

The Adaptation of Non-Aboriginal Institutions of Governance  
in the Northwest Territories

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## I INTRODUCTION AND OVERVIEW

The Northwest Territories is unique among Canada's provinces and territories by virtue of its Aboriginal majority. Roughly 60 per cent of NWT residents are Aboriginal.<sup>1</sup> And yet the institutions of public governance in the NWT are predominantly Euro-Canadian in structure and operation. This reflects their origin: the governmental institutions of the NWT did not develop out of the indigenous political culture of the North, they were simply imposed by the federal government.

If political institutions are to be effective, they must adapt to local political circumstances and political culture. The governmental system of the NWT appears to be characterized by significant modifications of the southern model on which it is based. This essay seeks to explore the nature of the adaptations which have occurred in the institutions of governance in the NWT and the extent to which they represent truly significant departures from the southern model.

The key word in the previous sentence is "adaptations". The paper begins from the premise that public government in the NWT, both in origin and in current operation, is essentially non-Aboriginal. Thus the questions addressed in this study are those relating to adaptations and modifications rather than to fundamental reordering of governmental institutions according to Aboriginal principles of governance. Among the questions pursued in this paper are the following:

- How do the governmental institutions of the NWT operate?
- What is the extent of Aboriginal participation in these institutions?
- To what degree do these institutions depart from the southern Canadian model? Do the adaptations which have occurred make a significant difference in the nature of governance in the NWT?
- How have these adaptations come about? To what extent do they represent Aboriginal influences or are they better understood as deriving from northern circumstances (most notably small scale, a geographically dispersed population and a heavy dependence on government)?
- What lessons can be drawn from the NWT experience?

Evaluation of the adaptation of the institutions of public government in the NWT to Aboriginal influences and values has substantial potential significance well beyond the borders of the Northwest Territories. Nowhere in Canada have conditions been so favourable for Aboriginal influence on Euro-Canadian institutions of governance: not only is there a clear Aboriginal majority, but governmental institutions in the NWT are largely a product of the last three decades, a period of extensive Aboriginal political activism. Thus the NWT represents an important test for the relation of Aboriginal peoples to Canadian government.

The questions set out above are addressed through an examination of the structure and operation of the principal institutions of public government in the NWT, the Legislative Assembly, the cabinet and the bureaucracy, since the mid-1970s. Several important topics relevant to government in the NWT will not be directly addressed in this essay, though they arise tangentially in various phases of the discussion. These include: the processes and prospects of Aboriginal government; the structure and operation of municipal government; the judicial system; the ramifications for the legislature, cabinet and bureaucracy of major constitutional developments currently underway, such as the creation of Nunavut and the design of a system of

governance for the new Western Territory. The essay will, however, examine the nature, progress and possible consequences of a major restructuring of the Government of the Northwest Territories (GNWT) currently underway, with particular emphasis on the so-called 'Community Transfer Initiative'.

In that the exclusive focus of the paper is upon public government, it is important to emphasize that substantial numbers of people in the NWT, particularly Aboriginal people, reject the GNWT as an illegitimate, colonially-imposed institution. This paper makes no presumption or argument that public government, either as currently constituted or as it may be reformed, is to be preferred over Aboriginal self-government. It simply examines the institutions of public government and attempts to assess the adaptations that have occurred in it to meet the needs and approaches of the Aboriginal people of the NWT.

Disproportionate attention is devoted to the Legislative Assembly because it is so central to the system of governance in the NWT and also because it represents the principal claim to a distinctive, Aboriginally-inspired model of government.

The paper distills roughly six years research and observation of public government institutions in the NWT.<sup>iii</sup>

## II THE EVOLUTION AND NATURE OF THE GOVERNMENTAL INSTITUTIONS OF THE NWT

### Historical Background

Two principle themes are evident in the development of the institutions of public government in the NWT. First, the governmental structure was simply imposed on the Territories by the federal government, with little account of local, particularly Aboriginal, approaches to governance. As the Drury Report put it in 1979, "alien institutions based on a southern provincial model are being imposed on them [Aboriginal peoples] too rapidly...no time has been allowed for them to be understood, approved, or adapted to the values and needs of the people."<sup>iv</sup>

Secondly, although the institutions of the GNWT have evolved very substantially in a remarkably short time, these changes have been for the most part natural evolutions in response to pressures, opportunities and circumstances. Certainly, the NWT has experienced episodes of attempts at large-scale 'organizational engineering', in which entire political or governmental systems are explicitly designed to meet particular goals. The extensive changes brought about in the late 1960s in the wake of the Carrothers Report<sup>v</sup> and, to a lesser extent, the consequences of the Drury Report are the most important historical examples. And of course the creation of the Nunavut government and the process to develop a constitutional framework for government in the Western territory are very much of this nature. Still, since the early 1970s most of the significant changes to the institutions examined in this study (the Legislative Assembly, the cabinet and the bureaucracy) have been essentially piecemeal and evolutionary; many were ad hoc and many took place with well less than a full appreciation of their likely consequences.

