

**Symons Lecture on the State of Canadian
Confederation at Confederation Centre of the Arts
Charlottetown, PEI
November 08, 2004**

- Premier Binns, Premier Charest,
- Ladies and gentlemen, distinguished guests, the Yukon considers the invitation to participate in the Inaugural Symons Lecture on the State of Canadian Confederation to be a tremendous honour and privilege.
- I have had the personal privilege earlier this year to meet in Yukon with Professor Symons who is one of Canada's most distinguished scholars.
- It is most fitting that Premier Charest has been invited to give the inaugural address on the current state and future prospects of confederation.
- I want to thank Premier Charest for his insightful and thoughtful remarks.
- In responding to Premier Charest's address, I would like to give you a brief report on the current state of Yukon in confederation - a view from the "Top of the World" if you like, of our struggle to be involved in confederation.
- In order to understand where Yukon is headed, it is important to first understand from whence we came.
- The provisional district of Yukon, established in 1895, was created as a judicial district of the North-West Territories, by a proclamation issued pursuant to the North-West Territories Act on August 16, 1897.
- On June 13, 1898, the Yukon Territory Act was given royal assent establishing Yukon as a separate territory and shortly thereafter William Ogilvie was appointed Commissioner of the Yukon to govern the territory.
- Commissioner Ogilvie was assisted in his duties by a territorial council comprised of four appointed members. It must be recognized that this governing structure was being established at the time of the world famous *Klondike Gold Rush* with thousands of gold seekers heading north.
- The boundaries of Yukon were not yet clearly defined and on October 20, 1899, Britain and the United States agreed to a boundary between

Alaska and Canada that denied Canada's claim to Dyea and Skagway and access to the Lynn Canal. Yukon was land locked from the Pacific Ocean.

- The long, arduous road in the development of responsible government in the territory started on June 28, 1909, with the first wholly elected territorial council or legislature.
- Since that time Yukon has been engaged in a constant struggle to gain more control over its own affairs from the federal government.
- The head of the executive arm of government in Yukon, however, remained the federally appointed commissioner for the next 70 years.
- The attitude of the federal government and the judiciary towards Yukon can best be summed upon a decision by Mr. Justice Sissions in July of 1962 when he stated:
 - "The Yukon is still a Crown colony.
 - The legislation and administration are controlled by the dominion government.
 - There is no legislative assembly.
 - The Executive 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."
- Yukon's territorial councilors never accepted this "colonial" view of Yukon and the struggle for responsible government began in earnest in the 1950's and 1960's.
- On December 1, 1966, for example the Yukon Legislature passed "The Autonomy Motion" drafted by Yukon's Member of Parliament, The Honourable Erik Nielsen, who later went on to become the Deputy Prime Minister of Canada.
- The autonomy motion called for a number of changes to the Yukon Act including: renaming the Yukon Council as the Yukon Legislative Assembly, increasing the number of MLA's to 15, creating the Province of Yukon by 1978 and transferring all Crown lands in the territory to the Crown in right of Yukon.

- Three years later, the Minister of the Department of Indian Affairs and Northern Development at that time, the Honourable Jean Chrétien, responded to a portion of that motion by creating an executive committee comprising the commissioner, two assistant commissioners and one elected councilor.
- This move set the stage for the establishment of Cabinet Government in Yukon.
- Over the course of the next decade, the development of responsible government saw the gradual replacement of the federally appointed assistant commissioners on the executive committee by elected members of the Yukon Legislature.
- The next step in the evolutionary development of responsible government in the territory was to have the leader of the majority party in the legislature head up the Executive Council, or Cabinet, comprised entirely of elected members; with the Commissioner effectively assuming the role of Lieutenant Governor.
- This goal was achieved on October 9, 1979, when the Honourable Jake Epp, Minister of DIAND, issued new instructions to the Commissioner in what is now known as “The Epp Letter.”
- It should be noted here, that two weeks before the May 22, 1979, federal election, the Honourable Joe Clark, then federal Opposition Leader reaffirmed the position of the federal Progressive Conservative Party offering the Yukon the option of attaining province-hood.
- The Clark minority government, however, was not in power long enough to further advance Yukon’s constitutional position other than through the issuance of the Epp Letter I referred to earlier.
- A major factor affecting the development of responsible government in the territory since 1973 has been the settlement of land claims.
- Yukon First Nations presented their claim entitled “Together Today For Our Children Tomorrow” in Ottawa on February 14, 1973.
- It was the first comprehensive claim in Canada accepted for negotiation by the federal government and the Government of Yukon assisted the Government of Canada in the development of its comprehensive claims policy.
- Land claim negotiations have been in progress for over 30 years.
- Four First Nations settled their claims in 1993.

