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**Author: M.s. Whittington**

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POLITICAL AND CONSTITUTIONAL DEVELOPMENT IN THE  
N.W.T. AND YUKON: THE ISSUES AND THE INTERESTS

M.S. WHITTINGTON  
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Although less than one third of one percent of the population of Canada lives in the two northern territories, in a number of significant ways the future of the Canadian union is inextricably linked to the future development of the north. It takes but a cursory glance at a map of Canada to recognise that almost forty percent of our total land mass is found north of the sixtieth parallel. The Canadian economy, based to the extent that it is on the extraction of resources, will ultimately prosper or languish depending on future non-renewable resource development in the NWT and Yukon. However, the north is significantly more than simply a resources storehouse for Canadians living within three hundred miles of the US border. On the contrary, it is a homeland for most of Canada's Inuit, a large number of our native Indians and many long-term white residents. Hence, while the north is important to the future of Canada, any development in the NWT and Yukon must be fostered in such a manner as to take into account and provide for the hopes and aspirations of northerners; the future of the north should not be sacrificed to the future of Canada, but rather these two futures have to be viewed as mutually interdependent.

The aim of this paper is to identify the main areas of conflict, the central competing interests and the most important issues that will come to dominate the debate over the fate of the Northwest Territories and Yukon in the years to come. Because one of the problems in the relationship between the people of the northern territories and the people of southern Canada has been a lack of awareness, understanding and sympathy with the northern point of view in the south, any discussion of the issues

and actors in the debate over the future of the north must be prefaced with a substantial elaboration of the nature of the northern social, economic and political institutional environment and a clarification of the differences between that environment and the so-called Canadian 'mainstream,' .

#### POPULATION:

The population of the two northern territories, while tiny numerically, is exceedingly diverse. The total population of the NWT is approximately 46,000 of which 17% are Dene, 35% Inuit, 6% Metis and the remaining 42% non-native. The population of Yukon is approximately 23,000, of which slightly more than one quarter are Indians and Metis. One error that is commonly made by newcomers to the north and one that is resented by northerners is to attempt to generalise about the people of the north. Not only are there the obvious differences between the whites and natives of the north, but there are, as well, significant differences among the natives, between the Dene and the Inuit, and even within each of these major groupings of northern native peoples. Finally, even within the non-native population, there are significant differences: for instance, between Yukoners and residents of the NWT, as well as in the political and social aspirations and economic situation of various non-native interests within each territory. Hence in order to insure that this diversity is recognised from the outset, it is necessary to briefly, and in fairly general terms, to attempt a description of the

various segments of the many and varied sub-populations that reside in the NWT and Yukon.

### The Dene

With the exception of a very small group of people in the southwestern corner of Yukon (the Tlingit), the native Indians of the NWT and Yukon refer to themselves as the Dene. They speak several languages, all of which share the Athapaskan root. In the Mackenzie Valley, the languages spoken are Chipewyan, Dogrib, Hare, Slavey and Loucheux (or Kutchin). These are all related to each other, much in the same way in which the Romance Languages of Europe are related to each other, and while the different language groups have difficulty in communicating) most Dene will state that they can pretty well understand 'the gist' of what is being said in the sister languages. In Yukon, the dominant Dene Language is Loucheux, and while there are regional variations in dialect, for the most part the Yukon Dene all speak the same language.

Traditionally, the major cultural differences among the various Dene groups can be explained primarily in terms of the geographical range of the tribe/or band, and the economic base of the regions that the various tribes inhabited. There was virtually no intertribal warfare, there was some commerce between the adjacent groups and apparently there was some intermarriage. Hence, while anthropologists tell us there was status differentiation amongst the Athapaskan language groups—an inter-band "pecking order"—there is considerable validity to the current claim of

Dene leaders that they do comprise sufficiently homogeneous and economically and culturally interdependent, communities to be classed as a "nation". Today, any problems in communication that might have existed in the past because of language differences among the Dene have been overcome in part, through the common use of English by the younger and more educated native people, and by the necessity to work together in the pursuit of common political and economic goals. If there are significant differences among the Dene as a whole today, they are less related to traditional tribal distinctions than to "life style" variations such as these between the "urban Dene" of Yellowknife, Fort Smith, Whitehorse and Dawson, and the residents of the more remote communities such as Old Crow, Fort Good Hope, and Fort Norman. Related to these lifestyle differences among the Dene, there is also a growing awareness among the native leadership of a generation gap between the older people in the communities who continue to live a more traditional life based on an economic relationship to the land, and the younger people who have forsaken the older ways (albeit often out of necessity) to become part of either the wage economy or the welfare economy.

The Metis of the NWT and Yukon are often viewed as a group separate from the Dene although the federal government's policy on land claims has forced the Dene and the Metis to bargain as a single group. In fact, as a mixed racial product of the white encroachment on native lands, from the period of the fur trade onwards, the Metis of the NWT and Yukon have a reasonable claim to being a distinct cultural group in their own right. In both territories, there has been difficulty in coming to a suitable

definition of who is and who is not Metis and, hence, eligible for benefits in the land claim settlement. Being Metis, it seems, is much more than simply the fact of mixed blood, for many of the Dene themselves are of mixed racial background and yet have "Indian" status in Canadian law and with respect to eligibility for land claims. The problem of defining "Metisness" is still more complex in the southern Mackenzie/Great Slave Lake region of the NWT, where there is a significant population of Metis whose native ancestry is Cree, rather than Athapaskan. The issue of eligibility for the land claims benefits with respect to these people has been a divisive one, both within the Metis community and between the Metis and the Dene.

Ultimately, what distinguishes the Metis from the Dene is a different attitude to the appropriate relationship between the native community and the non-natives, the former having been more easily reconciled to urbanisation, the wage economy, and to major resource development projects in the north. However, the Metis leaders are outspoken in their claim to being a distinct cultural group different from both their native and white ancestry, and as such, seek guarantees for that distinctiveness within the context of any future development in the north.

### The Inuit

The Dene and the Inuit have very little in common and, in fact, often fought in traditional times, whenever they came into contact. The Inuit inhabit the land above the tree line as far north as the southern tip of

Ellesmere Island. While there are some Inuit in both Northern Quebec and Labrador, the majority of the Canadian Inuit are residents of the NWT (there are no Inuit in the Yukon, although the Inuvialuit of the Mackenzie Delta region traditionally hunted along the Northern coast of that territory). The Inuit, circumpolarly from Greenland to the USSR, share a common language, Inuktitut, and while there are several distinctive dialects, these are similar enough that communication is possible among the members of the various dialect groups. The Inuit were traditionally a nomadic hunting and gathering society, for the most part taking advantage of the abundance of the sea. However, one major dialect group subsisted primarily on the vast caribou herds of the Keewatin. Today, all of the Inuit of the NWT live in settlements close to the sea, and while all are accessible by scheduled air service and supplied by annual sealift or barge, the Inuit communities for the most part are more remote than the Dene communities of the Mackenzie Valley and Yukon (many of which are accessible by highway). This remoteness from the south has to some extent buffered the cultural disruption of contact with white society and has given the Inuit the opportunity to make the transition from traditional ways in a more ordered and gradual manner than was possible either in the Mackenzie Valley or Yukon. While the lifestyle and generational differences that present problems for the Dene are present in the Inuit communities, the latter remain more homogenous and with a broader consensus than is possible among the Dene and Metis.



## The Non-natives

The non-native or "white" population of the North is virtually as diverse as the population of southern Canada. The same ethnic, linguistic, socio-economic and cultural differences found in Canada generally can be found in the two northern territories, but within the context of Yukon or NWT societies, the single most significant variable is temporary or short-term vs. permanent long-term residence. One of the most significant sources of conflict between the white and native communities in both territories is the native perception of the non-natives as "outsiders" who are only in the north to exploit its resources and people before returning "home" to the south. While it is true that a large percentage of the white community in the north was not born there, and while a large percentage of these will, in all likelihood, return to the south at some time in the future (possibly only on retirement), the fact remains that there is also an increasing number of whites in both territories who sincerely hope to make their homes in the north.

In order to understand the white population in the north, it is essential to differentiate among different levels of "permanence". At one extreme, there are people who clearly must be seen as transients, and whose stay in the territories will be very short. The most 'transient' are the non-resident workers who are flown in for two or three week shifts, remain in a camp or on a drill rig during their entire stay, and are returned to their southern homes for their days off. These people, while working in the north physically, are for the most part isolated from the

northern society and do not individually make any impact on either the economy or the social structure. A second order of transients includes the people, mostly male and mostly young, who migrate up the highways to seek work in resource development projects, mines, or in the bars and hotels of the larger centres. While some of these end up staying in the north, most of them return to the south after a couple of years. Finally, there is also an amorphous class of transients who have come to the NWT or Yukon for reasons of lifestyle or because they wish to "experience the north". These are often university-educated and sometimes seek employment with native organisations, community development projects etc. In the Yukon particularly, many of these latter types do stay on for extended periods seeking a style and quality of life unattainable in the more developed south. Often referred to as "bush hippies" by the long term white Yukoners, most of them eventually drift back south when their personal goals are met or when their northern experience has lost some of its magic.

A second major category of non-permanent residents in the north includes those whose stay in the NWT or Yukon is limited, but indefinite. These "indefinites" include federal public servants, RCMP personnel, and the employees of banks, chain stores and other southern based-industries with offices in the north. For the most part such people live in the major urban centres in the two territories, and while some of them end up staying for extended periods, most are eventually transferred back to southern posts. Territorial public servants can also be included in this category of indefinite, although this group of non-natives is more likely

to make careers in the north and in general, such people tend to stay for extended periods of time. In the more remote communities, particularly in the eastern arctic, the overwhelming percentage of territorial field personnel view their time in the settlements as a temporary situation culminating with a transfer to a headquarters job in Yellowknife. While there are a few white entrepreneurs in the more remote settlements, and in the Mackenzie Valley and Yukon, where a few individual residents are self-employed, the white population of the smaller communities is essentially made up of public servants, teachers and employees of the Bay.

Finally, at the opposite extreme from the transients on the continuum, are those whites who are effectively permanent. While we can include in this category those northerners who after full careers in the north retire to Victoria at age sixty-five, for the most part these are whites who have been "captured by" or have "fallen in love with" the north... those for whom Yukon or the NWT is home. While this group would include individuals in the government sector, and even some of the transients who simply end up staying, the white population which is the most permanent in both the northern territories would seem to be the small business and professional people. In Yukon, these are often the whites who were born and raised in the territory and who fully intend to spend the rest of their lives there. While their numbers are fewer in the NWT, this category of permanent white residents is on the increase in the larger communities in that territory as well. This professional and business group is significant politically in both territories and to a large extent, sets the tone of territorial politics in the non-native segment of the population.

In sum, the key in understanding the nature of the population of the NWT and Yukon is to avoid the error of oversimplification. The northern peoples are diverse: there are significant differences within each territory as well as between the NWT and the Yukon; there are significant differences within the white and native communities as well as the obvious contrasts between the natives and non-natives; and finally both the natives and a significant percentage of whites in the two territories view the north as home and have a direct and legitimate interest in the future of their homeland.

#### POLITICAL ECONOMY AND POLITICAL CULTURE

While it is not the intention of this paper to undertake a full scale analysis of the economies of the NWT and Yukon, it is essential to an understanding of constitutional and political development in the north that one recognize the causal links between the patterns of economic development and the northern political culture. Hence we must sketch in the basic features of the economic history of the NWT and Yukon and identify the major components of the economy of the north today because these are important independent variables affecting the future course of constitutional and political development.

#### Historical Background

The traditional economy of the NWT and Yukon was based on the harvesting of renewable resources by the hunting and gathering societies that

lived there. In other words, before the white man came to the north, the northern economy was one of subsistence, with the northern peoples providing for their food clothing and shelter through the wildlife, fish and wild plants they could harvest. There was little in the way of inter-tribal commerce before the arrival of the Europeans, there was no system of currency, and apparently among the northern peoples there was little need of a system of barter within individual communities or bands. The latter is likely related to the communal nature of the traditional native culture where all members of the group share automatically in the fruits of the harvest.

The first exposure to Europeans likely occurred in the North-East where whalers and explorers searching for the Northwest passage made intermittent contact with the Inuit. While such random contacts served to introduce the Inuit to the wonders of metal tools etc., they did not significantly alter the basic subsistence economy, and in fact, in the earliest contacts with white man it was the latter who had the most to learn. Where the whalers had failed to make an impact on the Inuit economy, the missionaries who followed soon after did influence their culture and system of values, and hence indirectly, may have set the stage for the erosion of the communal and collectivism attitude to property.

In the Mackenzie basin, the first exposure to the white man was through the fur trade. Here, the contact with the European society had an immediate impact on the subsistence economy because the traders taught the Dene that goods not attainable locally could be acquired in exchange

Church and the RCMP, and for the most part, the whites associated with these institutions did not settle permanently in the north. This is a stark contrast to the Yukon, where the immigrant white society moved in suddenly and stayed, dominating the economy and transforming the social structure of the territory permanently. Moreover, the motivations of the early white intruders in the NWT, while diverse, were all directly related to the native people who lived there. Hence, the churches came to bring the natives salvation, the RCMP came to bring them law and order, and the Bay came to engage them in a commercial relationship. In Yukon, the whites who stayed, set about to "civilize" the territory itself and their relationship to the native community was merely incidental. Thus, the different patterns of interaction between the white and native communities in the two northern territories today can possibly be explained in part by the fact that in the early years in the NWT the whites were there because of the natives and in Yukon they were there in spite of the original inhabitants.

Throughout the first half of the twentieth century there was very little change in the basic lifestyle of the natives of the NWT. In the Mackenzie Valley, the discovery of oil at Norman Wells in the 1920's did not produce significant changes in the local economy, partly because that field was not brought into production for many years, and partly because its location was not very close to existing settlements (even today, the Dene make up less than 15% of the population of "The Wells"). Even the construction of the Canol Pipeline from Norman Wells to Alaska during World War II as a strategic measure to counter the threat of a Japanese invasion of the west coast and a consequent interruption of the supply of

crude oil to **Alaska** did not have any serious **impact** on the **local** economy. The pipeline and the service road were constructed entirely by white military personnel and the line was dismantled after the war.

Gold was discovered near Yellowknife in the 1930's and mines have in fact operated **at** varying **levels** of production since that time in the Great Slave Lake region of the territory. However, while such enterprises may have had incidental and **localized effects** on the native communities in the immediate vicinity of the operations, there was no attempt to include the Dene in the work force and, consequently, very little impact on the traditional economy.

In the Eastern Arctic there **was** still less development and, in **fact**, with the exception of some mineral **exploration** and the occasional visit of an **RCMP** patrol (sometimes with a **public health** nurse in tow) the **Inuit** were left alone. However, the once nomadic people gradually began to gather in more or less permanent **settlements** that were close to a Bay post and, depending upon **who got there** first, an Anglican or Roman Catholic mission. Thus **while** the economy of the **Inuit** did not alter very much up until **the** 1960's, where there was contact **with** the missionaries, they received some European education, were exposed **to** the values of Christianity and, as a consequence, the traditional value system **of** their culture **was** challenged and in some cases traditional ways **were** abandoned.

Again, in the first half of the twentieth century the experience of the Yukon was different. There was gold mining throughout the early **decade** **of** the century **and** instead **of** the mainly southern-based operations that **characterised** non-renewable resource extraction in the sister territory, the Yukon mines were operated and often owned by **Yukonners**. The permanent white community in

the territory continued to grow, albeit very gradually, and there emerged a southern-style staples economy and a stable if not exactly "genteel" society.

The construction of the Alaska Highway during the Second World War triggered a new period of growth and change in the Yukon. While the construction period itself produced a brief boom for the white Yukonners, and some social disorientation in the native communities along the way, the more significant impacts came as a result of the highway making the territory more readily accessible to the south. Not only did this open up greater opportunities for mineral exploration and development, but, gradually, tourism began to evolve as an important complement to the staples-based economy. The local whites welcomed this development as an opportunity to "civilize" still further their chosen homeland, and there ensued a new wave of white immigration in the postwar decade.

For the Native people of the Yukon this postwar period of development had profound impacts on their traditional way of life. The traditional economy, based on subsistence hunting and fishing and in some cases supplemented by cash income from traplines, was dealt a serious blow in the areas of the territory opened up by the new highway. With their economic base destroyed, the plight of the natives became serious. The loss of the viability of the subsistence economy not only exaggerated the problem of poverty among the Yukon Indians, but also caused disruption which led to social problems such as alcoholism, family breakup, and higher incidence of crime. Moreover, the fact that such problems were visible to southerners who travelled up the highway, made it politically necessary



to respond **with social measures** to alleviate the plight of the Yukon natives. **One policy** response which had a very immediate effect on some of the Yukon bands was the physical relocation of settlements to places **along the Alaska highway** where the social services could be delivered more efficiently. Another impact which was **slower** to develop but whose effect **has** been far reaching, was the institution of what amounts to a welfare economy for the Yukon natives.

Finally, **at the political level, the postwar boom** period in Yukon **also** once-and-for-all relegated the native people of the territory to a **minority** situation, **a fact** which has moderated the influence of native **groups** on the territorial government and permanently limited their power in an electoral process based on **majoritarianism**.

It **was** in the 1960's that the pace of development finally heated up in the **NWT**. In the Mackenzie Valley the Conservative Party's "**Roads to Resources**" policy **helped** to stimulate the construction of all-season roads to once remote communities. Today, communities such as **Inuvik**, Fort McPherson, Fort Simpson, and all of the **major** communities on Great **Slave** Lake are accessible year round by highway and this new accessibility **during the 1970's** has had much the same effect on the **NWT Dene** that the **Alaska** Highway had on the Yukon natives. In one sense, however, the impacts on **the Dene** of the Mackenzie Valley of being opened up to the south are **potentially** even more threatening. Here, unlike the case of Yukon, the highways were begun as **a part of a "northern vision"**—a vision that included the goal of developing the vast non-renewable resource wealth of the north in order to **supply the raw materials** for growing industries in

southern Canada. The potential impact of resource development **mega-pro-**jects on the traditional economy and way of life in the Mackenzie **could** make the impacts of the **post war development** in Yukon pale by comparison. Moreover in still another sense the Dene may come to fare better than their brothers in the Yukon **simply because** the development in the Mackenzie Valley came much later, and has been moderated by the increased consciousness and political sophistication of the Dene, as **well** as by a greater political sensitivity to the plight of Canada's original people generally on the **part** of southern Canadians.

