

care before considering new program expenditures.

Since I became Premier in May, New Brunswick has embarked on province-wide consultation exercises with our citizens. Over the next several months, thanks to the Social Policy Renewal process, New Brunswickers will be asked to participate in the development of a social policy vision for their province. This endeavour's objective is to define what type of society our citizens wish to see over the next several years and what type of social programs will be required to support that vision. This consultation on social programs and the negotiations for a framework agreement on the social union are linked, and I look forward to the results of both of them.

Conclusion

New Brunswick's main objective is to secure the social programs now offered to its residents for both the medium and long term. To do this will require not only a reinvestment of money from the federal government, but also increased cooperation between the two levels of government.

It would not be in the best interest of Canadians to exclude the federal government from social programs. On the contrary, the Social Union Framework Agreement is a way to keep the federal government involved, but in a more organized and predictable fashion. It defines the presence of the federal government in social programs and will provide for more stability, predictability, cooperation and accountability for social programs and ultimately for the people who rely on these programs.

Social programs that reflect the diversity of Canadians, and which are the product of the collaboration of governments over a long period of time, are important to all of us. I am pleased with this exercise to negotiate a Social Union Framework Agreement. It tells me that we not only want to protect the social programs of this country, but we intend to work together to improve the level of cooperation between governments. It also tells me that we have a willingness to deal effectively with the diversity of the various parts of the country. The main focus is the well-being of Canadians. Governments have recognized the need to improve the way they do business together. New Brunswick welcomes the invitation and will do just that.

The Honourable **Camille Thériault** is Premier of New Brunswick.

by Kelvin Ng and David R. Sloan

REFORMING CANADA'S SOCIAL UNION: THE TERRITORIAL PERSPECTIVE

Les gouvernements du Yukon, des Territoires du Nord-Ouest et du futur Nunavut ont les mêmes responsabilités et les mêmes pouvoirs que leurs contreparties provinciales pour ce qui est d'offrir des programmes et des services sociaux à leurs citoyens. La prestation de ces programmes et services dans les territoires est une tâche particulièrement ardue, compte tenu des coûts élevés de cette prestation dans des collectivités rurales et isolées, des besoins particuliers des citoyens autochtones et du rôle des gouvernements autochtones dans la formulation et l'administration des programmes et des services sociaux. De l'avis des territoires, le cadre de travail d'une union sociale ne peut dissocier, d'une part, la responsabilité d'offrir des programmes et des services et, d'autre part, les accords fiscaux qui permettent d'offrir ces programmes et ces services à un niveau comparable.

In recent years, Canada's northern territories have come to be recognized as legitimate participants in a variety of intergovernmental forums where issues of national significance are considered by federal and

provincial governments.

Since the inception of social policy reform discussions at the 1995 Annual Premiers Conference in St. John's, Newfoundland, territorial governments have been active participants in working toward a strong national partnership that will provide for more effective and sustained delivery of social programs and services to all Canadians.

Governments in the Yukon, the Northwest Territories and eventually Nunavut have the same responsibilities and authority as their provincial counterparts to provide social programs and services to their residents. There are no senior or junior jurisdictions in this area.

Providing social programs and services is especially challenging in the territories. The people of the territories, in particular the Aboriginal population, have experienced enormous changes in their social, economic and cultural fabric. The challenge in the territories is also daunting when the realities of Aboriginal self-government aspirations, the limited fiscal capacity of the territories, and delivering social programs and services in rural and remote communities are taken into account.

To date, territorial governments have experienced some success in creating and implementing social programs and services that reflect territorial realities, but further commitments by governments are needed to improve upon the access that territorial residents have to these programs and services.

Social Union responsibility and authority in the Territories

It is generally accepted that governments closer to the people are better able to provide local services, which recognize the unique needs of the people and their home environment. This concept is embedded in the structure of Canadian federalism which recognizes that the primary responsibility for social programs and services rests with provincial and territorial governments. Provincial authority for provision of social programs and services is derived from s.92 of the *Constitution Act, 1982*. The same authority in the territories is derived from the *Yukon Act, Northwest Territories Act* and, on April 1, 1999, the *Nunavut Act*. Yukon self-government agreements also support this concept, with provisions that enable programs and services to be provided by First Nations at the community level.