Until 1967, the NWT was a colony of Ottawa, in essence governed by federal civil servants. Local field offices existed to deliver programmes but had little influence in decision making. The Commissioner, typically a senior federal bureaucrat, exercised sweeping powers. Until 1951, the Legislative Council was composed entirely of federal appointees; subsequent Councils included elected members but they were neither numerically nor substantively significant until the 1970s. Aboriginal participation in governing the NWT in this period was marginal at best.

Following the recommendations of the Carrothers Commission, Yellowknife became the territorial capital and the central governing apparatus was transferred to the NWT from Ottawa, but the structures of power remained fundamentally unaltered. The Commissioner retained ultimate authority, and the bureaucracy he directed was organized along the hierarchical lines standard in the south; it was also overwhelmingly non-Aboriginal in composition and in orientation. The formal sessions of the Council were conducted, in modified fashion, according to parliamentary precepts. In short, when the federal bureaucrats left Ottawa to establish the GNWT in Yellowknife, they in essence brought with them southern Canadian models of governance which they adapted for the small scale and the absence of democracy. Northern, let alone Aboriginal, influence on the original structures and processes of the GNWT were virtually nil.

Once established in Yellowknife, the GNWT came under pressure from several sources to change. As Aboriginal organizations developed and became increasingly politicized, they challenged the very legitimacy of the GNWT as a foreign, colonial institution. Groups such as the Dene Nation and the Inuit Tapirisat of Canada explicitly or informally ignored the GNWT; this put pressure on the GNWT to become more sensitive to Aboriginal concerns and more open to Aboriginal people. Non-Aboriginals, particularly in the Western arctic, sought greater democracy and accountability in government. As the federal government devolved more power and responsibility to the GNWT, the need for an effective and responsive institutional framework heightened.

In 1974, elected members of the Legislative Council were serving on the Executive Council. The following year the legislature became wholly elective and its members were permitted to choose ministers from among their number. By the early 1980s, an elected 'Government Leader' had emerged to head the 'cabinet' and the Commissioner had turned responsibility for all departmental administration to elected ministers. Although the pace of change was rapid, changes did not generally reflect epic power struggles for territorial self-government or notable crises that altered the course of political development. Change tended to come in unplanned, *ad hoc* fashion. The transfer of power from the Commissioner to the elected ministers, by way of illustration, came about in substantial measure because Commissioner John Parker thought it appropriate to hand effective responsibility for governing over to elected representatives. If this development had been recommended by the Drury Report, and did require the acquiescence of the federal government, it very much reflected the personal approach and preference of Commissioner Parker.

As these structural developments were underway, the Aboriginal organizations adopted a different stance towards the GNWT. Though still regarding it as illegitimate, 'experimental' or 'transitional', they accepted the reality of its importance and began to work with it. As part of this new posture, Aboriginals dropped their opposition to standing for election to the Assembly, so that since 1975 Aboriginal MLAs have formed a majority in the Legislative Assembly.

As detailed in the following sections, the structure and operation of the Assembly, the cabinet and the bureaucracy have developed significantly in the 1980s and 1990s. However, more fundamental change, in terms of both constitutional development and programme delivery, has occurred through the devolution of power from the federal government to the GNWT. With the transfer of health delivery and the NWT Power Corporation to the GNWT in the 1980s, Ottawa turned responsibility for most policy areas over to the territorial government, thereby greatly enhancing its size and its importance for people of the NWT. This increased capacity and salience may have significant consequences for the overall legitimacy of the GNWT, in that as people come increasingly to rely on it for programmes and services, they may become more accepting of it.<sup>vi</sup>

### The Westminster Model in the NWT

No great theory lay behind the choice of government form imposed on the NWT by the federal government and its bureaucrats. As southern Canadians, they were familiar with the British cabinet-parliamentary system and simply and naturally saw in it the obvious course of political development for the NWT.

In one sense this simply repeated earlier Canadian experience. In no part of Canada were the people consulted as to the form of government they desired; the Westminster model was imposed on them as well. Yet a crucial difference sets the NWT apart from other Canadian jurisdictions in this respect. Elsewhere in Canada, the system of government grew out of, or at least was congruent with, local political culture and society. In the NWT, by contrast, the values and the political premises underlying the British parliamentary system are fundamentally incongruent with northern Aboriginal culture and modes of governance.

