is Gwich'in language revitalization and we have done some further work in this area since March. The Gwich'in language is under threat and two thirds of the people who speak the language are over 40 years of age.
- Rebuilding the Gwich'in language is critically important for rebuilding Gwich'in culture and traditions and for the overall Gwich'in Nation rebuilding effort. Language revitalization doesn't stand on its own. We need to go back to Nation Building and remove the impediments to learning that are the residue of government assimilation policies.
- We are now building a significant Gwich'in language revitalization component into our Nation Rebuilding proposal. However, significant, on-going, multi-year, direct Nation-to-Nation funding from Canada to the Gwich'in Nation and to other Indigenous Nations is required so that we can take the reins ourselves and revitalize our languages.

- **Treaty implementation funding:** As I have mentioned, treaties are instruments of reconciliation and should be a key, foundational building block for the Arctic and Northern Policy Framework. But in the GTC's case, we have experienced consistent, chronically underfunded treaty implementation costs. This severely constrains the capacity of the GTC to contribute to achieving the overall goals of the evolving Arctic Framework.
- In our March 2018 Arctic Policy Framework submission we reiterated our request to the Government of Canada to provide land claim implementation funding at a reasonable level and in a manner that ensures that the GTC is able to fulfill its important roles and responsibilities under our constitutionally protected treaty.
- More recently, we submitted a *Costing Analysis: Implementing the GCLCA* document to the Government of Canada that describes in detail the chronic GCLCA treaty implementation underfunding that we have experienced at the GTC.
- ***Currently the GTC funds the vast majority of its activities through its own sources of revenue or contribution agreements. The Gwich'in Settlement Corporation (GSC) contributes close to \$3M annually to GTC operations. This is not the way it is supposed to work. This diversion of funds bleeds and diminishes the cash and related investment component of the benefits negotiated by the Gwich'in when we signed our modern treaty in 1992.***
- The *Costing Analysis: Implementing the GCLCA* document shows that ***there is a gap of \$2M or more between the costs associated with implementation of the GCLCA and the amount of funding provided to the GTC*** to undertake these responsibilities.
- ***The existing treaty implementation funding levels from Canada assume that the governance structure required to operate and maintain a land claim organization is not part of the treaty implementation basket.***
- Presumably according to this logic, our appearance here today before this Special Senate Committee is not part of our treaty rights assertion and treaty defence efforts and responsibilities. Nor would the GTC Grand

Chief and others meeting with the Senate Standing Committee on Aboriginal Affairs in Inuvik on Wednesday of this week. Of course meetings such as these and many others are critically important aspects of the work that the GTC does in asserting and defending our treaty rights.

- ***Canada needs to change its approach to modern treaty implementation funding and provide such funding at reasonable levels. Doing so is not only important as a reconciliation and nation rebuilding initiative. It is necessary as part of the agreement we in the Gwich'in Nation reached with Canada and the Crown. It is also necessary to ensure that treaties actually do become foundational building blocks for the Arctic and Northern Policy Framework.***
- ***The problem of treaty implementation underfunding is particularly acute in regards to the funding of trans-boundary treaty implementation responsibilities.*** The GCLCA is trans-boundary in nature. The Gwich'in Settlement Region includes both the Gwich'in Settlement Area within the Northwest Territories (which accounts for the vast majority of lands) and also additional lands in the Yukon.
- The Gwich'in traditional territory extends into what is now the Yukon Territory. Appendix C to the GCLCA – The ***Yukon Trans-boundary Agreement or YTA*** – recognizes Tetlit Gwich'in traditional use and occupancy of land on the Yukon side of the border that has artificially bisected and divided Gwich'in traditional territory. For 25 years between 1992 when the GCLCA was signed and 2017, the YTA went unfunded. In late March of 2018, for the first time ever, the Government of Canada provided some funding for the GTC's YTA implementation obligations through a Contribution Agreement. We have submitted an application for further funding and expanded such funding support for this year.
- ***These treaty implementation funding shortfall examples illustrate how providing adequate levels of treaty implementation funding would both contribute to the goal of creating “strong Arctic peoples and communities,” and at the same time foster reconciliation and ensure that treaties are a solid, foundational building block for the Arctic and Northern Policy Framework.***