In the far north the construction of a string of defensive radar bases, the Distant Early Warning (DEW) Line and related **military** operations had brought many more white men into direct contact with the remote communities of the eastern arctic. Moreover the **Dew** Line bases were often located near existing **Inuit** communities and most bases were supplied by all-weather airstrips which made regular civilian flights in and out of the communities possible as well. **On** a smaller scale the coming of regular air service to the eastern arctic had the same effect that the Alaska Highway had on the Yukon. Permanent **garrisons** in the Dew Line stations also brought the **Inuit** into regular contact with southerners other than those of the Bay, Church and RCMP. However, in the remote **Inuit** communities the subsistence economy remained vital. Where the more southerly native communities in the north, accessible by road, suffered the reduction or loss of this aspect of the traditional lifestyle, the **Inuit**, while now living in permanent communities in prefabricated dwellings with oil heating, continue to subsist to a **large** extent on

hunting and fishing.

To be sure, social disruption occurred in the Inuit communities too. The opening up of these settlements to regular contact with the south also opened them up to readily accessible alcohol, with its related problems of family breakup, illegitimate children, venereal disease, and higher crime rates. In the specific case of the inland Inuit of the Keewatin, a combination of natural phenomena in the late fifties produced a widespread famine among these people whose subsistence depended almost exclusively on the vast herds of caribou. Their plight was ultimately brought to the attention of the federal government and they were relocated to non-traditional settlements such as Rankin Inlet. For these people, having taken up residence in areas where there were very few caribou in the best of times, their traditional reliance on the land to provide food was gradually supplanted by a reliance on the welfare economy.

#### The Economies of the North in the 1980's

In order to understand the economy of the NWT and Yukon today, it is necessary to look at the Northern economies first in relation to the Canadian and world economies and, secondly, in terms of the internal economic relationships within the two territories. At the broadest level the economies of the north are based on the production of primary resources or staples. Most significantly the Yukon and NWT economies are dependent on the development and production of non-renewable resources, for the renewable resource wealth of the two territories is either lacking or underdeveloped. Moreover, the northern economy is viable only if the staples can

be exported in relatively unprocessed or raw form to the south. Secondly the northern economies are not very stable because they **are** dependent entirely on markets **over** which they have no control. The export price of non-renewable resources depends upon world prices for the most part, and this results not only in complete economic dependency, but also is manifested in boom-bust cycles. Thirdly, the large scale of most northern development projects and the extraordinarily high costs of production in the north means that development capital must come from outside. The practical result of this has been that multinational corporations and governments dominate most resource development projects in the North. Finally while the economies of the north possess a strong if not **stable** primary sector, and a large and stable service sector (largely due to governments the secondary manufacturing sector **is** virtually non-existent in both territories. Transportation costs, **diseconomies** of scale and **labour** costs **all** militate against significant growth in the manufacturing sector, and because manufacturing tends to be **labour** intensive, the northern economies will continue to fall short in providing jobs for their **labour** forces.

From an internal perspective, the economies of the **NWT** and Yukon are in fact three distinct economies. As pointed out in the preceding **historical** sketch, there is a traditional or subsistence economy in which the only participants are native peoples. This economy, **while** based on staple production, in its purest **form (subsistence)** **does** not depend on the export of the product. However, very few natives today are **exclusively** a part of the subsistence economy. All native people in both **territories** must supplement their subsistence hunting and fishing in order

to survive. While the harvesting of renewable resources such as furs or fish for export and sale is a suitable complement to the traditional economy, for most native people today even the cash supplement from the sale of furs is not sufficient to even maintain their standard of living. Generally speaking the traditional economy is healthier in the more remote communities than it is in the urban centres and generally, because their communities are more remote, it has been possible for a larger percentage of Inuit to continue to subsist mainly on country food.

The second economy in the north is the extension of the southern wage economy into the northern territories. Generally the northern whites are a part of this economy, although growing numbers of natives are taking jobs in government, entering entrepreneurial enterprises, or seeking work with the resource development projects. There are a number of reasons why the natives are not more fully involved in the wage economy of the North, most significantly lower skill levels, place of residence, the importation of southern whites and an unwillingness to uproot families to facilitate moving to where the jobs are. However, the most significant factor precluding fuller native involvement in the wage economy is likely the fact that the wage economy undermines the traditional economy. Holding down a steady job means for the most part, that there is no time to go hunting and many native peoples are simply unwilling to pay that price for steady income.

The third economy is the welfare economy. While there are some non-natives who can be classed as belonging to this group, for the most part the welfare economy in all parts of the north is predominantly native.

However, very few people exist entirely on welfare. **Now, in the north** the welfare economy buttresses both the traditional and the wage economies; in the former case by providing a minimum cash income with which to buy food staples and the rifles, ammunition, **snowmobiles**, outboard motors, etc. Such amenities make the traditional economy more viable. In the case of the wage economy, the welfare economy complements it by insuring that in a boom and bust situation there is always a fairly large **labour-force-in-waiting** to fill the jobs when they become available.

In sum the three economies interact in the north, **and in fact** large numbers of native people occupy a place in each of them from time to time. For instance, seasonal employment clearing brush can be supplemented by some trapping, hunting and fishing, all of which is ultimately backed up by welfare. In other words while there are three distinct economies in the **NWT** and Yukon, these interact in such a way that the total economy of either territory can only be described as "mixed". Now we must turn to a discussion of the interaction between the economies of the two territories and the political cultures of the north.

#### The Native Value System and the Political Culture of the North

The basic **political** values of the northern territories are essentially those that the white residents of the north imported with them from the south. The political institutions, the dominant patterns of political attitudes and even the rhetoric of political debate in the **NWT** and Yukon are all rooted in the liberal democratic value system that is

so pervasive and persistent in southern **Canada**. However the political culture of the northern territories is distinctive to the extent that the traditional value system of the native **community** influences the basically **liberal values** of the **white** community in the north.

Perhaps the most significant difference between the political values of the whites and natives in the **NWT** and Yukon is that the **Dene** and the **Inuit** alike place a far higher value on the collectivity, the **community**, than they do on the individual. This collectivism is rooted in the precarious nature of life in traditional hunting and gathering societies where the survival of the tribe, clan, extended family or community is more important than the fate of any one individual. Individualism in traditional societies is simply a luxury that cannot be afforded, and while such attitudes are harsh from our liberal **vantage** point, traditional societies likely **could not** have persisted without them.

A corollary of the basic collectivism conception of the social structure is the absence of weakness of the notion of private property in both the **Dene** and **Inuit** culture. The concept of individual possession which is such an important cornerstone of liberal societies is replaced by the principle community sharing of the **wealth** of the group and of the **fruits** of the collective effort of the band or extended family. **Individuals** are **thus not seen to own things but, rather, they simply use them:** and, when they are not using something it automatically reverts to the "**common**" to again be put to use by some other member of the **group**. Nowhere is this concept more prominent than in the native concept of the land.

In both the **Dene** and **Inuit** cultures the **land** and its resources are held in reverence, for practically it is the fruits of the **land** upon which the community must depend for survival. In a mystical way, as well, the native peoples feel a oneness with the land—the people and the land are simply extensions of the same being and as a result the traditional native religions in the north foster human respect for the land and for the plants and animals that share it. **One** manifestation of this belief in a spiritual link between man and his environment is that the native people **approach** the world around them as a **given** homeland to which they must adapt in order to survive. This starkly contrasts with the liberal notion of the “frontier” which sees the environment as essentially alien and hostile. Within this view the northern environment must itself be adapted to human use—it must be conquered or domesticated in order to be useful to human society.

One practical result of the native conception of the land and of the appropriate relationship of human society to the land, has been conflict over non-renewable resource development in the north. Part of the native opposition, to be sure is rooted in the very practical fear that such projects may do irreparable damage to the environment and, hence, destroy the renewable resources upon which the native economy and the traditional way of life depend. However, in understanding the debate over pipelines, **icebreaking** tankers and offshore drilling, it must also be recognised that the native opposition to such enterprises stems in part from the fact that the very notion of non-renewable resource extraction is alien to their culture. For the most part the native economy



is usufructuary—it uses the fruits of the land, extracting only resources **that** are renewable, and never permanently alienating any of its wealth.

Southern Canadians often mistakenly assume that the natives of the **NWT** and Yukon have no indigenous political **culture—that** until the **coming** Of the **white** man the Dene and the **Inuit** **lacked** mechanisms of maintaining order and resolving **intra-group** conflict. However, the fact is that the northern **peoples** have governed themselves in an orderly and systematic fashion since **their arrival** on this **continent** centuries before the first European explorers. **While** the native political institutions lack the **complexity** of ours **the** fact remains that the basic political functions were performed in all traditional native communities.

One of the more important features that distinguishes the political **culture** of liberal democracy from that of the Dene and **Inuit** is a logical **extension** of the collectivism view of society that the latter embrace. **In** political terms **this collectivism** manifests **itself** in a commitment to consensual modes of decision making. Because individuals are not important **in** and **of** themselves all political decisions are seen as potentially **affecting the entire** community. As a result the entire community has **the** right and, even, an obligation to participate in political decisions. However, because even traditional communities are composed of individuals, the **consensual** mode of decision making is **operationalised** through a kind of Political egalitarianism—in other words because individuals are not **significant** except as components of the group, each member of the group has an equal right to express his or her point of view.

The **consensual** style of decision making in traditional societies however, does not eliminate the need for **leadership**, and leadership was an important factor in the survival of a community **particularly** in times of crisis. What differentiates the native notion of leadership from ours is that the Dene and the **Inuit** do not see political power as monolithic. The liberal notion of **political** authority is conceptually linked to the notion of sovereignty. Hence the authority patterns in the modern state are basically unitary and **heirarchical** with the ultimate power to make final decisions on all aspects of political life **being** vested in a sovereign individual or institution. By contrast the native concept of political authority is functionally diffuse. It is diffuse in the sense that native communities follow different leaders for different kinds of community activities. There are often totally different systems of decision making depending upon whether the decision to be taken involves hunting, war, spiritual matters, family matters, settlement of internal disputes or the punishment of wrongdoers. The leadership in any situation is determined naturally through a consensus over who is most suited to lead in any given situation. "Thus, there is a functional division of **labour** where the top hunters will dominate in one area, a shaman **will** dominate in another, and the tribal elders will assume authority for still others.

It must be emphasized that the leaders of traditional native communities were not "elected" in the sense that democratic theory, **operationalised** as majoritarianism, defines elections, but rather they assume authority almost automatically through a community consensus that they

are the people 'most suited to do so'. As we shall see when we come to a discussion of the basic institutional make up of the northern polities, one of the reasons for the failure of some institutional transplants from the south has not been that the native people "were not ready" for self government, but that even what we see as the "best" of our political institutions (such as representative democracy and majority rule) find a "bad fit" with the pre-existing native political values.

This same 'bad fit' exists with respect to the wage economy and the native value system, and goes a long way to explaining the difficulty of integrating native workers into the northern labour force. The basic problem is that, for the Dene or Inuit, entering the wage economy necessitates the abandonment of collectivist values and ultimately a loss of the sense of community that is so essential a part of the native way of life. Work in the wage economy is no longer for the collective good of the community but for individual gain. This individualising effect also has the result of undermining traditional social structures and traditional authority patterns in native society, for power and influence come to be seen in terms of income or monetary wealth, rather than in terms of ability. Such status differentiation based on wealth can also cause conflict within the native communities between the elders who have maintained their commitment <sup>to</sup> of the traditional economy and the younger people who have opted for a non-traditional "job".

Another result of the wage economy is that natives who enter it are often forced to uproot themselves and their families from their homes in order to find work. This uprooting coupled with the fact that most wage

employment is to be found in relatively urbanised settings where the sense of community is lacking to begin with, can cause serious social disruptions and foster a sense of alienation.

While some of the above effects can be moderated or softened simply by making young natives entering the wage economy aware of the pitfalls, the basic dilemma lies in the philosophical incompatibility of the wage economy and traditional native values. The wage economy implies individualism, competition, and **inegalitarianism**, while the native culture espouses collectivism, consensus and egalitarianism. Similarly where the native social structures see authority in terms of a **functional** division of **labour** based on ability, the wage economy implies that power and status are determined by income.

Finally, and possibly most significantly, the wage economy also leads to the alienation of native people from the land. In one sense this occurs because so many jobs in the north are in the **extractive** industries and it is simply difficult to accommodate the native spiritual appreciation of the land **with** non-renewable resource extraction. In another sense however, the wage economy breaks the bond with the **land** simply because it removes the individual from the traditional economy **that** is based on the land. The ultimate result of this will be for the native culture to **lose** its "mainspring", and in the long run disappear completely. For **all** aspects of the culture of a traditional hunting and gathering society—the social values, political culture, art, legends, religion, social **structure—**are reflective of the central problem of their lives which is the hunting and fishing in order to survive. If this **central**

fact of their lives is removed and replaced with either a wage <sup>or</sup> welfare economy, the most significant determinant of their culture will disappear, and, with it ultimately, the culture itself.

As we now move to a discussion of the political and constitutional issues in the north **these must be seen in** the context of the economic and cultural factors outlined above. The northern economy is in a state of transition with the native traditional economy being gradually supplanted by the wage and welfare economies. Moreover these three economies must be **seen** as interactive, with each having a profound effect on the **operation** of the **other**. Finally, the trends in economic development and **change in the** north must be seen as significant independent variables in determining the fate of **the** native culture **in** the future. That culture is under siege, not because of deliberate attack from the white communities of the NWT and Yukon but because that culture is fragile in the **face of** the **rapid** pace of development in the north. Thus, the agenda for political discourse in the NWT and Yukon is set in large part by the economic and cultural changes that are occurring there as well as by the pressures **from** the south.

## CONSTITUTIONAL AND POLITICAL DEVELOPMENT IN THE NWT AND YUKON

### The Road To Representative Government

Although it would be possible to write a fairly extensive historical article on the constitutional and political development of the north alone, the aim **here** is merely to set the stage for a more detailed assessment of

the key issues in the two territories today. It is interesting that both the territories have enjoyed a status closer to full responsible **govern-**ment in the **past** than they do at the present time. **Originally**, the Northwest Territories included not only the modern NWT but as **well** the lands now in Yukon, and all of the provinces of Alberta and Saskatchewan. By 1881 the territory had a fully elected legislative assembly and from 1897, responsible government. In 1898 the Yukon was carved out of the NWT and given separate territorial status under an appointed commissioner who was advised by an appointed six man council. Gradually, elected members were included on the council and by 1908 all members of the Yukon council were elected. At this time the territory seemed on the brink of achieving full responsible government and provincial status was seen as just around the corner. Unfortunately, the **Klondike** boom had collapsed by this time and the population of the Yukon declined steeply. By the end of the first World War the constitutional status of the territory had regressed and Yukon was again administered almost totally at the whim of the federally appointed commissioner. However, it is important to note that even in this period of eclipse which effectively lasted until the 1970's, the Yukon Territorial Council continued to be fully elected, and the Council, the Commissioner, and the territorial administration continued to be located in the territory rather than in Ottawa. This bears stark contrast to the situation in the NWT.

When the provinces of Alberta and Saskatchewan were created in **1905**, the remaining lands in the NWT, and the people that lived there, reverted to colonial status, ruled by federal public servants residing in Ottawa.

In 1921 a council was appointed to advise the commissioner, but all six of the councillors as well as the commissioner himself were federal government employees and located in Ottawa. This absentee and unrepresentative rule continued in effect until 1951, when the first elected members were allowed to sit on the council, and when the first session of the council was actually held in the north. At this time the territorial franchise was limited to residents of the Mackenzie Valley and it was not until 1966 that three ridings were created in the Eastern Arctic. However, the Commissioner still ruled very much like a colonial governor from his Ottawa office, backed up by a large "colonial office" in the Department of Northern Affairs. The position of commissioner at this time was also not even a full time job for the man in the office had to divide his time between his responsibilities in "the North and his role as a senior public servant in a federal department. Moreover, in his decisions that affected the NWT, he listened to his elected councillors more as a matter of form and protocol than from any constitutional or even customary obligation to do so. Finally, in 1965, a three man commission was established to do a full examination of the political, constitutional, and administrative future of the territory. This "Carrothers Commission" came up with a number of far-reaching recommendations about the conduct of government in the NWT which in 1967 resulted in the federal government enlarging the territorial council to sixteen (partly elected and partly appointed), making the office of the commissioner full time, and moving the entire territorial government to Yellowknife. The number of elected councillors was gradually increased until, by 1975, the NWT had its first fully-elected

council. Since that time the council has come to be referred to as a legislative assembly.

### Territorial Government In The 1980's

In the 1980's, the fact remains that, in spite of the pressure from the two territories, and, in spite of the gains that have been made already in the direction of representative and responsible government, constitutionally the territories are still subordinate entities. Although the territorial governments now have the responsibility for the delivery of programs in a wide range of matters such as social services, education, small business development, tourism, and most renewable resource development, and land-use planning is still in the hands of the federal government and for the most part is implemented through DIAND. The legislative assemblies of both territories, although now fully elected, do not enjoy sovereign powers-their authority is the product of a delegation to them by the Parliament of Canada, and, in this sense, their legal position vis-a-vis the federal government is analogous to that of a municipal council vis-a-vis the provincial government.

However, the formal constitutional status of the territorial legislatures is only a part of the story for, as we shall see, the practices that are evolving have brought them still closer to a de facto situation of responsible government. The Executive Council in Yukon is composed of five ministers, who are MLA's, and the commissioner. As a result of . . . a letter of instruction from the PC minister of northern affairs in 1979,



the commissioner of the Yukon is obliged to operate as though he or she is a Lieutenant Governor and must act on the advice of the elected **executive**. In fact, the commissioner no longer even sits on the Executive Council which is chaired by the government leader. Because Yukon has a well developed territorial party system, the Executive Council is now selected on the basis of party, and the legislative assembly, today, operates as though it formally possessed the power to vote non-confidence in the government in the same manner as a provincial legislature.