The *Constitution Act, 1982* also provides that all Canadians will have access to equal opportunities. The federal government has interpreted this to mean that all Canadians will have access to comparable levels of government programs and services. As a result, the challenge for all governments is to ensure that these programs and services are provided at levels that are comparable, taking into account differing economic circumstances, need and fiscal capacity.

Federal-Territorial fiscal arrangements

For the Yukon and Northwest Territories, the need

to consider the cost of providing programs and services is critical. Formula financing in the two territories attempts to ensure that reasonably comparable levels of service can be provided at reasonably comparable levels of taxation. Territorial formula financing is a gap approach in that it funds the difference between the revenue raising ability of the territorial governments and the expenditure need. Although the funding arrangements are different with the provinces, the objectives are the same.

With this in mind, territorial governments will continue to play an active role in the development of a social union framework which will recognize the responsibility of provincial and territorial governments to provide comparable services to all Canadians.

The Northwest Territories perspective

Social infrastructure: over time, most Canadians have experienced significant improvements in what could be termed the human and physical infrastructure of the social union, *e.g.*, schools, hospitals, housing, correctional facilities and the availability of qualified professionals who deliver programs and services.

In the Northwest Territories, most of the physical infrastructure has only been put in place over the past 25 years with more still required to improve access for residents. High birth rates in the Northwest Territories place additional demands on all infrastructure, including adequate and affordable housing for Aboriginal residents in rural and remote communities.

Although there has been an historical practice of importing workers from southern Canada, many Northwest Territories residents have been and are currently being trained to deliver a broad range of social programs and services. The current focus is on the development and training of health care professionals. In addition, the Northwest Territories government has recognized the need to include local decision making through boards and agencies in the design and delivery of social programs and services.

While many Canadians are concerned about losing their current access to social infrastructure and professionals who deliver social programs and services, the Northwest Territories is still striving to introduce programs, such as high school, into some communities for the first time, while enhancing the range of programs and services available in others.

Aboriginal social well-being in the Northwest Territories

Changes to the culture and lifestyle of Northwest Territories Aboriginal residents over the past century have caused serious disruptions to Aboriginal individuals, their families and communities. Aboriginal residents currently form the majority of the Northwest Territories population. After division in 1999, Inuit will comprise about 85 percent of Nunavut's population, while the distribution in the west will be 48 percent Aboriginal (Dene, Métis and Inuvialuit) and 52 percent non-

Aboriginal.

Over the past decade, the Northwest Territories government has been working with Aboriginal residents to implement programs and services, which start the "healing process." This process begins with individuals, families and communities taking control and responsibility for overcoming alcohol, drug and physical abuse, and rebuilding their languages and cultures.

The overall objective for the Northwest Territories and its Aboriginal population is to reverse the trend where Aboriginal residents are overly dependent upon some social programs and services such as housing, social welfare and corrections, and under-represented in others such as education.

Social Union and the inherent right of self-government

Since the late 1960s, the Northwest Territories government has gradually assumed responsibility for the delivery of education, social welfare, housing, health and most other social programs and services to all residents, including Aboriginal residents.

The federal government's 1995 policy guidelines on implementation of the inherent right of self-government states that its preference in the territories is for self-government aspirations to be realized primarily, although not exclusively, through public government institutions. In Nunavut, this is the choice Inuit have made. Nunavut will be governed by public government institutions established through legislation similar to the *Yukon Act* and the *Northwest Territories Act*.

In the western NWT, the Aboriginal leadership are proposing the establishment of Aboriginal self-government institutions which will enter into inter-governmental agreements with the federal and territorial governments for delivery of programs and services to both Aboriginal and non-Aboriginal residents. Given the experiences of western Aboriginal residents, it comes as no surprise that jurisdiction over social programs and services is high on the list of items for self-government negotiations.

With the establishment of Nunavut and Aboriginal governments, the makeup of the Northwest Territories will change forever. However, all of these governments will continue to be faced with the realities of the north, particularly in terms of providing comparable, affordable, accessible social programs and services in rural or remote communities where costs are high. The challenge for the Northwest Territories is to ensure that these realities, along with the Aboriginal dimension, are reflected in the fabric of a social union framework for the nation.

The Yukon perspective

The relationship between the Yukon and federal governments has largely defined the political evolution of the territory. Over the past 20 years, the Yukon has rapidly moved from a territory dominated and determined by federal policies and programs to a jurisdiction responsible for all areas of social program development and delivery. During these years, Canada's diminishing presence in Yukon has provided opportunity for the Yukon government to forge direct relationships with other jurisdictions across Canada and to become full partners in the country's constitutional development. Yukon's increasing responsibilities have included meaningful partnerships developed with Yukon First Nation governments, local governments and non-government organizations.