## **Theme 2: Comprehensive Arctic Infrastructure**

- Infrastructure is not just an end in itself; it is an underpinning of the other goals of the Arctic Policy Framework. Transportation infrastructure in particular is the most salient form of infrastructure requiring investment, but there are other types as well.
- We indicated in our March submission that we support the recommendation of Minister Bennett’s Special Representative on Arctic Leadership, Mary Simon, that the Government of Canada should, *with Arctic governments and Indigenous leaders, develop criteria for Arctic infrastructure projects that reflect the singularly unique context for infrastructure spending, the “catching-up” nature of the infrastructure gap in the Arctic.*
- There are two key concepts that should inform the development of criteria for needed infrastructure projects, meaning transportation infrastructure in the first instance. These are:
  - comprehensiveness; &
  - continuity.
- *To be “comprehensive,” Arctic transportation infrastructure must be pursued on a Nation-building scale – both at the Canadian Nation level and at the Indigenous Nations level.*
- The scope of transportation infrastructure projects required could be compared to the scope required in the early years of Confederation when the Canadian Pacific Railway was built. *We would like to see the following priority transportation infrastructure projects built:*
  1. The *Mackenzie Valley Highway*; &
  2. *Bridges across the Peel River, Arctic Red River and Mackenzie Rivers.*

- ***The Mackenzie Valley Highway:*** Canada has announced partial funding for a portion of this project, but this incremental approach will not meet the Nation-building scale criterion. Completing this project will benefit and has been called for by the Assemblies of both the Sahtu Secretariat and the Gwich'in Tribal Council.
- Completing the Mackenzie Valley Highway would be a very tangible example of a transportation infrastructure project that would make a very important contribution to both reconciliation and to Indigenous Nation rebuilding.
- ***Completing these three bridges would address the problem of interruption of the continuity of infrastructure.***
- ***A bridge across the Peel River*** would ensure continuity of road infrastructure for Gwich'in Settlement Area communities with southern Canada. The ferry crossing at Fort McPherson, NT is on a cable. When water levels are high, as frequently occurred this past summer due to the climatic change of higher than normal rain levels, the ferry cannot traverse the river. This causes delays in road transportation transit adding to cost. It also negatively affects tourism, which the new road to Tuktoyuktuk this summer contributed to a significantly higher than anticipated level of vehicular traffic this summer.
- ***A bridge across the Mackenzie River*** would also address the cyclical interruption in road infrastructure that occurs twice yearly in the spring and the late fall, when neither the ice road across the Mackenzie River, nor the summertime ferry service is operational.
- ***A bridge across the Arctic Red River*** would ensure that the community of Tsiigehtchic would no longer experience twice yearly interruption in road infrastructure as well.
- These three bridges are really a set of integrated, mutually reinforcing projects that, if completed, would satisfy both the “comprehensiveness” and the “continuity” criteria, as well as create equity between these communities and others in the South. We at the GTC advocate completing all three.

- *The projects would enhance both competitiveness and community nation building for Gwich'in communities and contribute to reduced costs of living* for residents of these communities that result from the regular cycles of interruption of transportation infrastructure.
- There are other types of infrastructure investments needed and that we identified in our March submission. These include:
  - an investment in *enhanced Internet service quality and reliability*, through construction of the Yukon Dempster Fibre redundancy loop;
  - the related incentive that this would provide to the provision of *enhanced banking services* in the region; and
  - *incentives to increase home ownership*, levels of which are low in the GSA due to the deterrent of high energy costs.
- We propose that the first step in preparing for infrastructure investment decisions within the context of an Arctic and Northern Policy Framework should be the completion of a comprehensive review of infrastructure needs in the region that would address both the infrastructure comprehensiveness and infrastructure continuity issues.
- The starting point to **Theme 3: Strong, sustainable and diversified Arctic economies** is **Balanced development and the traditional economy**.
- The third theme of “strong, sustainable and diversified Arctic communities” is closely linked with the first theme – “strong Arctic people and communities.” The Gwich'in way of life is based on a unique and special economic and spiritual relationship with the land and the water. As a result, *we advocate balanced development in the North that supports and contributes to revitalization of the traditional economy*.
- There are many opportunities available for investments that would contribute to stimulating and facilitating Gwich'in people's active involvement in the traditional subsistence harvesting activities on the land and water.