The NWT has not progressed as far along the road to responsible government as Yukon, but it can be argued that it is not far behind. The legislative assembly of the NWT is composed of twenty four members elected by constituency from across the territory. The Executive Council is composed of eight members chosen by the legislative assembly. However, unlike Yukon, in the NWT the commissioner is still an active member of the Executive Council and, in fact, still acts as the chairman of that body. The deputy chairman of the Executive Council is the "Leader of the Elected Executive", a position established during the Ninth Assembly (1979-83) and clearly designed to evolve into a Yukon-style 'protopremiership'. Unfortunately, unlike Yukon, there was no magical letter from Ottawa instructing the Commissioner of the NWT to "back off" and allow the elected executive take the initiative. However, mainly because of the personality of the current commissioner, who generally is favorably predisposed to the idea of full responsible government, the position of the commissioner is gradually evolving towards that of the commissioner in the sister territory. Other steps in the direction of full responsible

government which occurred in 1983 include the abolition of the position of Deputy Commissioner, the removal of the Commissioner from the Chair of all executive committees except the Executive Council itself, and the placing of all administrative portfolios except the Department of Personnel in the hands of elected ministers.

One of the most significant obstacles to the achievement of full responsible government in the NWT is the absence of a party system in the legislative Assembly. The system in place, which is referred to (sometimes perhaps, ironically) as "Consensus government" features the selection of the members of the Executive Council through a wide open "election at large" within the caucus of the assembly. This caucus, in the absence of political parties includes all, of the sitting members sitting in camera and casting their votes as independents. The problem with this system is that there is no collective responsibility in the executive as there is in mature systems of cabinet government. As a result, there is no clear procedure for voting non-confidence in the government. In fact, it is common, even for members of the Executive Council, to break with their "Cabinet" colleagues and vote against motions introduced by a Minister on behalf of the government. Without cabinet solidarity it is difficult to see the kind of collective responsibility that prevails in party-based cabinet government, and without such collective responsibility to the legislature it is impossible to have responsible government in any conventional sense.

While political parties have not yet emerged in territorial elections, a large percentage of the current MLA's are active in and visibly

committed to the federal parties. It would seem inevitable that territorial elections ultimately be fought along party lines, and given the existing federal partisan commitments of territorial politicians the party system that evolves will likely include traditional Canadian parties—PC, Liberal and NDP—in the same way that the Yukon party system does. In the pre-election period in 1983 there was a short-lived attempt to establish a non-traditional party to be called "The Northern Party" which was to be composed of a coalition of PC and Liberal candidates. However, the idea did not receive very much support, with the PC association in the territory explicitly rejecting the idea and with most territorial Liberals outside Yellowknife refusing to cooperate. The Northern Party was stillborn.

Part of the reason for the failure of the Northern Party was that it was perceived to be white-dominated. Moreover it was mainly based in Yellowknife and was seen by the candidates from the Eastern Arctic as a coalition to counter the movement towards division. Still another factor was that the strength of territorial politicians' commitment to traditional federal parties caused them to reject association with another political party out of loyalty. Finally, some people stated that they were opposed to the Northern Party simply because they preferred the current non-partisan or "consensus" structure of the Legislative Assembly, although here one cannot help wondering if consensus government can continue to work in the face of growing factionalism in the Tenth Assembly.

The composition of the legislative assemblies of the NWT and Yukon is generally reflective of the ethnic and regional diversity of the two

territories. In the Yukon Assembly however internal order and the collective responsibility of the executive is maintained by the party system. Hence, while there are three MLA's who can claim native ancestry, because two are on the opposition NDP side of the house and one is on the PC government side, they seldom, if ever, have the opportunity to vote as a block even on issues which are of specific concern to native people. Factional conflicts which do not correspond to the party lines in Yukon therefore, tend to be debated and resolved in two party caucus's in much the same manner in which such intraparty disputes are settled in traditional southern political parties.

The Legislative Assembly of the NWT is currently composed of 6 Inuit, 6 Dene and 10 non-natives. The Executive Council is roughly reflective of that split, being made up of two Inuit, two Dene and four whites. However, what is more interesting about the composition of the Executive Council of the NWT is the distribution of the ministers by region. Because one of the dominant lines of cleavage in the last legislative assembly was between the Western NWT and the Eastern NWT, particularly over the issue of division, one might expect the eastern and western members to vote as blocs, for slates, in the selection of the executive council. However, the council is split evenly, with four eastern and four western ministers. Where the representativeness of the "consensus government" breaks down is in the urban-rural distribution of ministers. The larger Great Slave Lake communities of Yellowknife, Hay River and Fort Smith which contain almost one third of the population of the territory are not represented at all on the Council, while the Mackenzie Delta Region with

a total population of only 6000 has three of the eight, and the Keewatin with a population of less than 4000 and only two seats in the legislature has both of its MLA's on the council. It would appear from this that the dominant coalition in the Tenth Assembly reflects a "large community-small community" cleavage or, what in NWT terms is the equivalent of an urban-rural split. One reason for this might be a growing feeling of antipathy to Yellowknife on the part of the people in the communities; as well there were idiosyncratic factors such as personality conflicts that go a long way to explaining the exclusion from the council of a number of experienced and competent MLA's from the Yellowknife and Great Slave Lake region. Whatever the causes of the current make up of the council, the fact remains that the Tenth Assembly will be the "acid test" that will measure the effectiveness, and determine the ultimate fate of the "consensus government" model. If the existing government coalition holds together in the caucus of the Assembly there will be sufficient stability to continue in the non-partisan mode, possibly even for the next four year term. However, if the range of interests supporting the existing Executive Council come into conflict over critical policy questions such as the boundary of the promised new territory of Nunavut, a partisan election may turn out to be the only practical means of providing stable and responsible relations between the executive and the legislature in the NWT.

Having attempted to briefly chronicle the gradual but relentless evolution of the two territories towards responsible government it is still necessary to emphasise that the formal or legal relationship of the Territorial governments to the federal government remains essentially colonial.

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Thus, while the territorial executive branch is becoming more responsible to the territorial legislature, the more critical issue remains the extent to which either the legislative assemblies or the governments have any real power to exercise. The extent to which provincial type responsibilities have been "devolved" to the territories through delegation has perhaps had its biggest impact on the agencies that have the role of implementing those responsibilities, the territorial bureaucracies.

### Bureaucracy In The Territories

The dominant, if declining, bureaucratic force in the NWT and Yukon to this day is the Department of Indian Affairs and Northern Development (DIAND) which functions not only as a "colonial office" in Ottawa, but in the past was responsible for the delivery of all services that would have been provincial in the south. It is a vast, diffuse organisation sometimes fraught with internecine strife when its "Development", and "Indian Affairs," mandates collide, but with extremely broad powers with respect to the North. For the most part the operational responsibilities of the department in the territories are carried out by the Northern Affairs branch with the Indian Affairs side mostly restricted to south of the sixtieth parallel.

Until the Carrothers Commission reported, DIAND was virtually the only bureaucratic presence in the NWT with the exception of some specific functions being performed by sister agencies such as Transport, Health and Welfare, and National Defence. Certainly where provincial type programs

had to be delivered in the territory it was **DIAND** personnel who did it. Until 1967 there was virtually no territorial public service, for the simple reason that the territorial council was given only extremely limited responsibilities. However, in that year the federal government embarked on a policy of gradual devolution of authority to the Territorial Council at the same time as it made that Council more representative of the people of the NWT. New legislative responsibilities naturally meant that there would have to be an expanded territorial public service to implement the legislation. Since then, growth has been rapid and steady.

In Yukon the territorial public service evolved earlier than in the NWT, for with a significant non-native population, the federal government was forced to make concessions in the direction of local autonomy in response to local demands for a level of political control closer to what they had been previously accustomed. Today, there are seventeen departments and agencies in the territorial government and the principles of departmentalisation are essentially the same as those employed in southern provincial governments. In Yukon, all of the portfolios are headed by an elected minister. The financing of the territorial administration as with NWT is through territorial revenues and federal operating and capital grants. While the figures can vary depending upon how they are massaged, the federal grants and transfers account for almost 80% of the annual budget of Yukon and more than that for the NWT. The executive councils of Yukon and NWT are collectively responsible for the budget, although the estimates are still formally subject to Treasury Board Approval. All in all, with the exception of the direct financial dependence on federal grants, the Yukon bureaucracy operates in a manner very similar to a

provincial one. If the promised system of "block funding" for the two territories is implemented by the federal government, even this idiosyncrasy would in part disappear, for while the "feds" would still be paying the largest percentage of the bills, the territorial governments would have complete control over the distribution of those monies among the various programs being delivered.

The bureaucracy of the NWT in the 1980's has a number of unique features which distinguish it not only from that of its sister territory, but as well from the typical forms in the provinces. The most characteristic feature of the bureaucracy of the GNWT is the extent to which it has been decentralised. Not only are there field personnel in even the most remote communities—the provision of services directly to the people necessitates that in any government organisation—but, the entire territory is broken into four regions. The regions have a regional superintendent for each of the eleven departments that have field operations, and each ~~superintendent~~ ~~function~~ on a day to day basis independently of the Headquarters component in Yellowknife. There is even a growing tendency among the various departments in the GNWT to assign some policy responsibilities to the regions, although the success of this in the face of the inevitable bureaucratic pressures for centralisation will be severely tested. What complicates the NWT system of regional offices is that at the regional level there is also a "Regional Director" who reports directly to the Department of the Executive and who is the senior officer in the region. In operational matters and matters of interdepartmental coordination these regional directors have line authority over the various departmental operations in the region. While this system, with such



bi-furcation of authority, works contrary to the important organisational principle of unity of **command**, it is important in integrating regional operations, and in enhancing the sense of autonomy of the regions, not **only among** the public servants but, as well, among the people in the communities of the region.

A second feature of the **NWT** bureaucracy which distinguishes it from the Yukon, is that there is, in place, a policy of indigenisation of the public service. Recognizing that bureaucracy gains legitimacy through being representative of the **people it serves**, the territorial government has embarked on a series of programs that provide training and development opportunities and, **hiring preferences** for native **people**. While **these** programs have in fact increased the percentage of natives in the public service to almost forty, the disappointment has **been in the relatively small number of native northerners who have been able to rise to the more senior levels of the bureaucracy**. Partly this is because the native public servants tend to lack the educational levels required for **more senior positions**, but it is **also** reflective of the fact that a large number of senior positions would require natives to leave their **home communities** and move families to **Yellowknife**. The most successful results of these native employment programs have been in departments such as Renewable Resources where a very **large percentage of natives fill positions as wildlife officers** in the more remote communities. This is doubly **important** potentially, for such employment is compatible with traditional lifestyles and is even complementary to the traditional economy. Public servants such as **wildlife officers** spend a great deal of their time "on

the land" and while their goal is no longer subsistence, it is conceivable that such employment opportunities may help to build some of the needed "bridges" between the traditional and the wage/welfare economies. The Yukon has no comparable programs partly because, having a **smaller** native population, **indigenisation** is seen as less of a priority, but also because of the Territorial government's philosophy of "one government for all Yukon **ers**", and its commitment to a system of recruitment and promotion based more strictly on merit.

There is a third dimension that can help us to differentiate between the nature of public administration in the **NWT** and Yukon and that is the degree of professionalisation of the bureaucracies. This professionalism can be seen at two levels—at **the level** of the qualifications and career patterns of individual public servants, and at the **level** of the 'style' or philosophy of the system as a whole. The trend in both territories has been at the first level, generally towards the direct recruitment of personnel with higher levels of professional, managerial and technical qualifications and, at the systemic level, towards the "rationalist" approaches that have been in vogue 'south-of-sixty' for more than a decade. However, there are distinct differences.

In the **NWT** we have already seen the policy of **indigenisation** which is combined with an explicit "Northern preference" in public service hiring. While such programs are beneficial in a number of ways, both practices tend to work counter to the goal of a professional public **ser-**vice. Coupled with these more or less formalised recruitment policies in

the GNWT has been the actual practice of recruitment and promotion over the past decade. Generally, in the NWT, a career in the public service requires significant experience in the field, in the more remote communities before being elevated to more senior positions in Yellowknife. One result of this career pattern has been that the senior management positions in the government have tended to be dominated by personnel lacking professional management training. The reason for this is that people with such training are generally unwilling to accept the relatively junior and generalist positions in the field which are simply not challenging enough. Hence, field positions have tended to be staffed with people who often have no more than secondary education to begin with, and because those positions are strictly operational rather than supervisory, there are limited on-the-job opportunities to develop managerial skills. Thus, when such people who, in the past, formed the "recruitment pool" for headquarters managers are promoted to positions in Yellowknife they lack the managerial skills. Even today, there are disproportionate numbers of ex-teachers who have been promoted to senior management positions because of higher levels of formal education, and significant numbers of ex-RCMP NCO'S and ex-Bay employees who have had the opportunity to acquire some supervisory skills in their jobs. While such people possess the invaluable field experience and the consequent sensitivity to conditions in the communities, and while many of them have indeed developed into fine "instinctive managers", there is still, today a paucity of professional managers in the senior bureaucracy.

Contrasting with this 'old guard' of experienced northerners, there

is in Yellowknife a growing cadre of young southern-trained professionals who have the formal qualifications but who lack the experience in the field. The recruitment of such people was recognised as necessary in order for the government to cope with the rapid growth, jurisdictional expansion, and the need to deal on equal terms with public servants in other jurisdictions in Canada. One of the immediate impacts of this influx of newcomers has been a shift in the overall style of public administration in the NWT, from the small and highly personalised "proto-bureaucracy" of the past to a larger, more routinised and depersonalised true bureaucracy. The new breed of professional and technocratic public servants are naturally eager to transform the administrative systems in the territorial government through the implementation of the 'high tech', rationalist systems which prevail in other jurisdictions. In the past few years, therefore we have witnessed the introduction of a number of computerized registries, personnel inventories, and management and financial information systems most of which are clearly "state of the art" in Canada. On the level of policy making there have also been a number of structural innovations to facilitate more effective planning and analysis. As a result, the GNWT has an elaborate centralised network of policy secretariats and support units which are designed to provide decision-making support to the Executive Council in much the same way as the PCO and the ministries of state do for the federal cabinet. The practical effectiveness of these systems is still to be tested, but the fact remains that the structures are in place.

While improvements in efficiency and effectiveness in bureaucracy

and in the policy support role of the public service are ends to be applauded, there are some negative impacts in the NWT as a result of the trends toward professionalisation. On the one hand there is considerable tension between the professionally trained newcomers and the 'old hand' northerners. The old guard harbour some understandable resentment for these upstarts who have achieved rank without having had to do their time 'in the trenches' and conversely the young professionals are somewhat scornful of what they perceive to be defensive and conservative resistance to the modernisation of the territorial bureaucracy on the part of the old hands.

On the other hand, the systemic trend towards more sophisticated management tools and techniques has also produced some controversy. Many of the senior people in the government of the NWT feel that such rationalist systems are unnecessary in what is, still, a fairly small organisation, and argue that the administrative process is thus rendered overly complex and less understandable than it need be. Part of the problem is that the systems are so advanced that many of the current career public servants simply lack the training to be able to understand them and effectively utilize them. The psychological impact of such high technology on a relatively unsophisticated administrative culture is a cost in terms of overall management effectiveness which has generally been overlooked by the enthusiastic proponents of such techniques and while ultimately valuable, such systems should be phased in gradually in the NWT.

While generally it can be said that the same trends towards professionalisation apply in Yukon, the Yukon bureaucracy differs in that its

senior management personnel tend to be more specialised and more professional. Part of the reason for this is that the YTG came of age earlier than the GNWT. The Yukon public service has simply had a longer time to mature than the GNWT, and today looks very much like any provincial administration in terms of its personnel. A second factor that has affected the more professional nature of the Yukon public service has been the more centralised nature of the bureaucratic structures. Such a centralised system inevitably places a lower level of significance on field experience as a criterion of recruitment to the management categories. A third factor that has had an impact on the type of personnel in the bureaucracy is the absence of a policy of indigenisation. Finally, the difference between the extent of professionalisation of the senior bureaucracy in Yukon and the NWT may be reflective of the fact that the latter is the only jurisdiction in Canada without a public service commission, and hence without a strict merit system for the senior public service.

At the systemic level however, it can be argued that the NWT bureaucracy has gone much further than its sister territory in the implementation of rationalist techniques. One of the reasons for this is simply that the YTG is half the size of the GNWT, and with a much more centralised administrative process to begin with, such sophisticated techniques have simply not been seen as necessary. However, the GNWT has also evolved more elaborate structures of policy planning and decisionmaking support for the political executive. This likely reflects the fact that the Executive Committee of Yukon is politically more sophisticated than that of the NWT which is still a new experiment and not organised along party

lines. The more elaborate policy instruments in the NWT hence likely emerged because of a recognition that the younger and less experienced ministers would need a lot of help in coming to effective policy decisions.

At a higher level of generalisation it can be concluded that bureaucracy in the north is now and will continue to be an important force in the stimulation of progress and change. While the political sophistication of the elected leaders is still lagging behind that of the elected leadership in provincial and federal arenas, the professional nature of the territorial bureaucracies allows the northern governments to deal on the same level with the governments in the south. Most significant in this regard is that a sophisticated policy support apparatus for the political executive can enhance the credibility of the northern thrust for greater and greater administrative (and constitutional) autonomy from the federal government and in the long run can help to accelerate the evolution to full responsible government and provincehood, by countering the colonial mentality in the territories internally, by being made representative and by delivering programs to the people of the territories in the field, the bureaucracy can potentially become an integrative force. In the same vein, the inclusion of more and more native people in the public service can have an important positive impact on the difficult transition from the traditional to the wage economy.

As we have seen, the two northern territories have been evolving gradually over many decades, and while many changes have occurred, there was never perceived to be any urgency for settling northern issues. However, since the 1970's the tempo of constitutional and political change in the NWT and Yukon has increased greatly, a number of "northern issues" have assumed prominent positions on the agenda of political debate in southern forums, and there is, in the 1980's, a growing sense of urgency to settle the northern issues. The visibility of northern problems and issues and the perceived urgency to settle these, was triggered by the recognition on the part of the "mainstream" Canadian economic and political elites that the economic future of Canada ultimately hinges on the exploitation of Northern non-renewable resources that for more than a century have been permitted to lie in "cold storage", undiscovered or, at least, undeveloped. Thus, while the topic of this paper is constitutional and political development, it must be recognized that the "engine" driving the machinery of change in the northern territories today is the resource hungry Canadian economy. The "fuel" that feeds that engine is pressure from the southern boardrooms (both Canadian and multi-national) and cabinet chambers (both federal and provincial). That pressure for development waxes and wanes with the fluctuations of supply and demand in the Canadian and world economies, but through all of the fluctuations, the development of the non-renewable resource staples of the northern hinterland remains a high long-range priority to the "movers and shakers" of the metropolis.