The very notion of any highly structured institution established solely to make political decisions and sharply differentiated from other social organizations is quite alien to the small groups that comprised traditional northern Aboriginal society. Moreover, the underlying tenets of the British parliamentary model are sharply at odds with a central element of traditional northern Aboriginal culture: decision making by consensus. "Consensus" in this context, meant a process for reaching a decision in which all participate meaningfully in extended discussion to determine a generally acceptable course of action. Votes are not held; indeed, a fundamental objective of the process is the avoidance of division within the group and the amicable resolution of conflict.

The importance of consensus decision making is an important theme in the literature on northern Aboriginal culture.<sup>vi</sup> It would, however, be stretching the evidence to presume that all Dene and Inuit (let alone the Metis) of the NWT accepted and followed its norms to the same extent. Powerful leaders, who sometimes owed their positions at least in part to hereditary ties, were certainly not unknown in northern Aboriginal cultures. If it is ever possible to offer definitive judgements on the extent of traditional consensus decision making among the Aboriginal peoples of the NWT, such a task is well beyond the scope of this paper. Nonetheless, it is certainly fair to regard consensus decision making as a common and central component of northern Aboriginal political culture. And there can be little question that its fundamental nature is the direct opposite to the principles of the British parliamentary system, which is premised on adversarial politics with clear, intractable divisions - government versus opposition, cabinet versus non-cabinet, yes or no on formal motions - and on majoritarian decision-making rules.

The parliamentary model, rooted in Western liberal democracy, is premised on the representation of individuals rather than collectivities. Aboriginals see themselves as peoples whose rights and interests require direct representation in government, but the majoritarianism inherent in parliamentary processes offers no special provision for group interests.

Similarly, the concept of representative government runs counter to northern Aboriginal ideas of governance which are premised on full participation by community members. Moreover, as Dacks has put it, "aboriginal political ideas emphasize individual self-determination rather than the representative principle. For this reason, aboriginal people would feel more comfortable with a delegate rather than a representative model of voter-legislator relations."<sup>vii</sup>

Leadership in traditional Aboriginal society is very much subservient to the will of the group; leaders are expected to consult extensively and to exercise political authority subject to group approval. Northern Aboriginals, in other words, prefer power to be widely shared and decentralized. This contrasts sharply with the tremendous concentration of power in the first minister and the cabinet characteristic of Westminster systems.

The NWT is not the only jurisdiction which adheres to Westminster constitutional principles in the absence of political parties. Several former British protectorates in the South Pacific also operate along British cabinet-parliamentary lines and have weak party systems or no parties at all.<sup>ix</sup> Although these countries have Aboriginal majorities, comparisons with the NWT are of limited value. Traditional Aboriginal society in northern Canada was nomadic, egalitarian, lacking in formal political structures or centralized authority, and without a concept of land ownership. By contrast, in the South Pacific, traditional societies were generally characterized by extensive social stratification and by centralized, ascriptive political power, both of which derived from land ownership in the small, dense-populated islands.<sup>x</sup> Accordingly, the Westminster system was readily accepted there in part because it "was considered consistent with the traditional, particularly the Melanesian way of authority and government".<sup>xi</sup>

In short, the NWT's combination of Aboriginal culture and British parliamentarism without political parties is quite unique.

MLAs and others often refer to this unique system as "consensus government". Consensus decision making in traditional Aboriginal society has been described as follows:

groups reach a consensus when they arrive at a general agreement based on a process of thinking and talking together. For consensus methods to work, members must share such common values as cooperation, commitment to other members, and tolerance of differing ideas. Time must be taken to provide for a thorough discussion, and opposing opinions must be stated. All members must agree with the decision and be prepared to follow up as it is implemented.<sup>xii</sup>

"For the Dene", according to Gurston Dacks,

consensus represents a collective understanding reached by applying profoundly accepted, shared values to an issue...fundamental here is the assumption of underlying social unity rather than fragmentation. In such a social setting, decision-making involves the collectivity pursuing its collective good, not factions pursuing particular interests.<sup>xiii</sup>

As the discussion in Section III makes clear, "consensus government" in the NWT Assembly, and in particular the power relations between the cabinet and the 'ordinary members', is far removed from traditional consensus decision making. Although some aspects of politics in the Assembly exhibit Aboriginal MLAs' preference for consensual decision making, the important issue is not the degree of similarity between the traditional consensus approach and the current Assembly. Rather, the key issue is the extent to which the institutions of governance in the NWT are suited to northern and Aboriginal needs. Given that those institutions were imposed on the NWT, this in turn raises a fundamental question of how successfully those southern institutions have been adapted to northern circumstances and to Aboriginal aspirations. An important subsidiary issue is whether the institutions imposed on the NWT have influenced political development in ways harmful or unacceptable to the Aboriginal people of the NWT.