- ***Programs like the Gwich'in Harvester Assistance Program (GHAP) are crucially important in promoting traditional economic activities and could benefit greatly by additional investment.***
- GHAP is administered by Gwich'in First Nation community organizations utilizing funds from the Gwich'in Harvesters Assistance Trust (GHAT) that was established by the GTC in 1995 to finance the GHAP. The Trust provides funds that can be used to assist approved Gwich'in harvesters for various items. These include...
  - equipment repair, maintenance and replacement;
  - fuel costs to access harvesting areas;
  - training in traditional and emerging harvesting activities; &
  - approved community training programs and initiatives to support harvesting.
- ***GHAP is an example of another dimension of the link between the Gwich'in modern treaty and the Arctic and Northern Policy Framework.*** Increased treaty implementation funding would facilitate GTC arranging for increased investment in the GHAT and the resulting flow-through of increased resources being available for current and potential Gwich'in harvesters.
- ***There is also potential for increased investment in Gwich'in land-based, language revitalization initiatives.*** We are developing a program such as this and will be seeking funding support for it. Such support would have the dual benefit of contributing to both support for the traditional harvesting economy and activities and to language revitalization. This support could be accomplished through an expanded Nation Rebuilding Program.
- **Economic Benefit Agreements** have an important role to play in creating and sustaining strong, diversified Arctic economies. It is important to ensure that these are part of any resource development projects. It is also an area where some reform is needed.
- Large scale economic development options are not immediately on the horizon in the GSA. In December of last year the Mackenzie Valley Pipeline was put on hold indefinitely.

- One third of the profits from this project were due to be received by the Aboriginal Pipeline Group of which the GTC was a part. The effect of this decision on Gwich'in communities and people has been significant.
- *When the project was put on hold, it had an immediate impact on the GTC and Gwich'in people. With only one week's notice, the carefully negotiated Impact Benefits Agreement negotiated with the project proponent, Imperial Oil, was withdrawn.* This left the GTC with only four months ahead of the next fiscal year to try and adjust to this significant loss and to make up for the lost revenues. Obviously, the significance of the effect of this withdrawal was exacerbated by the persistent state of chronic GCLCA treaty implementation funding that we experience.
- As a result of this experience, we recommend that steps be taken for the Government of Canada to extend support to communities that experience such sudden loss of revenue streams to facilitate more gradual transitions when companies exit from negotiated Economic Benefit Agreements. Such steps could include the Government of Canada encouraging corporations to agree to negotiate more gradual exit and transition periods than the GTC recently experienced with Imperial Oil's sudden withdrawal.
- **Sector-based Economic Development:** Finally in regard to the theme of "strong, sustainable and diversified economies," we recommend that consideration be given to the Arctic and Northern Policy Framework emphasizing a collaborative, strategic approach to economic development in the Arctic.
- *This would involve applying the core concepts of partnership, co-development and collaboration that have informed the development of the Arctic and Northern Policy Framework being applied to implementation of the economic measures sections of modern treaties.*
- This approach entails the development of a Memorandum of Understanding on Economic Development between Territorial Governments and individual Indigenous Governments. This is an approach that we at the GTC are exploring presently with the GNWT.

- The approach entails strategically linking up the focus of Indigenous Government economic development strategy and activities with territory-wide economic sector development strategies in areas such as mineral development, for instance.
- We are pleased with the creativity and innovative thinking being developed in collaboration with the GNWT in this area. We feel that this is a potentially promising approach to consider emphasizing as part of the economic development segment of the Arctic and Northern Policy Framework.

#### **Theme 4: Arctic Science and Indigenous Knowledge**

- This theme of collaboration again provides a good point of transition for shifting to talking about Theme 4 – “Arctic Science and Indigenous Knowledge.” The Gwich’in vision for the future is, “Long ago will be in the future.” Central to this is the need to conduct extensive research to record the traditional knowledge that resides with our elders and our traditional harvesters.
- In our March submission we identified a need for increased funding to support the collection, **recording and analysis of Indigenous, traditional knowledge of “TK”**. This research can extend to a wide variety of areas, including Traditional Land Use studies of defined areas within the Gwich’in Settlement Region, including areas both within the GSA and within the areas covered by trans-boundary agreements, as well as species-specific Traditional Knowledge Primary Research studies.
- ***The GTC is presently proceeding with a Porcupine Caribou TK study.*** We plan to use the TK generated from this study to aid in our defence against the threat to the Porcupine Caribou Herd calving grounds posed by the U.S. Administration plan to initiate oil and gas leases for development activity within the Arctic National Wildlife Refuge (ANWR) in Alaska. In our GTC submission to the scoping process for the Leasing Environmental Impact Statement (Leasing EIS) pertaining to the proposed oil and gas leasing program, ***we stressed the importance of employing TK alongside scientific knowledge in the analysis of the effect of oil and gas leasing on the Porcupine Caribou Herd.***