The initial assumption of those who would develop the resources of the north was that such development would be welcomed by the people of the two territories who, thereby, at last would be given the full benefits of



southern industrialised society and all of the luxuries associated with 'civilisation'. When the first development schemes were proposed, the objections of a few outspoken northerners both native and non-native were dismissed as the bleatings of radicals and cranks who did not represent the true views of northerners. However, it soon became clear that most residents of the NWT and Yukon had strong views about the nature and pace of development and more significantly northern leaders began to ask questions about the social and environmental costs of development (and who would have to pay) and about the economic benefits (and who would reap them). Basically what northerners, both native and non-native, and in both the NWT and Yukon, want is greater control over their destinies. They want a say in determining the pace of development and the form that the development takes; they want assurances that development will proceed in a manner that does not destroy the existing social fabric or the natural environment; and, they want a "piece of the action"—a fair share of the economic rents and job opportunities that will flow from the resource development projects.

For the white northerners, then, who in both NWT and Yukon generally are favourably disposed to the principle of proceeding with non-renewable resource development, the basic demands are for full responsible government and for devolution of authority from the federal government to the territorial Governments. Such constitutional changes it is felt will insure that the northerners will have local control over the development projects and a share of the economic benefits. For the native northerners, while ultimately they too see the advantages of representative and responsible government see their special interests, served best through a settlement of their aboriginal claims before any development is approved. Through affirmation of native title to land, guarantees of native participation in decisions affecting the north, and a cash settlement in return

for past exploitation of native lands, the northern natives hope to be able to insure that future development in the north proceeds in a manner compatible with their aspirations and economically beneficial to their communities. For the **Inuit**, while they are firm in their demands for a settlement of native claims, they see the creation of a separate territory of **Nunavut** east and north of the treeline, as the most effective guarantee of their rights.

Thus there are three major sets of **demands** coming from northerners today and each of these demands defines a key issue area **not** only in the relationship between the north and the **south** but as **well** in the relationships among various northern constituent groups. Although it **must** be recognized that **all** of these issue **areas—native** claims, constitutional development, and **Nunavut—**are interrelated, each will be dealt with individually below.

### Native Claims

The reason we are dealing with the issue of native claims first here is that the settlement of these claims is a precondition for **almost** all major constitutional and economic initiatives in the two territories. Hence, major non-renewable resources projects, such as pipelines, have been held up, non-traditional land use and the transfer of crown lands to the territorial governments have been frozen, further **devolution** of power from the federal to territorial jurisdiction has been delayed, and even the creation of **Nunavut**, the highest priority of the native people of the

Eastern Arctic has been made conditional—all because the claims have not been settled. Hence, while the settlement of the native claims is important in and of itself it is also a critical prerequisite for most other aspects of development in the north.

The legitimacy of the native claims in the NWT and Yukon has been based on the principle of aboriginal rights. While this principle is not defined explicitly in any legal document, it has a strong customary foundation, buttressed by legal enactments such as the Proclamation of 1763 and the Order-in-Council ceding Rupert's Land to Canada in 1869, by the common law in cases such as *Calder* in 1973, by federal policy statements since 1973, and by entrenchment in the Charter of Rights and Freedoms in 1982. In its essence, the principle of aboriginal rights is that the people who preceded the European arrival on the continent had rights at the time they came into first contact with the whitemen and unless those rights were at sometime explicitly extinguished they continue to exist.

#### 1) Land, Cash and Political Rights.

The cornerstone of native claims in the north is the ownership and control of the land. As we have seen, the land holds a central place in the social, economic and spiritual lives of the native peoples and as such it is the disposition of that land that is the dominant concern of the Dene, Metis and the Inuit alike. In all settlements the outcome will likely involve the affirmation of native ownership of some lands outright—so called "fee simple" title to the land—and as well the entrenchment of

exclusive usufructuary rights with respect to large amounts of land traditionally used by the group for hunting and fishing. The latter is clearly an aspect of aboriginal title, and while it is unclear whether aboriginal title can be construed as including individual ownership, such provisions have become an important part of the political deal in all of the northern claims negotiations.

At a second level of the deliberations, the issue of the disposition of land becomes more complex. Hence, one issue is whether the land ceded to the native group in fee simple includes both surface and subsurface rights, and whether such land is 'inalienable'. Do the natives have the right to sell their land, can native lands be expropriated, and can the land be confiscated for non payment of taxes or for settlement of other unsatisfied debts? A second set of secondary issues is whether the usufructuary title to native lands is exclusive or to be shared with other traditional users of the land and whether and to what extent exclusive usufructuary rights include control over the use and disposition of the land. Inevitably different claims will reflect different approaches and solutions to such questions.

The second major item on the agenda for the negotiation of native claims is the nature and extent of the financial benefits to the native people. While it is difficult to see "cash on the barrelhead" as an aspect of aboriginal rights, all land claim settlements in the North will involve such a financial award to the natives. There are several justifications offered for the inclusion of a financial settlement in what is intended to be a comprehensive agreement on the claims.

The first is that the given native group is owed compensation for natural resources extracted from their lands prior to the settlement. The second justification is both retributive and reparative, based on the assumption that the non-native society should pay for the negative social impacts it has had on the native community and provide funds necessary to establish programmes to repair some of the damage. The third argument for governmental financial support through the claims is simply an extension of the redistributive function that governments perform in all liberal democratic societies. Here the natives want access to various regional economic development programs that the government provides for all Canadians, and as well the native organisations are arguing for special programs directed at them specifically. Fourthly, most northern native groups take the position that they should also get a share of natural resource rents accruing from resource extraction activities in the territory at large. Finally, what has become an important point in the position of the native groups is the argument for a tax exemption for native development corporations and for the investments made by the native organisations, as well as a preferential treatment for native corporations tendering for government contracts.

Obviously this list of arguments for financial settlements in the claim is a bargaining position and obviously some of the demands will be rejected by the government negotiators because they would involve permanent inequities for non-natives in the north. However it is just as certain that each settlement in the NWT and Yukon will involve a substantial transfer of cash from the federal coffers to the native organisations.

The key question here is "how much" (as it is as well with respect to the 'land' portion of the settlements), and the ultimate numbers will be determined not so much in terms of rational debate as they will be by hard horse-trading and by the relative perceived urgency of coming to an agreement.

The third dimension of the native claims negotiations involves a settlement of the political rights of the native people and a definition of the relationship between the native and white communities. Basically the native organisations are asking for guarantees of their continued ability to control political decisions that affect them. The position of the native organisations on this aspect of the negotiations ranges fairly widely from demands for the right to be consulted on matters of concern to native people to outright sovereignty in all subject matters that would be provincial in the south. In between these extremes are proposals for semi-autonomous regional governments, for guaranteed representation for a certain number of natives on territorial legislatures, for equal native participation on various management boards, and for membership on advisory and deliberative bodies with responsibilities in areas of native concern.

While much of this has been a part of the debate over the native claims settlements, it is unlikely that most of these demands can be met as a part of the comprehensive claims agreements. However, there are processes separate from the native claims negotiations which address these issues as well, such as the ongoing federal provincial constitutional conferences on aboriginal rights, legislative proposals in the NWT for semi-autonomous regional municipalities, and the continuing research and public

hearings sponsored by the Constitutional Alliance of the NWT on the issue of division. These processes operating simultaneously and parallel to the native claims negotiations will be discussed further as we look at the four individual claims in the NWT and Yukon.

## II) The Yukon Indian Claims

The spokesman for the Yukon Natives in the claims negotiations is the Council for Yukon Indians (CYI), which was formed as an umbrella organisation of then separate Indian and Metis associations in 1973 for the explicit purpose of getting the claims negotiations underway. The original position of the CYI was set out in a paper entitled "Together Today For Our Children Tomorrow", which asks for an affirmation of native title to their traditional lands, a cash settlement as compensation for resources already removed from native lands by non-native industries, social and economic development programs to assist the Yukon natives to adapt to the changes associated with future non-renewable resource development, and political rights to protect the Indians as a minority within the eventual province of Yukon. This original position also included a demand that all major resource development projects, including the Alaska Highway Pipeline be delayed until the claims are settled. The CYI has also been opposed to further devolution of power to the Yukon Territorial Government and to provincehood until their claim is settled.

Today the Yukon claim is extremely close to settlement. The federal government and the Yukon government are essentially 'on side', and all

that **remains** is for ten of the twelve Yukon Native **communities** to ratify the agreement in principle. At time of writing, although there are a couple of significant **hold** outs, most of the communities **have, in fact,** ratified the agreement.

The Yukon settlement is not a single agreement—rather it is a **large** number of individual agreements dealing with the various aspects of the settlement. The most important component of the Yukon settlement is, quite naturally, the land. As with other land claims in Canada and elsewhere, there are small parcels of land that is ceded to the native communities in fee simple. These community settlement **lands** are essentially the land around the communities and the title will likely include both surface and subsurface rights although this is still being discussed. The second category of native land is rural settlement lands where the natives will enjoy exclusive **usufructuary** rights. What may prove to be the most unique feature of the Yukon land claim settlement is that the amount of land ceded per capita to the natives varies from region to region. Of the total 8000 sq. miles of lands ceded to the Yukon Indians the more northerly Old Crow band will receive 3000sq. miles. This is much more per capita than the amounts ceded to the lands in the central Yukon, which is greater in turn than that of the Southern Yukon. This is reflective of the percentage of the population in each region that is non-native and of the extent of-traditional use, and although the principle is fine, it has been one of the key points of contention within the **CYI** and has been the main reason that communities in the central and southern Yukon have been reluctant to ratify.



The financial settlement in the Yukon agreement includes capital transfer payments of \$380 million, additional compensation for loss of programme benefits under the **Indian** Act, and annual payments for **band** support funding. As well there are a number of special development agreements with the federal government which are designed to assist the Yukon natives in implementing, educational economic and social development **programmes**. While the **CYI** was successful in negotiating some tax benefits, they were unsuccessful in getting agreement on a preference in government tenders for northern native development corporations.

The **CYI** settlement significantly does not guarantee any special **political** rights for the Yukon natives. While the natives are given representation on a large number of territorial and federal management boards and committees that have responsibilities in matters of direct concern to **the** natives, native representation in the territorial assembly is no different from that of non-native **Yukonners**. The settlement however, while it is based on the extinguishment of aboriginal title to the land, does not extinguish aboriginal rights. These are guaranteed in the Charter Of Rights **and** if and **when** those rights are defined by the federal **provincial** Constitutional conference they **will** automatically apply to Yukon Indians regardless of anything in the current claim settlement.

The Yukon claim settlement is the product of many **long** years of often acrimonious negotiation among the **CYI**, YTG, the federal government, **and** the neighboring native groups, the **Inuvialuit** and the NWT **Dene**, and that settlement is very much reflective of the bargains and compromises that have been struck among the "interests" involved in the process. With

respect to the land portion of the settlement, the conflict was a 'zero-sum' game where anything the natives got was alienated permanently from the non-native community. Here the YTG argued among other things that if the Yukon Indians were to get the rights to land why not the non-native **Yukoners** as well. Although the government eventually did not hold up the agreement on land on that point, they were extremely **watchfull** during the actual process of land selection to insure that the most valuable land was not all ceded to the natives. The Yukon approach to land in the territories was premised **on the** assumption that at some **time**, in the **not too** distant future, the territory will become a province, and that the land **not** held **by** the natives will be **owned by** the crown in right of Yukon.

The federal position on this while non-commits] specifically, **implic-** itly recognised that eventuality as well. However the federal interest with respect to the land ceded to the natives was to insure that major non-renewable **resources projects** would not be blocked as a result of the natives acquiring title to land required for such development projects; i.e. along the proposed Alaska Highway Pipeline route. A secondary interest of the federal government with respect to the disposition of the land is in protecting the fragile ecosystem of the Yukon North Slope, where a large tract of land has been set aside as a "park reserve" and eventually will become a part of the national parks system. With respect to the north slope, where federal and native interests overlap and where the fate of the migratory Porcupine Caribou herd is involved, a **joint** management regime **with the** participation of both levels of government and the natives of Old Crow, and where necessary the participation of the

Inuvialuit as well, will be established through **specific** multilateral agreements.

The COPE and the Dene claims overlapped with that of the **CYI** in the North Slope region **and in** the Mackenzie mountains. Here the native **organisations** based their claims on what they identified as traditional patterns of land use. The fact is that traditional patterns of land use of the various groups did overlap, so that the ultimate resolution of such disputes simply involved compromise on the definition of boundaries. These disputes have for the most part been settled through separate agreements with the other **native** organisations.

The federal interest with **respect to** the financial settlement was based simply on the fact that it is the senior level of **government** that will have to pick up the tab. While **caution** was necessary because if the Yukon Indians got a very generous **financial** settlement it would set a precedent and all of the other native groups would have to be given as much, generally the federal government was happy to give less land and more money. The financial portion of **the** settlement **should not, prima facie, have been of concern to the YTG. However, while** the territorial negotiators were not as concerned with the actual **amount of** the settlement they were **adamantly** opposed to measures **that** would permanently deny them revenues, or to measures which would unfairly discriminate against non-native contractors and businessmen. Thus **they** ended up having to **accede to some tax** concession: for the Native beneficiaries even though they will not only deny the territory a revenue source, but also will give the natives a competitive edge over **non-native** small businesses who

will have higher costs because of taxes. The YTG agreed to this likely because an original agreement between the federal government and the CYI which would give the native development corporations a preference in government contract tenders was rescinded. This measure if adopted would have had an extremely unfair impact on the ability of **small** non-native businesses in the Yukon who are always forced to operate pretty close to the line anyway, to be competitive.

Both the federal and territorial governments were unwilling to grant any special political status to the **CYI** in the claim settlement. The federal position is essentially that there is an ongoing process of constitutional discussions to define aboriginal rights in Canada and ultimately potentially to provide for some form of special representation in the Senate etc., and that to unilaterally move on such a matter with respect to a single native group in Canada would be an act of bad faith **vis-a-vis** the provinces. Similarly, the federal government whose relations with YTG are strained at the best of times, were **unwilling** to force **any** such concessions on the territory. The Yukon government is strongly opposed to any special political status for native people, and had consistently pursued its policy of 'one government' for all Yukoners. However, where the territorial position softened to some extent here was in the willingness to approve the establishment of a number of advisory committees and management boards in areas such as wildlife and land use which would feature participation of local natives in their deliberations. Possibly this lack of any real guarantees of political rights is the most disappointing outcome of the claims settlement to the natives of Yukon,"

but the compromise was accepted partly because the native organisations themselves are tired of the many years of confrontation with no results, they want to get themselves organised to begin to make themselves economically independent, and because ultimately they felt that it would be better to settle now than to take a chance on having to start all over again with a new federal government in the fall of 1984.

### III) The Inuvialuit Claim

The Inuvialuit are the descendants of Alaskan Eskimos who migrated east along the Arctic coast of Yukon and who finally settled in the region around the Mackenzie Delta and Beaufort Sea. This is the smallest group seeking a settlement of their aboriginal rights in the North, involving only about 2,500 people in five communities. The Inuvialuit are represented in the claims negotiations by the Committee For Original People's Entitlement (COPE). While the Inuvialuit were originally to be a part of the overall claim of the Inuit Tapirisat of Canada (ITC), COPE broke away from the main negotiations to seek a separate settlement, and signed an agreement in principle with the federal government in 1978. Since that time negotiations over the details, the process of land selection, and the process of community ratification has been proceeding slowly. At the time of writing, the final agreement is scheduled for signing in Tuktoyaktuk June 5, 1984.

As with the Yukon settlement, the deal in the Delta hinges on the agreement of the Inuvialuit to the extinguishment of aboriginal title to

the land. In return, the natives will receive approximately 700 sq. miles of land in and around their communities which they will own collectively in fee ~~simple~~ both surface and subsurface rights. As well, the Inuvialuit will have exclusive surface rights to, and practical control over another 3200 sq. miles which comprised a large percentage of their traditional hunting and trapping territory.

While the financial and the economic arrangements in the COPE deal are not as complex as those in the Yukon settlement, the Inuvialuit will receive a large cash settlement, some of which was paid to them on signing the agreement in principle. A key element in the COPE agreement is that the native people will share the royalties on non-renewable resources and moreover those royalties will be tax free for a twenty-five year period after the signing of the agreement. However, while their financial settlement was significant, the COPE negotiators generally took the approach that land was more important than cash, or royalty shares because control over land ultimately will determine the fate of the traditional economy.

The COPE claim does not grant any political rights to the Inuvialuit although as with the Yukon settlement, it does provide for native representation on a number of management boards and planning committees in the region. However, the people of the Mackenzie Delta have been directing a tough campaign in the Legislative assembly of the NWT, and in the Nunavut Constitutional Forum (NCF) for the creation of a Western Arctic Regional Municipality (WARM) that would enjoy a significant measure of autonomy in matters such as education, policing, health services and wildlife management. The NCF has, in fact, recommended that WARM be entrenched in the

Nunavut constitution.

Although a number of years elapsed between the signing of the agreement in principle and the signing of the final agreement, the COPE settlement generally has been achieved without acrimony. In the initial period after the signing, the other native organisations in the north were **critical** of the COPE negotiators because they felt that the acceptance of extinguishment of aboriginal title was a bad precedent and would affect the outcome of all of the other outstanding claims. Moreover, there were important overlaps in the lands being claimed by the **Inuit**, the Dene and the **CYI** and those being claimed by the **Inuvialuit**. However, the differences between COPE and the other groups have been worked out and agreements have been reached on the overlaps of competing land claims.

The **NWT** government did not play a significant role in the **COPE negotiations**, although they had officials present throughout the process. Basically, by contrast to Yukon, the **NWT** assembly has been extremely positively disposed towards the land claims, a posture that is reflective of the native majority, and the presence on that body of people such as **Nellie Cornoyer** who were among the founders of COPE in the early 1970's.