### The Consociational Principle

One distinctive feature of the governing institutions of the NWT is the grafting of significant consociational elements onto the parliamentary framework. Consociationalism "is a system that organizes state institutions in a manner that protects the collective cultural rights of its population within a framework that promotes liberal-democratic ideals".<sup>xv</sup> It combines elections and individual voting with modifications to majoritarian decision making. This is accomplished through devices such as guaranteed representation in important institutions for cultural or regional groups and decision rules which provide constituent groups with a veto or near-veto over critical political questions. In the NWT context, consociationalism has been principally discussed as a possible constitutional model for a separate Western Arctic jurisdiction, but its presence is also evident within current institutions. Although consociationalism exists in various forms throughout the world, and is prominent in several Western European countries, in the NWT it developed on its own in response to local circumstances; it was not consciously adopted either from Southern Canada or from Europe.

In terms of social composition, culture, economic base and political vision, the Eastern Arctic and the Western Arctic diverge greatly. Accordingly, their forced, often uneasy union in a single territory has been significantly facilitated by a tacit agreement to balance Eastern and Western interests in key institutions. Canadian politics are generally marked by concern for regional representation in governmental institutions, but the representational imperatives in the NWT are of a qualitatively different order. Perhaps the most notable illustration of the consociational principle is the firmly-established convention that cabinet seats be divided equally between East and West. So fundamentally accepted is this practice that when vacancies occur in cabinet only MLAs from the departed minister's region are considered eligible to replace him or her.

The West has more MLAs than the East (13 versus 11), but the difference would be greater were representation determined on the basis of population.<sup>xvi</sup> Indeed the political balance between East and West was a factor of some importance in the latest redistribution of electoral boundaries; such considerations are unknown in southern Canada. (Moreover, the electoral boundaries commission was composed of an Eastern representative, a Western representative, and a neutral chair - a judge from outside the NWT.) In addition, legislative committees are always carefully structured to ensure balance between East and West.<sup>xvii</sup> In few instances is the East-West balance explicitly set out in official documents; the effective functioning of the consociational principle mostly depends on informal, widely shared, understandings.

### III THE LEGISLATIVE ASSEMBLY

In any democratic political system, the legislature is fundamentally important. It is, however, by no means certain that the legislature actually makes the laws or exerts substantial power independent of the executive. Legislatures based on the British cabinet-parliamentary (or 'Westminster') model, such as those in southern Canada, are typically subservient to the cabinet, though they do perform important functions such as representation, leadership recruitment, fostering accountability, and promoting discussion of important public issues.

This section focuses on unique or unusual decision-making processes in the Assembly and in the distribution of power between MLAs and cabinet. Before proceeding to such concerns, however, a very distinctive feature of the NWT legislature bears mention: its treatment of Aboriginal languages. Although English is by far the most common language of debate, Inuktitut is used regularly and most official House documents are routinely available in Inuktitut as well as in English. In addition, MLAs who speak one of the

NWT's seven other official languages are not only entitled to do so, but can count on simultaneous translation so their comments can be understood by all MLAs and by observers. Extensive excerpts from the continuous translation of legislative debates into the Aboriginal languages is also broadcast for the benefit of Aboriginal communities.

### The Electoral System

One of the most basic features of a legislature is the method by which members are elected. This encompasses primarily the method of voting and the geographic basis of representation. It is telling that the electoral system in the NWT is, in all essentials, virtually indistinguishable from those in Southern Canada. MLAs are elected through a single member plurality ("first-past-the-post) system. The NWT is divided into 24 discrete geographic districts and the candidates winning the most votes in the individual districts are elected. Since voting and representative institutions were not part of traditional Aboriginal culture, it would hardly be expected that the territorial electoral system would reflect Aboriginal influence. It is nonetheless noteworthy that it exhibits few distinctively northern adaptations.

The tacit understanding that the eastern and western arctic should receive roughly equal representation in the Assembly, despite the west's larger population, is one significant and unique feature of the electoral system.

The exceptionally uneven geographic dispersion of population and the isolation of communities makes for another significant feature of the electoral system. The number of voters in electoral districts varies more widely in the NWT than in southern Canada. This primarily reflects the exigencies of northern geography, rather than cultural or Aboriginal influence, and is similar to the special treatment accorded northern regions of several provinces. Nonetheless, the system is clearly skewed in favour of small, remote communities (most of which are overwhelmingly Aboriginal) over Yellowknife, which in terms of strict representation-by-population, is significantly under-represented in the Assembly. Judicial decisions interpreting The Charter of Rights and Freedoms have limited the degree to which small, isolated communities may be permitted special representational status, and the trend in the NWT is clearly towards equality in the population of electoral districts.<sup>vii</sup>

The federal NWT Act does constrain the possibilities somewhat, in that it restricts the number of seats in the Assembly to 25. Beyond this numerical limit, however, the Act is silent about the form of the NWT's electoral system. Accordingly, the NWT's failure to adopt non-traditional electoral methods (non-contiguous or multi-member ridings, preferential voting, election of alternate MLAs to act when members are unavailable or incapable of performing their duties, for example) is a matter of choice rather than legal requirement. As well, the first-past-the-post electoral system is a quintessentially British-Canadian political institution.