The social union framework must support and emphasize the principle that partnerships are built on mutual respect and on roles and responsibilities that are clearly defined. In this way, the Yukon can fully participate and work toward common Canadian goals. The partnerships of a new social union must forge new and creative meaning to move us past the practice in which one order of government acts without consideration of others.

Yukon First Nations, together with the federal and Yukon governments, have been at the Canadian forefront in completing self-government agreements and constitutionally protected land claims agreements. Yukon self-government agreements provide First Nations with jurisdiction and law making powers respecting many of the matters that fall under the rubric of the social union. Laws passed by a First Nation can

displace Yukon laws to the extent that the First Nation law provides for the same matter. The agreements reflect the principle that as programs are transferred to First Nations, a compara-

ble level of service must be ensured for all citizens.

The implementation of these self-government agreements, especially as they relate to social programs, will challenge all participants to define new intergovernmental relationships, explore alternative service delivery models, and seek out new opportunities to increase the effectiveness and efficiencies of social programs. Much of the discussion and negotiation with First Nations on social program transfers will be a community-based expression of a Yukon social union.

The notion of partnerships in the Yukon extends beyond the unique relationship established with First Nation governments under self-government agreements. The Yukon, like other jurisdictions, has a network of non-government organizations involved in the delivery of a variety of social programs. Recently the

Jurisdiction over social programs and services is high on the list of items for self-government negotiations.

Yukon government has attempted to stretch established traditional relationships between the government and community groups by involving them in addressing issues such as poverty, youth at risk, healthy child initiatives, training strategies, health prevention and promotion and the many issues faced by seniors. A new social union must recognize and value the role non-government partners have in addressing complex social issues.

While the Yukon is a small jurisdiction, its contribution to the social union negotiations reflects a unique Canadian perspective of a geographically remote government committed to working with other jurisdictions to ensure a high quality of health care, education and social services is maintained. This must be accomplished in a manner that also addresses the fiscal realities and the need for a comparable level of service to be achieved from coast to coast to coast.

Conclusions

Discussions around the social union framework cannot separate responsibility for the provision of social programs and services and the fiscal arrangements that provide the necessary capacity for governments to provide comparable services to all Canadians. Social programs and services in the territories are more expensive than in southern Canada because northern governments face the challenge of delivering these programs and services in a high cost part of Canada where access is a major factor and where relocation (*e.g.*, medical evacuations by air) to major centres with advanced services is a reality.

If territories are to be successful in delivering social programs and services to territorial residents, the outcome of social union discussions must recognize that territorial governments have responsibilities equal to those of the provinces. The ongoing challenge is to ensure access to social programs and services that are taken for granted in most provinces, even in these times of fiscal restraint.

Social union framework negotiations must also take into account that there are and will be Aboriginal government institutions in the territories which will have the authority to deliver social programs and services to their membership and, in some cases, to non-Aboriginal Canadians. Aboriginal claimant groups and First Nation governments can be expected to take on a more prominent role in the shaping and delivery of social programs and services in the territories.

Territorial governments are committed to these objectives and will continue to be active participants in the negotiation process which will hopefully reach a successful conclusion in the coming months.

The Honourable **David R. Sloan** is Minister of Health and Social Services, and MLA, Whitehorse West. The Honourable **Kelvin Ng** is the Minister of Health and Social Services, and MLA, Kitikmeot.

par Alain Noël

LES TROIS UNIONS SOCIALES

Originally introduced to affirm the unity Canada achieved through its social programs, the concept of social union gradually came to denote an intergovernmental process for the management of less generous, less unified social policies. In August 1998, the signing of an agreement including Quebec gave a third meaning to the concept, casting it as a way of promoting the autonomous development of provincial social policy models. Now, all can claim to be promoting the social union while talking of very different options. As such, the concept is no longer very useful. Still, it has the advantage of highlighting the fact that the debates among the provinces and the federal government concern more than just the sharing of powers and costs. The multi-level conflict among these governments involves contrasting visions of the federation and of social policy. In the short and medium term, none of these visions is likely to win out. The August 1998 interprovincial consensus nevertheless takes the debate along a new path, quite different from the one envisioned by the initial promoters of the idea of a social union.