- To date, of the 14 Yukon First Nations, 9 have achieved self government, three are currently in ratification and two remain without final agreements.
- These land claims settlements by far are the most progressive in Canada; and the Yukon government has committed itself to formalizing a government to government relationship with all 14 Yukon First Nations and to make them full partners in the economic development of the territory.
- It is worthy to note here that at this time of the 12 self-government First Nation agreements in Canada, 9 of them are located in Yukon.
- Yukon can serve as a model for other jurisdictions in Canada as to how to live up to the spirit and intent of implementing land claim treaties.
- Successive federal ministers of DIAND over the years took the position that future amendments to Yukon's constitution, the Yukon Act were dependent upon the settlement of Yukon Indian Land Claims.
- In 2002, the federal government deemed that enough progress had been made and The Yukon Act was amended granting the Government of Yukon provincial-like responsibilities for land and resources including the administration and control of Crown land in the territory effective April 1, 2003.
- While Yukon has achieved the management and control of Crown land, the ownership of public land remains with the federal government.
- This is where Yukon stands today constitutionally.
- This is from whence we came.
- Yukon has been knocking on the doors of confederation for the last 106 years.
- Over these many decades, the provinces have often been more receptive than the Government of Canada in involving the territories in confederation.
- The question we face now is: "Where do we go from here?"
- How can Yukon contribute to the fabric of confederation?
- Can Yukon become self sustaining and a net contributor to Canada?
- Is province hood for Yukon still an option and is it an option desired by Yukoners?

- What is Canada's vision for the north and what part will Yukon and her two sister territories play in developing and implementing that vision?
- Sir John A. Macdonald saw a Canada from east to west. He opened up the west.
- The Right Honourable John George Diefenbaker foresaw what the north has to offer which he espoused as, "A new vision! A new hope! A new soul for Canada!"
- In the Speech from the Throne issued on October 5, 2004, to the first session of the Parliament of Canada, the Government of Canada indicated it "will develop, in cooperation with its territorial partners, aboriginal people and other northern residents, the first ever comprehensive strategy for the north."
- It goes on to state: "This northern strategy will foster sustainable economic and human development; protect the northern environment and Canada's sovereignty and security; and promote cooperation with the national circumpolar community."
- The Government of Yukon welcomes this initiative to help develop a comprehensive northern strategy in conjunction with our Yukon First Nation governments and our two sister territories.
- With climate change and the developing economies of the three northern territories, we believe the focus of southern Canadians will become more and more fixed north of the 60th parallel.
- The opening of the northwest passage for example will have a major impact on world shipping patterns.
- Other major infrastructure projects such as the construction of the \$20 billion Alaska Highway Pipeline or the potential construction of the Yukon-Alaska Railway connecting railroads in Alaska with railroads in the south will have a tremendous impact on the future development of Yukon as well as for Canada at large.
- The Fathers of Confederation envisioned Canada extending from sea to sea, from the Atlantic Ocean in the east to the Pacific Ocean in the west.
- We believe that with the coming of age of the three northern territories, Canadians' perspective of Canada will change.
- Canada will be perceived as extending from sea to sea to sea with the Arctic Ocean and Beaufort Sea defining Canada's northern boundary.

- It is my prediction that Canada's northern frontier will become Canada's future and Yukon, the Northwest Territories and Nunavut will play an increasingly important role in Canadian confederation.
- Canada is a wonderful country, the best in the world. Its strength lies in its diversity, and Canada is much greater than the sum of its parts.
- Yukoners are proud to be Canadians and to be part of the Canadian family.
- Once again I want to thank Premier Charest for his thoughtful presentation, to Premier Binns and the people of Prince Edward Island for acting as gracious hosts, to Professor Symons for his continuing contribution to Canada, and to Mr. H. Wayne Hambly, Chair of the Fathers of Confederation Building Trust and George Kitching, Board member, Fathers of Confederation Buildings Trust.
- Thank you one and all