### British-style 'Responsible Government' without Political Parties

In constitutional principle and in formal rules, the NWT Assembly, like southern Canadian legislatures, follows the Westminster model. Yet the practice of politics in the Assembly, and in particular legislative-executive relations, diverge in significant ways from the southern pattern for two interrelated reasons: a majority of the MLAs are Aboriginal and the NWT has no political parties.



British-style 'responsible governments' typically do not codify fundamental constitutional precepts in official documents. Neither The Constitution Act, 1867, nor any subsequent amendment to it, for example, mentions, let alone details, the principles of ministerial responsibility, cabinet solidarity or the confidence convention. Thus it is worth summarizing the principle constitutional features of 'responsible government', as practiced in Britain and in Canada:

- 1) The government - the cabinet - is drawn from the elected members of the Assembly and is responsible to the Assembly for its policy and for the administration of that policy.
- 2) The government holds and retains power by virtue of its ability to maintain the "confidence" of the House; in practice, this means that the government must win all important votes in the House.<sup>viii</sup>
- 3) Cabinet acts collectively and must maintain public solidarity on its decisions.
- 4) Only ministers may propose to the House measures for the raising of taxes and the spending of money.
- 5) Only the first minister may recommend to the Queen's representative that the legislature be dissolved and an election held.

Other practices commonly associated with the Westminster model, such as party discipline, budget secrecy and the prerogative of the first minister to select and to discipline ministers, are political conventions rather than constitutional principles.

In the NWT, the practice has developed that the Assembly collectively, rather than the premier, recommends a dissolution of the House (i.e. an election).<sup>ix</sup> Otherwise, the principles of responsible government are followed as rigorously in the NWT as they are elsewhere in Canada. This, to be sure, is a recent development. As late as the mid-1980s, deviations from cabinet solidarity, which saw ministers speaking and voting in the House against government policy, were sufficiently common to raise doubts about whether the NWT could be properly categorized as a 'responsible government'.<sup>x</sup>

Many of the unique features of the NWT Assembly reflect the absence of political parties. In Canada and elsewhere, parties are often absent in societies emerging from colonial status, since the colonial power tends to be the focus of political activity and internal political divisions are subordinated to the cause of autonomy. C.E.S. Franks has attributed the non-partisan basis of politics in the old North-West Territories at the turn of the century to this dynamic:

[politicians] were agreed on the overwhelmingly most important objective of the territorial government, which was not an internal question of how to govern the territories but the external one of getting more funds and more self-government from the federal administration.<sup>xi</sup>

Political underdevelopment of this nature is at best a minor factor explaining the absence of political parties in the NWT. Political leaders in the NWT - MLAs as well as leaders of Aboriginal organizations - are not at all agreed on the critical question of 'how to govern the territories'. More significantly, Aboriginal politicians widely reject political parties as alien institutions, inappropriate for the NWT since they are based on southern social and political divisions with little relevance to northern concerns. To some extent, MLAs oppose political parties, and the rigid positions and confrontational politics they imply because the MLAs prefer the more consensual approach to politics which has developed in the Assembly. Some, though not all non-Aboriginal

MLAs and an important segment of the non-Aboriginal population do favour the introduction of party politics.

It is not simply that political parties have yet to develop in the NWT; parties have been explicitly rejected, and continue to be rejected, by Aboriginal political leaders. Attempts have been made to organize parties in NWT politics; an abortive attempt to create a 'Northern Party' occurred in the early 1980s, and the New Democratic Party has run candidates for territorial office. The rejection of parties may be in part rooted in Aboriginal political culture, but (at least among those involved in public government) it is also clearly a rational, pragmatic decision. A common view is that key political priorities for the NWT, such as Aboriginal self-government, settlement of claims, and division, would not be advanced and might well be hindered by the advent of political parties. Confirmation of this pragmatic approach is suggested by the substantial numbers of MLAs - Aboriginal and non-Aboriginal - active in national political parties at the federal level.

MLAs do form themselves into groups that are sometimes likened to parties. Yet while these factions can certainly be important within the Assembly, they are by no means equivalent to political parties. The most influential of these groupings, because it is the most cohesive and most clearly focussed, is the 'Nunavut caucus', composed of all MLAs from the Eastern Arctic. A Dene-Metis caucus also exists, but its effectiveness has been hampered by a lack of coherence and cohesion; the Western caucus - the Dene-Metis MLAs plus the non-Aboriginal MLAs from the West - is, not surprisingly, still less unified.<sup>xvii</sup>

These caucuses have adopted formal structures and meet (privately) on a regular basis, but tend to be principally concerned with major constitutional issues, rather than with the day-to-day work of the Assembly. Indeed, for most practical purposes, the caucuses are the Assembly when constitutional matters are under discussion (for example, land claims, the Nunavut political accord, plebiscites, and the like). On such issues, the important discussions and decisions are taken in the caucuses and debates and votes in the Legislature tend to be pro forma confirmation of these decisions.