The federal interest with respect to the COPE settlement was in part to get an agreement signed that included basic principles such as extinguishment of title to the land that can then be employed as a model for the other agreements in the north. In terms of the substantive impacts of the agreement, the critical concern of Ottawa was that future non-renewable resource development in the Delta and the Beaufort Sea not be held up or hindered. This is achieved in part by the fact that the settlement

does not affect federal sovereignty in the offshore, and that lands known to contain oil and gas reserves in the Delta were excluded from the process of land selection. However, on another level, the future of non-renewable resource development in the region is insured because the future economic well being of the **Inuvialuit**, tied as it is to a share of oil and gas royalties, depends on that development too. As a possible indication that this strategy has worked, the **Inuvialuit** Development Corporation has been involved in a number of joint ventures with the oil industry in the Delta and offshore.

#### IV) The Dene/Metis Claim

The Dene of the Mackenzie Valley are represented by the Dene Nation, an organisation that evolved out of the Indian Brotherhood of the Northwest Territories in the mid 1970's. The Metis of the valley are represented by the Metis Association of the NWT and although until recently they had views quite different from those of the Dene Nation they are now working cooperatively with the latter towards the settlement of their common claim. The Metis would have preferred to negotiate a separate claim, but the federal government took the approach that separate settlements dealing with the same land area would be too difficult if not impossible, and insisted on the two organisations reconciling their differences and submitting a single claim. One of the initial problems in reaching an agreement between the Dene and the Metis was the question of eligibility for the benefits flowing from the ultimate settlement.



However the groups have finally agreed on a formula and the process of negotiation with the federal government is proceeding.

The key to the **Dene claim** is that the natives are **seeking** more than simply the title to land. Instead, they are looking for a political **settlement** as **well** which will guarantee to all of the native peoples of the Mackenzie **Valley** permanent control over their lives. In essence, in their original "**Dene** Declaration" they were asking for special status in confederation, a recognition of native sovereignty, absolute control over traditional lands, constitutional guarantees of language and educational rights and, perhaps most importantly, an affirmation of aboriginal rights **rather than** extinguishment.

The **Dene** position is, in many ways, the **most** radical of the four **claims** in the north. The political philosophy of the leaders of the **Dene** as expressed in the Dene Declaration of 1975 was rooted in the principle of 'national self determination' and many of the **earlier** pronouncements of the organisation were couched in the **rhetoric** of national liberation and independence. It is clear that the lack of any progress in the early years of the negotiations is as a result of Ottawa's negative reaction to such concepts and the fact that much of the early literature of the **Dene** Nation employed the language and slogans of Marxism and **Maoism**. However, times have changed and the position of the **Dene** Nation has moderated to the extent that the federal government is at least willing to listen. The **Dene** have moved successfully and emphatically into the political mainstream in the **NWT**, abandoning their past policy of boycotting the territorial assembly as a colonial institution, and assuming a powerful if **not**

dominant position in that body. Economically too, the Dene have moved from an intransigent anti-development position to where today the Denendeh Development Corporation is moving into joint ventures with the petroleum giants.

The federal government remains firm that the claim settlement in the valley **will** not vest anything close to sovereignty in the native people, and as **they** did with the Yukon Indians they have taken the position that since many of the questions of aboriginal political rights are before the national constitutional conference, they have no place in the claims settlement. The territorial government, headed by Richard **Nerysoo** who is a past member of the executive of the Dene Nation is generally very supportive of the Dene claim. However as a government of **all** of the people of the Mackenzie Valley, the GNWT must also take into account the interests of the non-white community. One problem in the **Valley** is that the Dene and white communities are **not** separate geographically. In the large communities which tend to be predominantly white, there are still large native populations, and conversely even in many of the smaller communities which are predominantly native, there are white residents who have to be considered. Nevertheless, with a willingness to compromise and the mutual goodwill that seems to prevail between whites and natives in small communities in **the** NWT, the "land" part of the claim could likely be settled fairly quickly.

The real dilemma in the Western part of the NWT is that government by simple majority rule would ultimately render the natives a permanent minority, and could in the long run lead to assimilation. On the other

hand, setting up separate native and white communities with separate representative institutions has been likened by some to a system of 'apartheid'. Negotiations on this area of concern are proceeding not only in the north but in the national constitutional forum as well. However consensus on the definition of political rights for native peoples is still a long way off. Perhaps the most promising basis for a solution to the dilemma of the Dene in the Western NWT is to be found in some form of regional government along the lines of the WARM proposals in the Delta-Beaufort region. There is, at the present time, territorial legislation that provides for the establishment of regional or tribal councils, and the Dene of the South Mackenzie-Great Slave Lake region of the territory have taken advantage of this legislation to establish the 'Dogrib Tribal Council'. While such municipal-style institutions are clearly subordinate, exercising only such powers that are delegated to them by the territorial government, if the senior governments are willing to allow de facto local autonomy in matters such as education, social services, wildlife management etc., regional municipal institutions may prove to be an effective "bridge" between native and non-native communities.

#### V) The Inuit Claim

The original claim of the Inuit of the Eastern Arctic, entitled Nunavut was presented to the federal government in 1976 by the Inuit Tapirisat of Canada (ITC) the organisation that represents the Inuit. The original Nunavut proposal demanded approximately 250,000 square miles

of land along with a share of resource royalties, and a cash settlement as compensation for past use of **Inuit** lands. The document was received fairly positively by the federal government for when compared to the Dene Declaration it was a relatively mild proposal. While **the** feds would not have been willing to give away as much land as the **Inuit** were demanding, there were no political demands in the proposal that could **not** be met. However, for the same reasons **the** federal government approved of the **Nunavut** document many of the native leaders in the communities of the Eastern Arctic rejected it. They felt that the proposal was far too mild in that it accepted the principle of extinguishment of aboriginal rights and did not offer any provisions to guarantee the political rights of the **Inuit**. After much discussion the original proposal was withdrawn.

Since that time the overall tactic of the **Inuit** negotiators has changed significantly. While the process of finding a settlement is proceeding, much of the debate concerns the question of the nature and amount of compensation, and the working out of joint management regimes in the areas of wildlife and land use. However, the 'centre of gravity' of the negotiations between the **Inuit** and the federal government has shifted to the **Nunavut** Constitutional Forum. The **Inuit** have come around to the position that the "land" and political rights aspects of their claim can be settled more satisfactorily through the division of the NWT and the creation of a separate territory of Nunavut in the Eastern Arctic. Ultimately, the **Inuit** expect that Nunavut will become a province and at that time the "crown in right of **Nunavut**" will own all of the land in the region. Because the **Inuit** would comprise about 85% of the population of Nunavut,

their political rights will be assured simply through the principle of majority rule. By fixing the franchise for Nunavut elections to insure that only people who have indicated a long term commitment to living there the Inuit majority could be sustained for a number of years after Division, and the danger of a sudden influx of transient whites and the consequent dilution of the native political presence would be eliminated or reduced. (The issue of the division of the NWT will be discussed separately below.) The importance of settling the native claims in the north stems from the relative urgency to develop the potentially vast mineral and petroleum wealth of the NWT and Yukon. However another significant variable is the fact that we are defined internationally and in terms of our own national conscience by the way we treat our minorities and specifically how we deal with our aboriginal peoples. If we wish to maintain the international reputation of being a 'just society' through the coming decades, it is essential that the Government of Canada settle the legitimate claims of the northern native people fairly and without undue delay.

#### Constitutional Development

As we have seen in the discussion of the evolution of the NWT and Yukon, there are two major constitutional development issues. The first of these is responsible government, which in its essence involves the relationship between the executive and legislative branches of the government. Yukon has already achieved a status very close to full responsible government for the executive council must maintain the support of a

majority of the legislative assembly in order to continue in office. The final step to full responsible government in Yukon involves the role of the commissioner which should be formally redefined so that his powers are almost totally nominal as are those of<sup>u</sup> Lieutenant Governor in a province. In the NWT the Commissioner still has active responsibilities in the governance of the territory. The final step here is a much bigger one than in Yukon where de facto responsible government is already in operation. New instructions to the commissioner are required which will remove the last portfolio from his direct control, Department of personnel, and the chairmanship of the Executive Council should be vested in the Leader of the elected executive. Such a change in the role of the Commissioner would be uncontroversial, for there are no interests except possibly bureaucratic ones in the federal government opposed to responsible government.

One legal obstacle to the transformation of the two Commissioners to Lieutenant Governors, is that Lieutenant Governors directly represent the "Crown". Although legal opinions vary, it may be that the powers and privileges of the Crown can only be vested in a sovereign body, and the NWT and Yukon do not enjoy that status. The only other obstacle to de facto responsible government in the NWT is that some federal officials take the position that responsible government is impossible without political parties. However if factional coalitions in the assembly become stable, the result will be roughly the same as having party government, and responsible government can be fully instituted.

The final issue relating to the institution of responsible government

in NWT and Yukon is the question of the control of the 'public purse'. Because territorial expenditure estimates still must be submitted and approved by the federal government, the power of the public purse which is an important aspect of responsible government, is lacking. Hence, a final significant step in the achieving of responsibility is the freeing of the territorial budget from federal control through the institution of a system of block grants. Then, while the total amount of money transferred from the federal level to the territorial consolidated revenue fund will be set by the federal government, the appropriation and disbursement of those funds among territorial programs will be entirely in the hands of the territorial executive council.

In the final analysis, responsible government is not an "issue" at all in the territories. Everybody sees it as a necessary and positive step, and nobody is opposed to it except for a few federal officials. On the other hand, the question of further devolution of authority to the territorial level, and ultimately the granting of provincial status to the two northern territories is more controversial. The ultimate target of political and constitutional development in NWT and Yukon is full provincial status. Of the three "proto-provinces" in the North—Yukon, NWT and Nunavut—the former appears to be the closest to achieving provincehood. In fact, the short-lived Conservative government of Joe Clark promised Yukoners that his government would speed up that process considerably and as we have seen, had taken the first steps by reducing the role of the commissioner of the territory. However the collapse of the brief Conservative interregnum and the return to power of the Liberals

coupled with a severe downturn in the Yukon economy have at least temporarily dashed the hopes of the provincialists in that territory. While there is a general recognition by all parties in the House of Commons that the provincial status is the bottom line in territorial constitutional development, a number of conditions have to be met before the elevation of the territory to provincehood would be realistic.

The most important of these conditions is that the potential province must possess a large enough tax base in order to support itself. According to federal government assessments, both Yukon and the Northwest Territories have higher per capita revenue potentials than the Canadian average. In other words in good economic times if the territories were given control over their natural resources revenue, personal income tax, corporation tax etc., they would have higher per capita revenue than the provinces except Ontario, British Columbia and Alberta. The problem, however, is that the per capita expenditures of both Yukon and the Northwest Territories are much higher than any of the other provinces. The problem is thus that the territories cannot now support themselves, nor be expected to in the immediate future and should not become provinces until they can. The provincialists in the territories count on claiming that if the federal government subsidises them now they will continue just as easily to do so if they were provinces. Further, they argue, the new discoveries of gas, oil, and other minerals will expand the revenue base of the territories so that they will be able to support themselves. The matter likely lies somewhere between



but it must be recognized that the "tax base" argument against **province-**hood is, in effect, an argument about population size. Even tiny Prince Edward Island has a population of 120,000 by contrast to Yukon's 23,000, and even without taking into account the higher costs of running a government in the extremes of **climate** and physical distance that are the **rule** in the North, and the boom-bust **cycles** of the northern economies, the northern territories are the victims of negative economies of **scale**. Furthermore, in a related way, the small population of the northern "proto-provinces" would make it difficult or impossible to staff the provincial public services from within. It would be necessary to hire a lot of outsiders to assist in running the show, which in the case of Nunavut, for instance, would mean a significant threat to the **Inuit** majority in the long run and, given the power **usually assumed by** bureaucracies in modern **political** systems, a loss of local control over much of the **process** of government in the short run. Thus, while it is extremely distasteful to put a size limit on **self-government**, the fact remains that paying the **bills** in order to maintain an effective provincial bureaucracy might end up placing an unreasonable per capita tax burden on the people of the territory.

The second factor which must be considered if provincial status is to be feasible is the level of political development in the potential province. In Yukon, there is a long history of political involvement by the whites **and** a growing involvement of the Native People, and with the evolution of a party system it would appear that there is sufficient **po-****litical** sophistication and sufficient **political** awareness and concern

among the people to warrant self-government. In the Northwest Territories, the political institutions have not evolved as quickly or as far as they have in Yukon. While the territorial assembly is not a partisan one, most of the members of that assembly are well-equipped to assume the additional responsibilities of provincial status. If and when the separate territory of **Nunavut** should be created, it is not likely that the people of the territory would have either the level of political sophistication or even the desire to enter into a provincial form of government immediately. The **Inuit**, as with the Dene in the West, have gone through a very rapid process of political mobilisation, largely due to the threats of their livelihood presented by major resource development proposals. However, while there **is now** a high level of awareness of political issues that affect them directly and a high level of involvement on the part of native political leaders, the level of political sophistication among the population at large is still fairly low. Having said this, it must be emphasised that the northern natives are learning the ropes of liberal democratic politics very rapidly, **they** already have many capable and effective leaders, and there is no question that by the end of the decade they will have attained the level of governmental experience sufficient for coping with the burdens of provincial status. In sum, the lack of political development as an argument against provincial status in the North is not a strong one today, and it **will** be virtually irrelevant by the end of the decade of the eighties.

The third requisite for provincial status is **that** the people in the territory must themselves want provincehood. This would likely necessitate

a referendum in the given **proto-province** in which all of its citizens are permitted to vote. This technique would work very well in the Eastern Arctic where there is relative **cultural** and ethnic homogeneity, but in **Yukon and** the Mackenzie Valley there is some danger that a simple referendum might impose a tyranny of the majority. The problem in each of these Parts of the northern territories, as we have seen, is that there are **significant** minorities, **specifically the Indians, who do not want provincial** status until there is **some** assurance of their rights as a unique group with special status.

The likelihood of securing these rights after provincial status is achieved seems remote to them, and given the general pro-development orientation of the whites in **both** the Mackenzie Valley and Yukon, native fears appear to be justified. Hence, one of the reasons cited, particularly by Ottawa, for rejecting provincial status at this time is that it might deal a death blow to the native way of life in the North. The natives and the more enlightened whites in the North agree, even though some of the latter feel that the sacrifice in terms of traditional lifestyles is one that must be made in the interest of what they see as a greater ~~good~~ economic development.

The fourth criterion that must be met if the federal government is to agree to **provincehood** for any of its northern **territories** is that the move must be seen to be politically advantageous. Given the problems the federal government is having currently in dealing with the energy-producing **provinces**, and given the disputes about the **ownership of** offshore resources, specifically in the case of Newfoundland, the federal government

is naturally not all that enthusiastic about creating new resource-rich provinces with which to spar. While this is perhaps a cynical view of the motives of the federal politicians and bureaucrats, the fact remains that they have a lot more to lose than gain if they meet the demands of the provincialisms in the northern territories at this time. Furthermore, it is easy for the federal people today to justify their lack of enthusiasm for provincehood in terms of the tax base or political development argument, or still more convincingly by posing as defenders of the native way of life. As usual, when the issues are not clear, as they are ~~most~~ definitely not in this situation, the easiest thing for a government to do is nothing.

There are however, two common errors made in the approach to the question of **devolution** of authority to the two northern **territories**—one is the assumption that **provincehood** is expected or even desired in the near future by the non-native people of the NWT and Yukon, and second is the assumption that the issue is "provincehood or nothing". With respect to the former assumption, we have already seen that the native people are not in **favour** of **provincehood** until their **claims** are **settled**, and they are also extremely uneasy about provincehood if there are no constitutional guarantees of their political status. While the general mood among the whites in the Yukon is **favourable** to provincial status, there are still significant numbers of whites there who prefer to see the claims settled first, or who are in **favour** in principle but are uneasy about the post-provincehood individual tax burden. Here it is assumed provincehood will be forthcoming, but the more realistic question is that of ~~timing~~.

The non-natives in the Mackenzie Valley tend to be less sanguine about **provincehood**, and basically are willing to accept that while it is the inevitable end of constitutional development, it is **not** likely to happen in a hurry. **While** the Dene of the western NWT share the fears of the Yukon Indians about **provincehood** coming before the claims are settled, the **Inuit** are opposed to **provincehood** for the NWT until the creation of Nunavut. However, they are very favorably disposed towards the principle of provincial status **for** Nunavut in the long run.

The second erroneous assumption that is made about the process of **devolution**, that **full** provincehood is the only option, reduces the choice for the federal government and for the people of the territories to 'either-or'. But in fact it must be recognised that there are a whole range of options that are in the right direction but which stop short of **provincial** status. If this is recognised by territorial and federal **officials**, there **are** several areas of jurisdiction where the federal government could transfer further responsibilities to the representative legislatures without granting those bodies sovereignty. Thus, the most realistic approach for the governments of the northern territories is to continue to press for continued gradual **devolution** of powers from Ottawa in matters **such as criminal** prosecutions, **labour** relations, **and** inland waters and, in other areas such as non-renewable resources and land use, where the federal government is going to be extremely reluctant to yield control, to press for **full** participation on all advisory boards and management committees dealing with resource development projects. Finally, the territories should continue to press for full participation in federal-provincial conferences

to replace the current 'observer' status. These are the sorts of demands that the federal government would have difficulty turning down, because there is no sound reason for denying them when the territories already have participation or control in related matters such as law enforcement, wildlife management, health and social services. In the case of providing for territorial participation on bodies with responsibilities relating to non-renewable resource projects, the federal government has already agreed to such participation for native people as part of the claims settlements. It would be unfair to grant such rights to participate to the native people and deny them to the white community. Moreover, the inclusion of territorial representatives on such advisory, and deliberative bodies might act as an "inoculation" against more strident demands for full provincehood.

### Nunavut

The question of the division of the NWT has been around now since the early 1960's. During that period, because of pressures from the non-native population of the Mackenzie Valley who saw that their opportunities for political development were being held back because the level of political sophistication in the eastern part of the Arctic was so low, it was proposed that the territory be divided at the one hundred and fifth meridian. The proposal was ultimately turned down by the federal government as a result of the recommendations of the Carrothers Commission which pointed out that to do so would be to slow down the process of development in the Eastern Arctic still more.