- *We commend this same recommended approach to the governments collaborating on development of the Arctic and Northern Policy Framework as being an essential component of project review* relating to infrastructure and economic development projects in the Arctic.
- In finishing my remarks today, I will briefly touch on the other two themes addressed in the *Arctic Policy Framework Discussion Guide*:

### **Theme 5: Protecting the Environment and Preserving Arctic biodiversity**

- Gwich'in are concerned about the changes to the environment that we are seeing in front of our eyes on a daily basis. The pace of climate change is occurring much more rapidly in the Arctic than elsewhere on Earth. For instance the winter season in the GSA arrives later and leaves earlier than traditionally has been the pattern in the region. There was increasing rainfall this year and the combination of the two factors had an effect on the continuity of road transportation infrastructure in the GSA, due to the effect of higher water levels on the Peel River ferry service as I mentioned earlier.
- *In our March submission we identified a need for both enhanced data collection on the effects of climate change and investment in making this data available to area residents in a user friendly, common-language manner.* We specifically suggested the creation of an over-arching and easy-to-use registry with data from all research, industrial activity, etc.
- Supporting, plain-language summaries of this data and wide communication of the information on a frequent basis is necessary. Creating this data gathering and usage system will need to be incorporated into the Arctic and Northern Policy Framework investment plan.
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### **Theme 6: The Arctic in a Global Context**

- I will briefly touch on three issues in this area.
- First, we Gwich'in have a unique status as part of a trans-border, broad Gwich'in Nation, whose traditional territory and peoples extends across

the Northwest Territories, Yukon Territory and the state of Alaska in the United States. We are members of Gwich'in Council International (GCI) and through that organization have an institutionalized linkage and a set of interpersonal relations as a Nation to pan-polar liaison on issues of significance for the Government of Canada's Arctic and Northern Policy Framework.

- We recommend that the Government of Canada continue to invest in GCI. We have and will continue to work with our international Gwich'in Nation relations on joint advocacy issues as needed.
- The most recent example of this is the collaboration among the Gwich'in Nations in rallying together, through the *2018 Gwich'in Gathering* that was held in Tsiigehtchic this year, to assert a common front advocacy for protecting the Porcupine Caribou Herd against the threat posed by the U.S. Administration's proposed oil and gas leasing program in the Arctic National Wildlife Reserve (ANWR).
- Thirdly, due to the trans-border nature of our Gwich'in extended family Nation, facilitating mobility across the Canada-U.S. border is important. This can be accomplished through implementation of the Jay Treaty and through making Indian Status cards more accessible, as these cards are acceptable forms of identification that can be used to cross borders.
- The last point that I want to make comes back to the ANWR oil and gas leasing issue and the collaborative approach being taken by the government signatories to the 1985 Porcupine Caribou Management Agreement (PCMA) to responding to this threat. The GNWT, Yukon Government, the GTC, the Inuvialuit Game Council, the Vuntut Gwich'in, Tr'ondeck Hwech'in and the First Nation of Na-Cho Nyak Dun (NND) are joining forces to defend the Porcupine Caribou Herd. There have been two Summit meetings of the PCMA signatories and a Summit III is planned for early December.
- All of the parties are working together for a common cause. This same approach will be beneficially applied to the ongoing process of

development and implementation of the Arctic and Northern Policy Framework.

## Conclusion

- In conclusion, I want to thank the Special Senate Committee for the opportunity to appear before you at your hearings today in Yellowknife. The work that you are doing is very important for the North and for Indigenous Nations in the North such as the Gwich'in.
- The GTC has been involved in working with officials from both the Government of Canada and from the GNWT in collaborating on the on-going process of developing the Arctic Policy Framework and we will continue to do so.
- My final comment and central recommendation to the Special Senate Committee is as follows.
- ***We strongly urge the Special Senate Committee on the Arctic to consider emphasizing in its Report that reconciliation must be a central goal for the Arctic and Northern Policy Framework and that modern treaties in the North must be explicitly identified and emphasized as constituting key building blocks in the foundation being built for the Framework.***
- We would now be happy to answer questions that you may have.