The caucuses do not usually involve themselves in the normal business of the Assembly such as the refinement of legislation, the review of budgetary decisions and the scrutiny of government policy. In addition, of course, cabinet contains members of all caucuses. Their resemblance to political parties is thus limited: they are involved in only a few, albeit important, issues; they exercise little authority or discipline over their members; and they make no attempt at common electoral stances.

### Caucus and Ordinary Members' Committee

Pivotal in the NWT Assembly are two institutions which are, within Canada, and possibly across the entire range of British-style parliaments, quite unique: Caucus and an Ordinary Members' Committee. 'Caucus' is the private gathering of all MLAs to discuss political issues and to develop solutions for them. Meetings are held weekly when the House is in session, with occasional emergency meetings and, when the House is not sitting, two or three day planning and review sessions.

Caucus, both in its inclusive nature and in its operation, suggests Aboriginal influences on the parliamentary system. If its success may owe something to the appeal of its style and methods for Aboriginal MLAs, it did not develop out of Aboriginal political approaches. Rather, Caucus originated during the 1970s in attempts by the elected members of the Legislative Council to develop strategy in dealings with the Commissioner. Over the years it has become often more important in decision making than the formal Legislative Assembly itself. Caucus is in essence the gathering of 24 individuals to discuss and to resolve

common problems, rather than a private forum for the cabinet to meet with ordinary members, although ministers do use Caucus to explain and defend government policy. Procedures in Caucus are far less formal than those in the House, and decision making more closely follows the traditional consensual model by avoiding votes except for elections and on clearly defined either/or questions on which agreement cannot be reached.

Routine legislative and budgetary matters do not usually arise in Caucus, but most important political issues (regardless of whether they are formally on the Assembly agenda) are discussed in Caucus. Veteran MLAs have indicated that the importance of Caucus, vis a vis the actual House, has declined somewhat in recent years. They suggest that issues are less likely to be resolved in Caucus than was formerly the case, and that controversial political matters come up more frequently in the House without prior discussion in Caucus.

In the last two years, periodic "strategic planning sessions" have become an increasingly important aspect of Caucus. Although two- or three-day Caucus meetings outside Yellowknife have occurred for some years, the new strategic planning sessions have proven successful because of extensive advance staff preparation, clear focus on high-priority issues, and a determination on the part of MLAs to use these opportunities to resolve important issues.

If the dynamic of Caucus does not primarily reflect the division between cabinet and non-cabinet MLAs, the Ordinary Members' Committee (OMC) is entirely premised on it.<sup>xviii</sup> Formed after the 1987 election to promote cooperation among ordinary members, the OMC did not define itself as an "opposition" in the usual parliamentary sense. "It is not an opposition," said its first chairman, "It does not attack. It cautions government and monitors the performance. It assists us to achieve accountability in the public interest."<sup>xvii</sup> Even in this restrained account of OMC's function, however, the focus on executive-legislative relations stands out. The fact that the Speaker actively participates in Caucus but does not attend OMC further highlights the differentiation between the two. (It also points up an important way in which the NWT Speaker is politically engaged in a way not possible to Speakers elsewhere in Canada.)

During the Eleventh Assembly, from 1987 to 1991, the OMC was essentially benign and ineffective. It mainly served as a forum for MLAs to bring forward matters of concern, with little expectation of common action and few attempts at devising effective tactics. The various chairs of OMC had no leadership authority and OMC had no power to discipline MLAs; nor was unity of purpose evident among ordinary members. Attendance was often spotty, reflecting the MLAs' assessment of its importance; by contrast, it was unusual for members to miss Caucus.

Following the 1991 election, however, the role of OMC changed markedly, as did the atmosphere in the House. Several of the MLAs first elected in 1991 were significantly more aggressive and ambitious than the members they replaced, and a former minister who had been defeated in a bid to return to cabinet became OMC chair. Whereas complaints about cabinet insensitivity were common in the Eleventh Assembly, OMC generally lacked the will or the wherewithal to take action. In the Twelfth Assembly, OMC has been far better organized and willing to take on the government in open confrontation. It has also benefitted from professional research staff provided by Assembly staff; in its first years, the Assembly provided administrative but not research support.