The question next arose in the late 1970's when the **Inuit Tapirisat** proposed division as the way to guarantee political rights for the **Inuit** without having an explicitly ethnic definition of such rights. Because the **Inuit** generally live in the part of the NWT above the tree line, by allowing that , **portion** to separate and become a new territory with its own representative institutions, the majority of **Inuit** in the territory would be able to enjoy a greater control over their lives. While the **Drury** Report rejected Division, the legislative assembly of the NWT approved it in principle in 1980 and two years later a territory wide plebiscite was held where a majority of the people of the NWT supported the **idea** in principle. while the turnout in the west was very low, the people of the east indicated an overwhelming **support** for the creation of a **separate** territory. With the clear indication of public support and with the endorsement of the legislative assembly, the federal government, too, came on side and in November 1982 the **Minister of Indian and Northern Affairs** announced the approval in principle of the creation of **Nunavut**.

However the approval in principle was limited by four major conditions all of which must be met before the approval in principle can be acted upon. The first condition is that the boundary of the **Nunavut** Territory must be agreed upon by the people of the NWT. The reason for this is that the federal government does not want to impose a boundary, but would prefer that the people of the NWT, through the Constitutional Alliance, get together and settle the question among themselves. What is left unsaid in the various statements since the original approval in principle is the federal position **vis-a-vis** the northern most portions of the Eastern **Arctic Islands** which include the high arctic settlements of

**Grise** Fiord and **Resolute Bay**. The 1960's proposal for division would have left the lands north of **Lancaster Sound** as a federal preserve to be administered directly from **Ottawa**. The people of the **NWT** would be wise to have this question clarified through the intervention of the **Legislative Assembly** or of the **Constitutional Alliance**.

A second condition on the actual implementation of division is very closely tied to the boundary question, and that is that all of the peoples of the **NWT** must continue to support the move. The thorniest question in this respect and the one that is most likely to produce confrontation between the people of the **Western NWT** and the people of **Nunavut** is once again the boundary. Here the various arguments presented by the **NCF** and the **WCF** are based on traditional patterns of land use, more recent communications and transportation links, local self-determination and the maintenance of economically viable political units in both the east and the west. Although based on such rational considerations, the **NCF** and **WCF** competing boundary scenarios are not even close. The former runs along the tree line and would have the effect of 'decapitating' the western territory, cutting it off entirely from the **Beaufort Sea**. The latter boundary proposal by contrast runs straight north and south a few miles to the west of the **Inuit** community of **Baker Lake** and would have the effect of denying **Nunavut** the rich mineral resource potential of the **Keewatin**.

One proposed solution is that there be regional or even community level plebiscites, thus letting the people themselves decide which territory they want to be part of. However, there are several limitations on the effectiveness of such a procedure. First of all, in some of the communities in the **Delta-Beaufort** region and even in the western **Kitikmeot**



communities of Coppermine and Cambridge Bay, there are already strong difference as to the **best** choice. Community level plebi scites might serve **to split** these communities internally, leaving one segment of the population permanently resentful of the outcome. The problem is simply that the **local** option vote is premised on majoritarianism, is completely **alien** to the consensus style of decision making of traditional native communities, and could undermine the sense of **community** which is one of the great strengths of remote northern settlements. In some ways, from this perspective, it could be argued that an externally imposed boundary decision taken by an independent **boundary commission** might be better in that the internal solidarity of the **people** of the communities would rest intact.

The second difficulty with the community plebi scites solution to the boundary dispute is that, for instance, the people of Coppermine could opt for the western territory and the people of Paulatuk, much further west along the coast, could opt for **Nunavut**. The end product would be a messy, if not "**undrawable**", boundary. A partial solution to this possibility is for the plebi scites to be "regional" and not at the mere **local** level. Then the decision would be taken by the people of an entire region and that region would, in its entirety, decide to go **with** one of the new territories or the other. However, here again, the problem is in the imposition of the liberal democratic principle of majority rule on a group of communities whose traditional interaction has been cooperative and **consensual**. In the **Delta-Beaufort** region for instance, community might end up being pitted against community, with the result that the cooperative and **consensual** mood that would be at the heart of a successful Western Arctic Regional Municipality would be permanently broken. For the people of this **region**, **WARM** is

viewed as the only effective guarantee of the political and cultural autonomy of the **Inuvialuit**, whether it be a unit within **Nunavut** or the western Territory. Any settlement of the boundary question that causes serious splits among the **Inuvialuit** communities, **therefore, should** be avoided if possible.

The third flaw in the local or regional plebiscite solution of the boundary dispute is that for the most part the territory in dispute is that located in the **Keewatin** and is basically uninhabited. It, along with the northern coast of the Delta is significant to the two territories because the future viability of the two territories will depend upon a solid resource base, and upon the jobs and benefits associated with providing the services and infrastructure for resource development in the offshore. The basis of the boundary dispute is that any magnanimity on the part of one of the Forums **vis-a-vis** the other translates into a direct loss in terms of resource potential for the 'nice guys' and all the good will in the world cannot alter that hard fact. Thus the problem here is that there is no obvious ~~compromise~~—no obvious political solution to the impasse, and while the Constitutional Alliance has managed to agree on the principles that will be applied in the attempt to arrive at a fair settlement, there has been no agreement on which principles should have the most weight (i.e. traditional use vs. modern transportation links) and considerable friction is building between NCF and **WCF** representatives. While an agreement within the Alliance is the preferable solution, the desire on the part of the NCF to "get on with it" and mutual desire to maintain cordial 'East West relations' may dictate the submission of the issue to an independent boundary commission.

Although the question of the boundary is likely the single most important **hinderence** to the universal support for division in the NWT, there are other potential problems. One of these is that the creation of **Nunavut**, with whatever boundary, will ultimately scuttle native majority in the **legislative** assembly of the western NWT. In strict Machiavellian terms this should be manifested in the Dene opposing division, not only for reasons of boundary, but, also for the reason that it **will** place them in a clear minority situation. That this has not happened speaks well of the political integrity of the **Dene**, for they have continued to support the **Inuit** in their campaign for **Nunavut** for reasons of maintaining "native solidarity". In the short run this approach has **given** the native people **effective** control in the NWT assembly, but it may prove costly to the **natives** of the west in the long run.

Other potential opposition to the creation of Nunavut will come from the non-native community in the West and particularly in **Yellowknife**. While the major **determinant** of this lack of enthusiasm for division is the uncertainty about the boundary, there are other vested interests best served by keeping the NWT intact. One of these is the fear among **territorial** public servants, particularly in **Yellowknife**, that in a smaller NWT, there will have to be a smaller bureaucracy. The **result** of this could be both layoffs and fewer government jobs. Moreover the **spectre** of transfer to the **Nunavut** public service in the as yet unnamed (but certain to be more remote than **Yellowknife**) capital of the **Eastern Territory** is not an attractive one for people accustomed to the amenities of the current capital city.

Still another source of potential opposition to **Nunavut** from the non-native community in the NWT, is one that is shared by many people in the federal bureaucracy, as **well**, and that is the perception that a territory as small in population and as large in land mass is simply not efficient. The inevitability of **diseconomies** of scale in the provision of locally controlled services to the people of **Nunavut** is thus cited often as the main practical obstacle to division. While the truth of this argument is **uncontestible**, the counter argument is that neither democracy nor self-government have ever been adopted because of cost efficiency. The most important questions are the ones of degree. First, is **Nunavut** likely to be **less cost efficient** relatively than NWT, Yukon, or, for that matter, PEI, when the idiosyncratic extremes of distance, climate and diversity are allowed for; and, secondly, how much **more**, in absolute **terms**, is it going to cost Canada to maintain the separate territorial government? In these terms, the additional drain on the federal coffers may well turn out to be worth the opportunity to make a symbolic gesture of commitment to principles such as self government, and a small price to pay for the social, psychological and political benefits to the people of **Nunavut**.

A final potential source of opposition to the **Nunavut** proposal is the non-native minority in the eastern arctic itself. Here, however, the fears that white residents of **Nunavut** will become second class citizens **in** an "ethnic government" have proven unfounded. The constitutional proposals of the NCF are emphatic that the government of **Nunavut** will be "public government" for all residents, and the whites will have equality in all matters with the **Inuit** residents. Although NCF is aiming at making

Inuktitut an official language, it will enjoy that status along with English and French—an approach that is at least<sup>as</sup> enlightened as that of many other Canadian jurisdictions!

Thus while the condition that Nunavut can only proceed if there is continued support for it in all parts of the NWT may be a significant obstacle to Division in the short run, none of the obstacles are insurmountable in the long. The third condition, that the Native Claims in the NWT be settled before division however, may turn out to be difficult to meet. As we pointed out in an earlier section, only the COPE agreement is concluded, and the Dene/Metis claim is still a very long way from settlement. The commitment to Nunavut in the Eastern Arctic is universal, and as such the Inuit negotiating group, the Tungavik Federation of Nunavut (TFN) is working hard towards an early agreement. However, the "land" portion of their claim cannot be settled until the overlap with the Dene claim is resolved. The irony here is that the ultimate boundary between the Inuit and Dene lands will also likely end up being the boundary between Nunavut and the western territory. Because the negotiators for both the Dene and the Inuit do not want to prejudice the boundary decision that must be taken in the Constitutional Alliance, the settlement of the boundary of Nunavut has become a "pre-condition" for the settlement of the native claims, which in turn is itself a condition for Nunavut's implementation!

Besides the overlap, the other reason for the delay in the settlement of the Dene claim is the difficulty in working out some arrangement for guaranteed political rights for the natives within the NWT. If the native claims that have already been settled in Canada are any indication it is not likely that such guarantees will be agreed to as part of the Settlement.

Hence, it would seem that the better tactic for the Dene is to concentrate their efforts to secure political rights in the Western Constitutional Forum, and to have such rights entrenched in the constitution of the new western **territory**. Ultimately, the only significant obstacle to the creation of **Nunavut** is the absence of an **NCF/WCF** agreement on the boundary. When that is achieved, the "land" portion of the Dene and **Inuit** claims can be settled, and with or without settlement on the financial and political aspects of the Dene claim, **Nunavut** could still proceed. (If the federal government agreed to modify one of its conditions slightly, and, in fact, the Minister, Hon. John **Munro** has indicated a willingness 'to be flexible'. )

The fourth and final condition that must be met before division can proceed is the agreement in the North as to the appropriate distribution of authority among local, regional and territorial governments. What this condition is, is a cryptic recognition of the aspirations of the **Inuvialuit** to have some guarantee of their uniqueness and political autonomy through the creation of **WARM**. One issue that has to be settled here is what sorts of powers will be vested in the regional municipality and what level of autonomy will the regional council enjoy. The second issue is whether the western arctic communities will be included in the Western territory or in **Nunavut**. The latter issue is identical to the boundary question discussed above and must, ultimately be settled through the Constitutional Alliance. The former issue, however, may involve differential costs of governance and hence may require the approval of the "funding government" in Ottawa. **Nevertheless**, the **NCF**, in which the western retire

communities have participated (through COPE), has already defined the responsibilities to be left to WARM and has also specified that these powers be exercised through delegation from the **Nunavut** legislature and not by separate charter. Thus, if the boundary of **Nunavut** should be drawn in such a way as to include the western arctic communities, this condition will have effectively been met already. However, if the boundary should be settled in such a way as to include **all** or a portion of the WARM communities in the West, the **WCF** will have to work out the powers and responsibilities of the regional municipality through consultation with the representatives of those communities, before division can be completed. In the final analysis, because this condition involves agreement within either the **NCF** or **WCF**, it should not be a difficult one to meet, and should provide no long term obstacle to the creation of **Nunavut**.

By way of conclusion to this discussion of the proposed division of the **NWT** it must be emphasised that although the primary focus has been and will continue to be on the "new" territory in the Eastern Arctic, there will be significant impacts on the "residual" western portion of the **NWT**. For one thing, as we have seen, the Native/non-native makeup of the territory will be significantly altered, as will the urban-rural distribution of population. As a result of these factors and as a result of the division issue itself having been resolved, the agenda for political debate in the western territorial assembly and on the hustings will be quite different. Similarly, the size and possibly the structure of the territorial bureaucracy will change. It will have to be smaller, because there will be a smaller population for which to provide services and because the

territory will be more compact geographically, the bureaucracy may alter or abandon the current regional decentralisation. Finally, with the east-west factional split removed from the assembly it may be possible to move to a more traditional party system, and consequently more quickly to the acquisition of full responsible government. Most significantly, Division of the NWT will provide an opportunity for creative changes in both Nunavut and the western territory, and potentially open the door to an era of better understanding, not only between the north and the south, but among the peoples of the northern territories as well.

#### BUILDING BRIDGES: INTEGRATIVE STRUCTURES IN THE NORTH

The focus in this paper to this point has been on the things that divide us on the issues and the competing interests that set northerners against northerners as well as setting the north aside from what has been referred to as the Canadian "mainstream". Now by way of conclusion we will attempt to identify some of the institutions or mechanisms that will help to build integrated communities in the Northern territories and that will also serve to bring those communities into the Canadian mainstream.

In the past there have been institutional forces which served to begin the process of 'building bridges' between the people of the north and the outside world. The fur trade, and its dominant proponent the Hudson's Bay Company, introduced the northern natives to the world of commerce and to some of the amenities of European civilisation. It also served to graft the native economy (albeit loosely) to the European mercantile



system. Permanent links were established between native and non-native societies and economies and the fate of the native was once and for all bound to the whiteman's world.

In a similar way, as we have seen, the churches of Europe also established contact with the northern natives and began the process of bridging the gaps between the traditional culture and that of non-natives through the process of Christianization. The natives seem to have taken to Christianity and the adoption of its basic values and major philosophical premises has given the Dene and the Inuit something significant in common with each other as well as with the non-natives.

Although more recent, possibly the most pervasive institutions in the north are the governmental or administrative ones. Here the explicit goal has been to bring the northern native peoples into the Canadian mainstream by providing them with many of the benefits of Canadian citizenship, such as social services, welfare, and mass communications. As well government in the north has brought to the Dene and Inuit the obligations of Canadian citizenship such as obedience to the law.

The problem with the above institutional forces in the north is that none of them has had the effect of integrating the northern peoples. The Bay introduced them to commerce but gave them no share in its real profits, the churches introduced them to Christianity but left them no room for their traditional values and beliefs, and the Government of Canada made them subjects without providing for their democratic participation in the political process. To be sure, the bridges were built between the northern natives and the non-native society, but they were one way bridges that

could permit only the assimilation of the northerners. The natives could choose to cross those bridges into the white man's **world**, but having made **that** choice they could never return to their own.

In the late 1960's and in the 1970's there was an awakening of native consciousness, in the NWT and Yukon. The pace and the scale of non-renewable resource development was such that the processes of assimilation became more noticeable. Native political organisations were formed, and while they were extremely cautious and even apologetic in the early **years**, they began to ask embarrassing questions about the future of their homelands. The catalyst that transformed the native political movement was the Berger inquiry. While the recommendations contained in the report itself may have had some positive effects on federal policy in the north, the most important changes were as a result of the process of the inquiry.

The **Berger** hearings in the Mackenzie Valley mobilised the native political organisations, raised the consciousness of the people in the **communities** and even sensitised many non-native northerners to the plight of their fellow northerners. Moreover, the **Berger** Inquiry also elevated northern issues to the national level, awakening the awareness and consciences of many southern Canadians to the legitimacy of northern demands. Finally, it must be recognised that while the focus of the Inquiry was primarily the Mackenzie Valley, its impacts were felt across the north. Native people in Yukon as well as the **Inuit** in the Eastern Arctic, became aware of common interests that they shared with the Dene of the Valley and **began** to think in terms of mutually supportive political strategies in dealing with the forces of resource development and with the federal

government. The stage was set for a transition from an assimilationist to an integrationist model of political and economic development in the north.

While the impact was lesser than that of Berger, the oft-maligned and much ignored Drury Report also helped to pave the way for a less assimilationist approach to the north. The most important recommendations of the Drury committee were those that advocated the further devolution of power to the territorial government and the establishment of a highly decentralised form of local and regional government in the NWT. Drury saw the former as a means of building bridges between the native and non-native communities of the north who would share political power in a legislative assembly that would have some real power over matters in the NWT, and the latter as a means of allowing diversity to flourish at the regional and community level. The combination offered by Drury was seen as fostering political integration at one level and as providing for cultural survival at another. As a bonus, local and regional councils, with their informal procedures, and 'close to home' agendas, are proving to be important training grounds for native politicians.

The most promising institutions for the building of bridges between and among the various interests in the northern territories today are likely the legislative assemblies. The Ninth Assembly of the NWT marked an important change in native/non-native relations in the territory because for the first time the Dene participated fully in the elections, succeeded in winning five of the twenty-two seats and elected two members to the executive committee. The important steps towards responsible

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division endorsed by the federal government and with the work of the NCF well advanced, the Eastern **Caucus** formed an alliance with some of the Dene and secured four of the eight executive council positions in the Tenth Assembly. If the Dene and **Inuit** could work together as effectively on the constitutional Alliance the dispute over the boundary of **Nunavut** would be settled easily!

The key point about the **role** of the legislative assembly in building bridges between natives and non-natives, and between the **Inuit** and the Dene is that the result has been **genuine** cooperation and not cooptation, and while helping to integrate the northern societies the assembly has not led to the assimilation of any group. In fact it can be argued that the natives of the NWT have learned to use the assembly in their own unique fashion and to their own political ends, much to the chagrin of non-natives in **Yellowknife** and other large South Slave communities!

The Legislative Assembly of Yukon has not been as effective as a bridge between the natives and **non-natives** as has that of the NWT. One obvious reason for this is that the whites in Yukon **enjoy** a clear majority in the electorate and hold thirteen of the sixteen seats in the assembly. The Progressive **Conservative** government of the territory has **been** consistent in its refusal to consider any special political rights or privileges for the Yukon Indians and has based the **refusal** on the principle of "One man one vote" and on the principle of a "one government system". However, while the structure of the assembly is such that 'an **MLA** is an **MLA**' whatever his or her ancestry, the party system **that** operates in the assembly **could** prove to **be an** even more effective integrative mechanism. The

native people in Yukon do not support a single political party<sup>and</sup> in fact they appear to split fairly evenly between the two major parties at the federal level. At the territorial level, the NDP, which is the official opposition, has fully integrated its native MLA's into the front benches, and if the NDP should form the government in a future election native MLA's would be well represented on the Executive Council.