Although a good deal of what takes place in OMC remains unfocused, OMC has come to engage in carefully orchestrated campaigns to modify or to derail government initiatives. Members of OMC have become effective at coordinating concerted attacks on ministers during Question Period. In addition, OMC is the setting for important formal accountability sessions for ministers. For example, the mid-term review of the

Twelfth Assembly, a two-day public accountability session held in December 1993, was orchestrated in OMC, and ministers' fates determined there as well. OMC has also called ministers and the premier before it to judge ministers' performances.

### The Cabinet and the Assembly

Without political parties to structure the government and the opposition, the NWT Assembly has developed unique processes for selecting the premier and the cabinet. The essence of the process is that all candidates for territorial office, including incumbent ministers, seek election as independents and the government is reconstituted after each election. The actual procedures, and the power relationships underlying them, continue to evolve.

After each election, all 24 MLAs gather privately to decide how the government is to be selected and who will occupy the ministerial posts. In recent years the only constants have been the number of cabinet positions - eight - and the unquestioned allocation of four positions to the East and four to the West.<sup>xv</sup> Until 1987 the first minister (then called the Government Leader) was selected by the ministers from among themselves. Since then, the first minister has been elected by the MLAs prior to the balance of the cabinet. The possibility of the MLAs choosing a premier who would in turn pick a cabinet was discussed at length following the 1987 and 1991 elections, but was narrowly rejected.

Following the most recent election, in 1991, the process operated in the following manner: after a Speaker was chosen, the two MLAs who wished to serve as premier spoke and answered questions from MLAs for several hours in a public "Territorial Leadership Committee" held in the legislative chamber. The premier was then chosen by secret ballot of all MLAs. The next day, the 15 MLAs who wished to stand for ministerial office spoke briefly to the Territorial Leadership Committee. Separate secret ballots for the East and for the West were then held to choose the ministers. Ministers were subsequently allocated to portfolios by the premier.

This process represents a very significant departure from standard Westminster practice whereby the first minister chooses his or her own cabinet.<sup>xvi</sup> Particularly noteworthy in the NWT is the direct electoral link between the ministers and the MLAs, unmediated by party or by premier. Although Premier Cournoyea received undated letters of resignation from several ministers, it is clear that ministers' continuation in office rests far more with the Assembly than with the premier. A minister was removed from office by motion in the House in 1987, and in December 1992 two ministers resigned when it became evident that they would be removed if they did not resign.<sup>xvii</sup>

In addition, the Assembly may confer ministerial office on MLAs subject to a review of their performance after a specified period. The Tenth Assembly (1983-87) directed that ministers be reviewed at the midpoint of their mandate. Though conceived as an accountability session, the review developed into a requirement that ministers face re-election. The Government Leader and another prominent minister were deposed from cabinet. As a result of the unpleasantness generated by this episode, no similar review was held in the Eleventh Assembly, though cabinet did undergo an extended accountability session at a Baker Lake Caucus meeting. In the Twelfth Assembly a midterm review was held in the form of a two-day session, held in public in the legislative chamber, during which ministers were subjected to extended questioning by MLAs on their overall records.<sup>xviii</sup> Though not a requirement that ministers be re-elected, this exercise was premised on the expectation that some ministers might be removed from office, and one minister very nearly was deposed. Following the review, the Chair of OMC made a public statement on behalf of the ordinary MLAs which was

highly critical of certain ministers, and threatened one with removal from office if her performance failed to improve.<sup>xxxix</sup>

As it has come to function in southern Canada, the Westminster system has been characterized by extensive centralization of power. By virtue of its constitutional prerogatives and its call upon the permanent bureaucracy, the cabinet, supported by a solid phalanx of party backbenchers, wields tremendous power and does not normally take much account of the views of its own backbenchers, let alone members of the opposition. With the unquestioned power to appoint and to dismiss ministers, as well as the leadership of the government party, the first minister enjoys scarcely restrained power over cabinet. In the NWT, the absence of political parties and the numerical preponderance of the non-ministers significantly constrains the power of the cabinet and renders the ministers accountable to the Assembly in a very direct way.

The cabinet is of course hardly powerless. Ministers enjoy constitutional and legal advantages over the ordinary members, such as the prerogative to bring financial measures forward to the House and the capacity to formulate regulations and to negotiate agreements with other jurisdictions, particularly the federal government. Ministers also control and draw upon the expertise of the permanent bureaucracy. Politically, ministers may be outnumbered 15-8 (the Speaker only votes in case of a tie), but the ordinary members often lack the cohesion and discipline necessary to impose their will on cabinet, which typically is cohesive and disciplined.

#### A Unique Non-confrontational Canadian Parliament

A particularly distinctive feature of the NWT Assembly is its relatively non-confrontational, cooperative nature.<sup>xxx</sup> Conflict is by no means absent from the legislature, nor are MLAs and ministers averse to exercising political power. Nonetheless, the NWT Assembly is markedly less adversarial and less consumed with the acquisition and exercise of power than other Canadian legislatures. It is hard, for example, to imagine any opposition leader in the House of Commons or a provincial legislature accepting the view of question period put forward by the Chair of OMC: "the purpose of question period is to raise areas of concern with the Minister, not to personally attack her".<sup>xxxi</sup> The significance of the Westminster framework in shaping legislative politics is, however, evident in that a very high proportion of conflict in the Assembly pits ministers against ordinary members.