Finally, while the current government of Yukon has refused any deviation from the one government system, one of the outcomes of the native claims negotiations has been agreement on guaranteed representation for natives on a number of advisory boards and councils in areas such as education, wildlife management, and land use, where the Indians have a special interest. The natives in Yukon are going to continue to be a minority but if they will accept the guaranteed participation on such advisory bodies, continue to involve themselves in the party system, and accept the principle of one government for all Yukoners, it may be possible for them to achieve integration into the Yukon society without loss of either their identity or their sense of community with other natives.

In the NWT there are very specialised institutions with the potential for achieving greater integration among the peoples of that territory. The Nunavut Constitutional Forum and the Western Constitutional Forum, which together make up the Constitutional Alliance of the NWT, are temporary institutions which have been established to negotiate the division of the NWT and to design the constitutions for the two territories that will emerge. The NCF is well along in the process of constitution making, and is currently concluding a series of community hearings on a constitutional discussion paper entitled Building Nunavut. The principles espoused

in the document, which is, in fact, a draft constitution but in non-legal language, are a monument to moderation and cooperation among the various interests in **Nunavut**. The basic model is 'public government', equality for all residents of **Nunavut** and with no guarantees of special political rights, either for the **Inuit** or for the present white minority. It is "One government for all **Nunavutians**" but with the provision for powerful semi-autonomous regional municipalities where the people of a region want it.

The **WCF** has not progressed as far in their constitution building. part of the reason for this is that in the post division period there will be a government already in place in **Yellowknife**—i.e., they are not starting 'from scratch' in the same way as the people of **Nunavut** are. However, the division of the NWT is a good opportunity for the people of the western arctic to modify or rewrite the constitution of their homeland. There is the possibility, for instance, of experimenting with different representational systems or even **bicameralism** in order to provide some guarantees of political rights for the **Dene**. Alternatively, the **WCF** may wish to include provisions for regional municipalities, not only to accommodate the **Inuvialuit** if they end up being a part of the western territory, but also to provide the various **Dene** bands in the territory a measure of autonomy in the areas of special concern to them.

The highest integrative potential of the **WCF** however, lies in the process itself, where all of the various interests in the western **NWT** are forced to work together cooperatively. The consensus between the **Dene** and the non-natives of the Mackenzie-Great Slave Lake region was difficult to

sustain in the assembly because many of the issues debated involved head-on confrontations between the native and non-native MLA's. However, in the WCF they share common concerns such as over the boundary between the two new territories. They have to settle their differences and work cooperatively on WCF or they may end up being completely outmanoeuvred by the NCF which is united internally on most key issues.

In the economic sphere the structures with the highest potential for building bridges between the traditional economy and the wage/welfare economy may at first glance seem unlikely. The native development corporations may prove to be the most significant instruments in this regard. While they have the effect of luring the native organisations into cooperative ventures with multinational corporations, and thus giving them a vested interest in non-renewable resources development, they also give the natives some leverage in moderating the pace and style of that development. As well, the native development corporations themselves are wage employers and as such can experiment with styles of management that are more flexible and ultimately more compatible with a part time subsistence lifestyle. To be sure, the welfare economy also permits a part time dabbling in the traditional economic pursuits such as hunting and trapping, but the difference is that the welfare system is an alien (if well intentioned and beneficent) social force and ultimately must lead to assimilation. The native development corporations by contrast are now part of the native social structure and, if managed properly, can become important integrative mechanisms in developing a mutually compatible "fit" between the traditional and wage economies.



Ironically bureaucracy in the north may turn out to be an important integrative mechanism. While it is difficult to imagine anything more alien to the native way of life than Weber's 'legal-rational' paradigm, there is no reason why bureaucratic structures cannot be adapted in such a way as to make them more compatible with native ways. Particularly in the field, hours can be more flexible and leave can be arranged to accommodate personnel who wish to spend time on the land. Furthermore certain jobs in the territorial public service such as in renewable resources management are intrinsically compatible with the native traditional lifestyle and might serve to ease the strain of entry into the wage economy. Most importantly these and other "field" positions in the bureaucracies of the Northwest and Yukon do not force native employees to uproot their families and move to Yellowknife or Whitehorse.

The headquarters components of bureaucracies will inevitably be less adaptable to traditional lifestyles. In fact one of the great dangers facing a fledgling Nunavut will be the need to staff the headquarters components of the new territorial public service with technically and professionally qualified personnel. There are insufficient numbers of qualified people in Nunavut to fill all these positions, and the result may be an unavoidable "airlift" of southern Canadians to staff the new bureaucracy. The last thing the people of Nunavut need is a largely expatriate bureaucracy, and, as well, the influx of newcomers might serve to dilute the Inuit majority in the electorate. The best solution is likely to set up extensive training and education programs to upgrade Nunavut residents' skills. This would have to be done well in advance of

the actual moment of division and realistically would have to begin almost immediately if Nunavut is to be created in less than ten years.

Up until now we have spoken only of the forces of integration, the mechanisms of bridge building within the northern **societies**. However, there is a second dimension to the process of integration, and that is the integration of the northern societies into the Canadian "mainstream". While there are mechanisms in place such as the ongoing constitutional conference on aboriginal rights which keep specific northern **issues** on the agenda of politics in the south, the most important integrative structures today are likely the national political parties. **Virtually all** of the members of the legislative assemblies of the two territories have ties with one of the national parties. More importantly, the northern politicians are often prominently active in the affairs of the national parties. Northerners can be found on the national executives of the Liberal, PC and New Democratic parties, and they seem to have an influence on decisions that affect the north.

What is interesting here is that, unlike the process of policy initiation in most areas, key policy initiatives **vis-a-vis** the northern territories seem to flow disproportionately from the political, rather than the bureaucratic corridors. As examples of this: the letter of instruction to the Commissioner of Yukon granting de facto responsible government did not originate in the policy branch of **DIAND** but rather was the direct initiative of the PC Cabinet (likely informed by the subtle persuasiveness of the Honorable Eric Neilson); the approval in principle of Division of the NWT was essentially unexpected in the department—it came out of

Cabinet committee (and could even have been linked to Peter Itinuar's defection from the NDP); and, the 1983 changes to the executive structures in the GNWT originated not in Ottawa at all but through an accommodation reached between the Minister, the Commissioner and the Leader of the Elected Executive.

Hence, while much maligned in the current literature of political science and policy analysis—the former taking the position that national parties are failing as mechanisms of brokerage and interest aggregation, and the latter that they have little impact on public policy decisions—the national parties may turn out to be the most important bridge building institutions in the integration of the northern territories into the Canadian polity. Moreover, because the involvement in national party organizations is no longer limited to the non-natives, and with native people today holding executive offices in virtually every constituency association in the north, the national parties are also an important force in breaking down the barriers between the native and non-native communities in Yukon and the NWT.

To conclude, the North is of critical importance to Canadians as a whole because, as we have seen, it is a land of vast potential wealth not only in terms of natural resources but in terms of the cultural diversity which has been the hallmark of Canadian political life. The manner in which future generations define their worth as a nation may well come to rest on the effectiveness with which the current generation of political leaders resolves the poignantly human dilemmas of northern development in the coming years. The key is not to find ways for the north to deal with

the Canadian "Mainstream" but to fully integrate the northern territories into the federation and to make the uniqueness and the internal diversity of the north a part of that mainstream.

A Note On Sources

The aim of this paper has been to provide a synthesis of northern constitutional and political issues, and to form the basis for discussion and debate. Hence the extensive footnoting to back up the positions taken and arguments made which would be de rigueur in a journal article has been avoided. However while there are no direct quotations the raw information contained here has been derived from sources. Most of these are "primary" including many publications of the governments of Canada, the NWT, and Yukon, the publications of the NCF and WCF and those of the Native organisations in the northern territories. A great deal of the material and the opinions have come from formal and informal discussions with northerners over many years but most significantly in 1982-3 when the author spent ten months north of sixty. Unfortunately there are very few secondary sources on this subject, but one that bears mention because of its comprehensiveness and provocative insight, is Gurston Dacks', A Choice of Futures: Politics in the Canadian North, which was published in 1981 by Methuen. Finally, some of the ideas expressed here have been put forward previously in earlier publications of the author.

Allenbaugh

INDICATORS OF SOUTHERN  
ATTITUDES TOWARD THE N.W.T.

1979 - 1983

GEORGE BRADEN,  
July, 1984

## INTRODUCTION

While most southern Canadians are necessarily preoccupied with problems or issues which affect their community or region, the Northwest Territories (NWT) does, from time to time, briefly appear in the national spotlight. Residents of Manitoba and Quebec may have briefly monitored the manner in which the Government of the Northwest Territories (GNWT) has been dealing with official bilingualism, soon to be implemented in the north along with official recognition of seven aboriginal languages. Opponents of cruise missile testing, while first focussing upon the missile's landing at an isolated Canadian Forces base in northern Alberta, soon learned that the guidance system would spend most of its journey in the NWT, following a course down the Mackenzie Valley after having been launched from a B-52 bomber over the Beaufort Sea. A final example involves a number of national and provincial women's rights organizations which were recently outraged when a NWT Court judge sentenced three Inuit men to one week in jail after they were found guilty of having intercourse with a fourteen year old Inuit girl. The reason for the verdict, Inuit have different moral standards than white, southern Canadians.

However, it is safe to say that while the three issues noted above are all of current national interest, the N.W.T. experience with them has received little attention in the southern media spotlight. In short, with a few exceptions, northern issues

have not and probably will not ever spark intense national debate such as that generated over the Quebec referendum, British Columbia's restraint program, Newfoundland's dispute over off-shore jurisdiction, or for that matter, a domed stadium in Toronto.

Nevertheless, a small group of Canadians in the federal government, provincial governments, multinational corporations and the university community, make it their business to be knowledgeable about the NWT. They engage in analysis, discussion and debate about the NWT amongst themselves and with northerners and from time to time, they make decisions which have had and continue to have, a profound and direct influence on the NWT's political, economic, social and cultural evolution.

The purpose of this paper is to examine the behaviour of this small group of southern Canadians toward the NWT during the period 1979 to 1983. The time-frame chosen is of significance in that the author had access and exposure to politicians, civil servants, industry representatives and academics during these years. More important, the period 1979 to 1983 represented a time when a number of major and outstanding NWT issues were finally addressed by decision makers in both the north and the south. In some cases, decisions were even taken and implemented, a condition not common to the NWT for much of the 1970's.

No particular rigorous methodology has been applied, nor in-depth interviews conducted. Rather, the following presents an overview of the author's impressions on how the attitudes of southern Canadians in the categories noted have shaped the NWT



during the period under review. Through an examination of a number of indicators, the discussion will hopefully provide some insights to assist the Royal Commission in preparing recommendations about northern Canada in general and the NWT in particular.

In terms of content, significant emphasis is placed upon the federal government to demonstrate how politicians and civil servants accorded increasing political legitimacy to the NWT while closely guarding jurisdiction over the north's non-renewable resource base. The role of provincial governments is examined from a constitutional perspective to highlight how the NWT became one issue during the patriation process of the late 70's and early 80's. A third section deals with the presence of multinational corporations in the NWT and focuses upon those conditions necessary to maintain and enhance the current level of industry interest in the development of the north's non-renewable resource base. Last, the paper presents a brief commentary on the role of Royal Commissions, Special Commissions, Inquiries and other variations of the above in the NWT. Hopefully, these observations may provoke some thought on the approach which decision makers, academics and analysts take toward the north.

THE GOVERNMENT OF CANADA

While the federal government probably understood its northern policy mandate under St. Laurent, **Diefenbaker** and Pearson, the first decade under Trudeau was marked by numerous conflicts over the direction of national northern policy and a number of Ministers who used the Indian Affairs and Northern Development portfolio as a stepping stone to a higher political profile, or, in most cases, political oblivion. At a time of increasing expectations among the **NWT's** aboriginal residents, the Legislative Assembly, and non-renewable resource developers, the Government of Canada appeared to lack any firm **direction** for the north. That the NWT was represented by five different ministers during the 1970's gave northern residents a clear picture of the attitude which the federal government held toward the NWT. What was even more difficult to tolerate, was the high profile role being assumed by Department of Indian Affairs and Northern Development (**DIAND**) bureaucrats. Northerners were told by civil servants that their **legislative** branch could not be called a Legislative Assembly because, in federal law, it was termed a Council. Ministers of the GNWT could not refer to themselves as Ministers and should not expect to represent the NWT at federal-provincial meetings as this was clearly a function of the federal government in general and **DIAND** in particular.

Following two northern inquiries by Judge Berger and the Hon. C.M. (Bud) Drury, the Prime Minister was presumably convinced that the presence of a knowledgeable northern affairs Minister was essential for effective consideration of long unresolved issues and to reduce the level of mounting tension between northern political leaders and the federal government. Early in 1980, the Hon. John **Munro** was appointed to the portfolio and while the appointment was not enthusiastically greeted in the NWT, his four year tenure produced results and some measure of progress on issues which had been stalled for the past decade.

The Minister's relative success can be attributed to a number of factors. First, he effectively used **DIAND** as a vehicle for advancing both national and territorial issues. As outlined below, the role of the Department as the sole agency for dealing with the NWT was gradually changing to one which required sensitivity to other national objectives being articulated by others, such as the Ministers of Energy or Environment. The Minister and his department were required to deal with other more aggressive federal counterparts on major issues with a northern component. Obvious examples include the National **Energy** Program and National Parks Policy.

The need to play a key role in developing northern initiatives in Ottawa had to be balanced with the aspirations of northerners for a divided territory, responsible government, settlement of aboriginal claims and a host of other issues. During his four

year tenure as Minister, Munro came to be seen as an advocate for the NWT, albeit one who was not successful at all times with all issues.

A second factor which must be considered in assessing Munro's performance is the general presence of the Minister in the NWT. During the period from his appointment in 1960 until his recent retirement, northerners became accustomed to Munro and his entourage flying around the north in a Challenger jet, dropping in to Yellowknife to meet with GNWT and native organization leaders, visiting Tuktoyaktuk to mediate between concerned residents of the Beaufort and representatives of Dome Petroleum, or assisting the Nunatsiak Liberal Riding Association during a trip to Rankin Inlet. No Minister of Indian Affairs and Northern Development has ever spent as much time in the NWT, nor been so accessible to political leaders, the media and the public. It is not surprising that the Minister received praise and appreciation from many northerners following his recent departure from politics.

A final factor associated with Munro's success has to do with the experience he brought with him to the portfolio. None of Munro's predecessors knew the system of federal government nor did they bring over a decade of cabinet experience when they assumed the Ministry. Presumably they had not accumulated many political favours which Munro was able to call in from time to time when a decision or action on a pressing northern issue was required.

However, the DIAND Minister was not the only federal political actor in the NWT. During the time frame under consideration, there

was a notable change in the attitudes of other federal Ministers toward the NWT generally, and their departmental responsibilities in particular. The Treasury Board President, Solicitor General and the Ministers of Justice, Employment, Transport, Environment, Health and Supply Services, to mention only a few, travelled north for discussions of a financial, legislative or policy nature. Federal Ministers observed the proper protocol in dealing with their territorial counterparts and in their statements or correspondence acknowledged that a Legislative Assembly existed in the NWT. Unfortunately, this outpouring of recognition did not extend to the non-renewable resource area. The message was clear to northern political leaders -- oil, gas and minerals were in the realm of federal jurisdiction and would stay there for some time to come.

Finally, the federal bureaucracy, while not exactly keeping pace with their political masters, also appeared to change its attitudes toward the NWT. From a northern perspective, definite progress was achieved in terms of the level of legitimacy accorded NWT civil servants by their Ottawa counterparts. This condition may have been a function of the emerging new breed of NWT civil servant, replacing the retired RCMP, HBC employees and military who could not relate in their roles as territorial bureaucrats to Ottawa's senior technocrats. It may also have been a function of GNWT policy which was aggressive and forward thinking, but did not pose a threat or an unresolvable problem for the federal bureaucracy. In short, most territorial initiatives sought to

enhance northern participation with federal departments in formulating initiatives as opposed to having outright transfer or delegation of provincial type authority currently vested in the federal government. Finally, some have suggested that the changing nature of DIAND prompted other federal departments to jump in and fill the void. What better way to do this than to establish formal ties with counterparts in the north.

In respect of the Legislative Branch of the federal system, the period 1979 to 1983 produced a healthy change in the attitudes of the House of Commons and the Senate. During the four year period, numerous committees investigating the Canadian constitution, Senate reform, pension reform and the National Energy Program, have travelled to the NWT, or have solicited northern input to southern-based hearings. Committees have also been used to deal with specific northern issues, such as the future of the Northern Canada Power Commission. Similarly, Commissions such as those investigating the Economic Union and Development Prospects for Canada, or Pornography and Prostitution, are recognizing that northern input is required. At times, northerners and their institutions are somewhat overwhelmed by the variety and complexity of Commissions and may not have the most sophisticated of presentations and arguments. Nevertheless, their presence, and interest in the NWT and national issues as applied to the NWT, marks a dramatic change in attitude of the lawmakers and those charged with providing input to policy or legislation.

A final general indicator of positive **change** is the support of both the Legislative **and** executive branches for an **NWT** presence at almost all federal-provincial discussions. During the last four years, the **NWT** has attained equal status at **all** but formal and informal First Ministers Conferences (the exception being aboriginal rights conferences where the **NWT** is present at the discretion of the Prime Minister). While the attainment of this goal has not been without problems, given reluctance of Energy, Mines and Resources and **DIAND** officials to have the **NWT** recognized at Energy Conferences, the current condition has been achieved in the absence of any **NWT** drive to move quickly toward provincial status. Ironically, Canada's two territories are now considered as prime locations for **federal-provincial** conferences.

To conclude this brief overview, the indicators noted above suggest that federal attitudes toward the **NWT** and its institutions changed in a positive way during the period 1979 to 1983. In **large** part the relative harmony of the last four years can be attributed to the presence of a **Minister** who was **mandated** to address northern issues and a growing acceptance by other federal Ministers and a federal bureaucracy that the **NWT** has a legitimate role and responsibility as a junior member of Confederation. While many major issues remain unresolved, the federal government has made progress in the **NWT** and should be encouraged to **reinforce** the northern institutions which it has helped to evolve during the past few years. This can be achieved at the most basic level through government to government communication

and respect for what northerners have achieved to date. It can also be achieved through constructive progress toward devolution of outstanding provincial type responsibilities when the NWT is ready and able to manage them. To achieve these and other significant goals, among them the need to settle outstanding aboriginal claims, northern residents need to know they have an advocate in Ottawa. A content analysis of northern newspapers prior to 1980 would no doubt reveal many editorial demands for the dismantling of the Indian Affairs and Northern Development Department and ministerial portfolio. The relative absence of such demands since 1980 is an indicator that northerners believe attitudes are changing in Ottawa.

#### THE PROVINCIAL GOVERNMENTS

During the 1960's and early 1970's communication between the GNWT and provincial governments was limited. While northern politicians may have exchanged pleasantries and views at annual meetings of the Commonwealth Parliamentary Association, most of the contact was at the officials level, with GNWT civil servants negotiating agreements to use hospitals, schools and other services in Alberta, Manitoba and Quebec. For the most part, provincial politicians perceived the NWT as an area of exclusive federal jurisdiction with territorial politicians having a marginal say in its evolution.

However, as relations between the federal and provincial governments began to deteriorate in the mid to late 1970's, the existence of the NWT and Yukon began to take on some semblance



of significance in the events which unfolded during the constitutional debate over patriation. In their assessment of what role the federal institutions of government should assume in a new Canada, provincial governments were necessarily obliged to review what cards the federal government had to play in negotiations leading up to confederation under a new constitution. One of the cards, which was relatively minor in the overall negotiations process, was federal jurisdiction over the land and resources of Canada's two northern territories.

It is evident that in dealing with the existence of two northern territories in Canada, the provincial governments could not come to a consensus on the best way to reflect their presence in a new constitution. In part, this absence of a consensus is based upon a collective distrust of what the federal government might do with the two territories and a concern among some premiers that their counterparts were not above making a deal with the federal government to extend provincial boundaries northward. The "Gang of Eight" was eventually successful in having written into the new Canadian constitution two provisions which made the creation of new provincial jurisdictions and the extension of provincial boundaries north subject to the amending formula. Rather than dealing with the NWT and Yukon from a nation building perspective, the provinces and the federal government agreed to make the future of the two territories a function of the unproductive federal-provincial decision making process. The following provides a brief overview of some of the attitudes and

indicators which produced this condition.

Given the impact which the energy crisis had upon the nation and the temporary shift of economic wealth and activity to western provinces, there were some provincial governments which clearly perceived that for the benefit of their jurisdiction in particular and the country in general, NWT non-renewable resources must remain under federal control. In short, northern resources should be developed by the federal government for the benefit of all Canadians, in particular those who reside in areas or regions which do not have a significant non-renewable base. Provincial leaders, if pressed to be candid, would argue that there is no way a mere 47,000 people should be entrusted with authority over the resource base of the NWT. The experience of having "blue eyed Arabs" in Alberta, British Columbia and Saskatchewan, must not be repeated by allowing a "Kuwait of the North" to evolve. Provincial leaders in this category also feared the extension of western provincial boundaries into the existing NWT; thus the provision in the Constitution Act requiring that extension of boundaries be subject to the amending formula.

Other provincial leaders were concerned that the federal government may use its authority to create new provinces to establish "have not" jurisdictions in the north, in effect, new provinces which would be pawns of Ottawa. The simple fear was that these new jurisdictions would, in future, be used by Ottawa to erode provincial authority and generally strengthen

Ottawa's position in the federal-provincial arena. Given this concern, provincial governments successfully obtained a clause in the Constitution Act making the creation of new jurisdictions subject to the amending formula.

Finally, there were **some** provincial **leaders** concerned about the level of federal deficit financing required to operate northern governments. They felt that it was best to ensure that any new players at the provincial level **would** first have their contracts scrutinized by the existing members of the team. Sports analogies aside, the provinces simply wanted to ensure that their share of the equalization pie was not going to be reduced by **adding** new provincial jurisdictions not capable of funding a substantial share of their **requirements**. **No** doubt, Newfoundland's entry into confederation and the absence of provincial input to the terms of the deal had not been forgotten.

In concluding this portion of the discussion on provincial attitudes **toward** the **NWT**, provincial **leaders** were clearly concerned about Ottawa using the north as a tool to upset the delicate balance of power which exists at any time between the two levels of government. Whether or **not** this scenario **would ever** come to pass is not a subject for this discussion. Suffice it to say, the premiers achieved their **objective**. In another context, it is clear that the provincial leaders did not trust each other and took steps to restrict any future expansion Northward. That the NWT complained bitterly about both

provisions did not matter in the final days of negotiation before an accord was reached. In a last ditch effort to have Sections 42(1) e and f removed from the Act, the Legislature of the NWT lobbied representatives of both levels of government but to no avail. The rules of the game had been substantially changed, nation building was no longer the job of the federal government in respect of its northern territories. Exclusive federal jurisdiction must now be shared with all of Canada.

One should not conclude from the above that the provincial governments have, for the past four years, been involved in a nefarious plot to undermine the future of the NWT. Clearly, contacts established at various federal-provincial meetings have been productive. The NWT is automatically included in all provincial ministers meetings prior to follow-up sessions which take place with federal counterparts. Recently, a new practice has been adopted whereby territorial government leaders are invited as observers to the annual provincial premiers meetings. While the NWT Government Leader does not have a seat at the table, he is allowed to make an address to his counterparts summarizing issues in the north and one can expect that with time, the north will have their leaders seated at the table, whether or not provincial status has been attained.

As noted above, the GNWT has been making arrangements for purchase of medical and educational services from provincial governments for a number of years. More recently, NWT Ministers

have been negotiating special agreements with their provincial counterparts on matters relating to tourism, small business, highway transport regulation and wildlife management, to name only a few. For the most part, these agreements are negotiated in the absence of DIAND officials and do not require any formal ratification by the DIAND Minister. The usual exchanges between the NWT cabinet and their southern counterparts are also a regular occurrences. Ministers attempt to broaden their perspective through a "mutual exchange of views" while enjoying the hospitality of the host jurisdiction.

In the area of non-renewable resources, the NWT has still to be accorded a significant measure of legitimacy from the provinces. From 1979 to 1983, Canada continued to guard this jurisdiction closely and demonstrated to provincial governments that it is Ottawa which makes the final decisions. Discussion with NWT Ministers tended to focus largely upon the infrastructure necessary to move people and services into the north and transport the resources out to the markets and factories in the south. Recently, some oil and gas producing provinces have expressed concern about the application of exploration incentives by the federal government. They have argued that too many incentive dollars are being expended in Canada's frontier and eastern off-shore to the detriment of the oil and gas industry in Alberta, British Columbia and Saskatchewan. The arguments have not gone unheard by the Progressive Conservatives and the new Prime

Minister of Canada. While NWT leaders will no doubt attempt to maintain the level of exploration activity in their territory, they are virtually powerless to stop the flow of federal investment dollars from leaving the NWT and have no options to exercise in terms of offering their own incentive program.

To conclude this portion of the paper, it is difficult to present any observations which may assist the Royal Commission in its deliberations. At the very least, one must draw from the above that the provinces of Canada have, for their own reasons, demonstrated to Ottawa an interest in how the affairs of Canadian territories are managed. From a political perspective, they do not want to see the balance of power in Canada deliberately upset by the Federal government through creation of new jurisdictions in the north. From an economic perspective, some provinces have expressed concern that too many federal investment and incentive dollars are going to Canada's frontier, when their own industries are struggling to stay alive. This is perhaps what northerners have to expect in the ebb and flow of a federation. Yet it is a federation in which the residents of the NWT are not yet an equal partner. One cannot help but wonder if, in the final analysis, the provinces will exercise their responsibility in allowing the NWT to evolve to full partnership, or will purely parochial or political interests retain the status quo?

THE MULTINATIONAL CORPORATIONS

A third major force in the evolution of the NWT is the presence of multinational corporations. Non-renewable resource giants like **Esso, Gulf, Dome, Cominco, Falconbridge** and **Shell**, have been active in the NWT for decades. Their operations have been supported by other major actors like **Pacific Western Airlines, Nordair, Arctic Transportation Ltd.** (a subsidiary of FedNav) as well as Crown Corporations such as **Northern Transportation Company Ltd., and NorthwesTel.** Along with the Northern Canada Power Commission, this second group has provided the transportation, communication and energy infrastructure necessary for a successful multinational presence in the NWT.

From a northern perspective, it is sometimes difficult to understand why industry continues to find the NWT an attractive area for investment. Consider the list of problems and issues which presumably should generate sufficient uncertainty to move investments elsewhere, unsettled aboriginal claims, a federal government which has yet to clearly enunciate a resource development policy, an emerging GNWT with priorities and problems of its own, and finally, the technical, engineering and environmental problems associated with development of resources in one of the most difficult and demanding regions of Canada.

Yet, despite the above, the multinational presence in the NWT is strong. Even in the aftermath of the **Berger** Commission, development proceeded throughout the north including the

construction of four major mines during the period 1979 to 1984 as well as the development of a small oil field at Norman Wells and a pipeline to move the oil to Alberta. In the exploration area, Dome, Gulf, Esso and PanArctic continue their expensive programs in the Beaufort Sea and High Arctic. With respect to mining exploration, poor base metal markets produced a downturn, however high values for precious metals maintained a healthy level of activity. During the late 70's and early 80's, as the rest of Canada was mired in unemployment and bankruptcy, the NWT appeared to be thriving with non-renewable resource based activity.

While the purpose of this section is not to go into detail on the subject of the northern economy, the scenario noted above deserves some comment from the perspective taken in this paper, that is, what shaped industry attitudes toward northern development?

First, one can argue that during the past three decades the Government of Canada in particular has offered a variety of incentives, particularly in the areas of infrastructure and taxation, to encourage and maintain a multinational presence in the NWT. Without major infrastructure such as roads, airstrips, railways, waterways, communications and energy, development would not have been feasible.

Recently, the GNWT has become involved in providing infrastructure as well, particularly in the areas of health, education and municipal services. The GNWT even participated in a program to keep Pine Point Mines in operation during a



particularly difficult period in 1983. The reason for an injection of \$600,000. of territorial money was that the GNWT would stand to lose more from personal and corporate income tax if the mine remained closed until base metal prices improved.

Clearly, industry has recognized that its significant financial commitment must be matched in some fashion by government in the north if the resource base is to be developed. This has been the northern tradition for many decades and would appear to be the method of operation for the future. In their desire to develop the NWT, both Ottawa and the GNWT have invested heavily in infrastructure which is geared to the non-renewable resource industry. The multinationals understand that should their presence be significantly reduced, the tax base of the GNWT would erode to the point where almost all of the revenue required to operate its programs would come from the federal government. While Ottawa could presumably absorb these costs, they would be left with a legacy of sophisticated and expensive infrastructure being under-utilized and far beyond the financial capabilities of northerners to maintain.

A second factor influencing the multinationals is the presence of one government and its agencies, responsible for the management of non-renewable resources in the north. This argument may seem odd given the never ending litany of complaints from industry concerning the number of federal agencies, departments and boards with which they must deal.

However, in comparison to what the oil and gas industry in particular has experience in eastern Canada on the matter of off-shore jurisdiction, or in Alberta on the matter of revenue sharing between the federal and provincial governments, the NWT offers an environment where the question of jurisdiction is easily answered. While industry may recognize and respond to the emerging GNWT and its interest in non-renewable resource development, the major negotiations clearly take place with the Government of Canada.

As a footnote to this discussion of industry attitudes towards the north, one must question whether or not the multi-nationals would prefer to see the GNWT assume provincial type jurisdiction over non-renewable resources. In a recent presentation, one major industry lobby group recommended that the National Energy board be an active participant in the setting of utility rates in the Northwest Territories. This position was contrary to that of the GNWT and the NWT Legislative Assembly. The industry recommendation suggests that the multi-nationals may prefer to have the status quo retained, in spite of the problems associated with the federal regulatory and administrative apparatus. Both industry and Ottawa have significant northern investments which must be protected and enhanced. Whether or not a northern government can be trusted with this responsibility from an industry perspective is questionable.

The purpose of this section has not been to give the Royal Commission the kind of detailed information and analysis that

it requires to formulate recommendations on the northern economy. Rather, the few observations noted above will hopefully provide a few indicators of what the multinationals require to maintain their presence in the NWT. At present, the balance between the myriad of problems associated with northern development and the return on time and investment by industry, seems to lean toward continued development of the NWT's resources. Because of its jurisdiction over non-renewable resources, the federal government must continue to fine tune this balance in order that industry is successfully integrated into the northern economy of the future. To date, industry seems to have adjusted, at times with the reluctant support of northerners, but the balance is tenuous.

#### THE NORTHERN ISSUE COMMISSION

Since Dean Carrothers conducted his historic Commission into political development in the NWT during the 1960's, northerners have seemingly been the target of numerous federal investigations into a variety of social, economic, environmental and constitutional issues. No doubt, these examinations have produced a wealth of useful information and analysis for the use of decision makers and academics.

However, in recent years northerners have become somewhat cynical of the Northern Issue Commission. In order to understand this mounting frustration, a few words are in order on the role, or perceived role which the Northern Issue Commission

has assumed in the NWT during the past decade in particular. Given this analysis, some indicators of "attitudes" will hopefully become apparent.

The decade of the 70's in the NWT cannot be described as one of harmony and cooperation. The GNWT and DIAND were accorded **little** internal legitimacy by NWT native leaders. Even members of the NWT Legislative **Assembly** at times saw their institutions simply rubber stamping the policies of a federal commissioner over whom they had little control. Thus, in order to deal with substantive problems of the day, such as development of hydrocarbons, northern issue commissions were established to provide **federal** decision makers with advice and recommendations. Needless to say, in an atmosphere where neither the federal nor territorial governments could claim much support, these commissions, and the individuals who headed them, took on, and created, a dynamic **level** of expectation, or in some cases animosity, far beyond what had been envisioned by the decision makers in Ottawa. Given this background, a number of observations can be drawn about the attitudes **Of those who establish and conduct the northern issue commission.**

First, in their conception by federal decision makers, sufficient attention was not given to existing northern institutions which clearly had a role to play in the review of a northern problem. In retrospect, should the Prime Minister have asked the **Drury** Commission to investigate the municipal system **of** government in the NWT or the policy arm of the GNWT Executive Council office? After all, the GNWT and the Legislative Assembly

had been in place in the NWT for a full decade. Were these institutions not capable of conducting such inquiries on their own? Similarly, in conducting his examination of hydrocarbon development in the Mackenzie Valley, should Judge Berger have insisted upon a more prominent role by the GNWT. After all, many of his major recommendations focused upon the people of the Mackenzie Valley who, in theory and in practice, were served by the GNWT. Even though northern governing institutions were, at the time, accorded limited legitimacy, their exclusion from accepting a responsible role, via the northern issue commission, was unfortunate.

Second, while recognizing the hard work and dedication of those who conducted northern issue commissions, accountability for a response to their work was perceived to rest with that large and distant federal institution of government in Ottawa. Northerners, through experience, came to have little confidence in the ability of federal institutions to respond to recommendations of the northern issue commission. Alternatively, during the author's brief political experience in the NWT, major examinations of the northern education system and division of the NWT by territorial institutions of government produced significant public interest as well as strong representations from voters about the consequences at election time if elected northern representatives did not deal with issues in a responsible fashion. In short, for the federal northern issue commission of the future to have credibility and effect, it must come to terms with the need to demonstrate to the public some measure of accountability.

It is suggested that this can be achieved through a more cooperative approach with northern institutions and northern leaders in conceiving and conducting the northern issue commission.

To conclude this brief review, a few comments on the nature and scope of commission recommendations are in order. Looking back, one would find that the terms of reference of northern issue commissions are extremely broad and characterized by a seemingly unlimited mandate. At times this produced an element of zeal and reform among commission staffers charged with research and development of options. Brilliant minds and many millions of dollars have gone into the preparation of complex scenarios which, when implemented, would solve the problems of the north. Unfortunately, northern human nature being what it is, these solutions very seldom seemed to produce the society for which we all strive.

The northern issue commission played an important role in that the product provided a useful insight into northern problems. In respect of the future, the final product must be one which decision makers can realistically respond to, or alternatively use as a guide for making legislative, institutional, or policy changes. At times, this may require that incomplete or unpopular recommendations must be advanced for both the public and decision makers.

Obviously, the observations noted above do not apply in their entirety to the Royal Commission. Nevertheless, in

its recommendations, the Royal Commission may be suggesting areas which require further followup if decision makers are to make wise choices respecting the role of the NWT in the economic union of Canada. Hopefully these thoughts will help to avoid some of the problems of the past.

#### CONCLUSION

While Northerners are notorious for ascribing motives to the actions of southern decision makers, they are no more given to this behaviour than Albertans or Ottawa civil servants. This paper has attempted to deal with a series of indicators which hopefully reflect to some degree of accuracy, attitudes which representatives of southern government, industry and academia had toward the north. Underlying all of the observations, is the assumption that northern residents themselves contributed significantly to the southerners' thought process during the period under review"

The Royal Commission should give careful thought to the role which the federal government should assume in encouraging and assisting further evolution of its northern territories. While the decade of the 70's was undoubtedly difficult, the federal record of the past four years has been good. Despite ever present indicators of doom, one can detect an air of

enthusiasm among NWT residents and their leaders. The federal government played a significant role in producing this condition during a time when its relations with the other members of Confederation were difficult and unproductive.

In respect of the provinces, the NWT will clearly have to continue the drive to establish credibility and recognition as an equal, though junior, member of Confederation. Provincial governments, despite their initiative noted above, appear to be willing to grant this external legitimacy. Perhaps, in taking the lead role of nation builder, the federal government can work with the GNWT and NWT Legislative Assembly to devolve further powers in the justice, health and resources areas to further enhance the national stature of NWT institutions.

Other contributions will no doubt document the major role which the multinationals play in the NWT. The purpose of this discussion has been to briefly identify the significance of their contribution to employment and taxation revenues in the NWT, and the current desire to see non-renewable resource jurisdiction retained by the federal government.

Finally, in respect of the northern issue commission, attitudes must change if the federal government is to conduct future large or small scale reviews into northern problems. Accountability of, and participation by, NWT institutions is critical to their success.

In conclusion, residents of the NWT recognize the significant role which southern decision makers assume in



charting the course for political, economic, social and cultural evolution in their territory. Yet, there comes a time when it is necessary for the southern decision maker to step back and let the northerner increase his share of "the burden of responsibility". Given that the Royal Commission is making recommendations which could chart the course of this nation for many decades to come, its response on the NWT must be forward thinking as well.