Several factors underlie the unusual degree to which politics in the Assembly are not conducted along the confrontational, zero-sum lines inherent in Westminster systems. The absence of political parties, which in the south are responsible for much of the relentlessly confrontational nature of legislative politics, clearly plays a role. This is a more complex phenomenon than might first appear; not only does the absence of parties lead to a less adversarial style of politics, but the MLAs' preference for more consensual politics significantly inhibits the development of parties.

Aboriginal political culture also contributes to the style of politics in the Assembly. Traditional Aboriginal decision making in the north was frequently premised on a consensual approach reached by extensive discussion, in which the good of the group outweighed the interests of individuals. To be sure, the NWT legislature differs greatly from the small communal groups and the Aboriginal assemblies in which genuine consensus decision making continues to prevail. Nonetheless, a preference for consensual rather than adversarial politics is evident among Aboriginal MLAs. Moreover, the civility which characterizes debate in the Assembly is also in part a reflection of Aboriginal culture's distaste for confrontation and its disapproval of insults and interruptions when people are speaking.<sup>xxxii</sup>

The nature of the issues which dominate the Assembly reinforce the non-adversarial approach to politics. Many of the great issues of NWT politics - constitutional development, land claims, division and the like - arise and are resolved outside the Assembly. In part, this is because the GNWT is often something of an outsider in negotiations between the federal government and Aboriginal organizations on claims, self-government and related issues. Legally and constitutionally the responsibility for negotiation and implementation of land claims and self-government regimes lies not with Aboriginal MLAs but with the Aboriginal organizations. In addition, to the extent that the GNWT is involved, negotiations on difficult, major issues tend to occur in executive rather than legislative arenas.

In addition, the tremendous reliance of NWT communities on government services and funding leads to an emphasis in the Assembly on local or specialized issues. This tendency is reinforced by the small population: outside Yellowknife, the average MLA has only about 2200 constituents. Local concerns often amount to funding requests in which adversarial approaches are ineffective, particularly since the good financial health of the GNWT has permitted the government to accommodate a substantial proportion of MLAs' requests.

Linked with the non-confrontational style of politics in the Assembly is the highly unusual extent to which the private ('ordinary') members enjoy policy influence with cabinet. Clearly, this influence owes a good deal to the government's permanent minority status, and simply reflects astute politics on the cabinet's part. Nor should cabinet's pre-eminent position of power be discounted; by and large, the ordinary members have strong influence, rather than actual power. Yet far more than political pragmatism and power politics is involved; ministers and MLAs genuinely accept the notion that ordinary MLAs have useful contributions to make and that they should be significantly involved in government decisions.<sup>xxxxiii</sup> At the same time, the MLAs recognize and do not attempt to usurp cabinet's authority, though they are not hesitant about directing (by formal motion) cabinet actions.

This restraint, which is critical to the effective operation of the Assembly, is apparent in the very low number of private members' bills brought forward by MLAs. Despite rules highly conducive to successful passage of private members' bills<sup>xxxxiv</sup> and cabinet inability to vote them down, barely a handful of such bills have been introduced in the past decade. Similarly, ordinary members have the numbers, if not always the organization, to vote down government bills or spending proposals, yet even during the particularly fractious and confrontational first year of the Twelfth Assembly, these powers were only infrequently exercised.

Constitutionally, ordinary members are at a disadvantage. They enjoy unlimited capacity to defeat government measures, but they lack direct power to impose alternatives on cabinet, since only ministers may bring forward measures calling for the expenditure of money. Rather than produce standoffs and confrontations, however, this reinforces the tradeoff between the ordinary members' deference to cabinet authority and cabinet responsiveness to MLAs' concerns and suggestions.

This dynamic is particularly evident in the legislative and budget processes. Until 1992, the government routinely referred draft bills to the Assembly's Standing Committee on Legislation (SCOL) for review. Pending legislation was frequently amended, or occasionally abandoned, in response to criticisms and suggestions of this committee. Such involvement of legislative committees is unheard of in southern Canada. Since 1992, the formal process has more closely resembled the standard practice in other Westminster parliaments, whereby bills are referred to committee after second reading. Yet other recent changes to the legislative process have given SCOL greater weight, through the device of a "legislative action paper".<sup>xxxxv</sup> In these papers the government sets out its thinking on proposed legislation, and may include a draft bill, for the

committee's consideration. MLAs are thus not simply reacting to draft legislation, but are involved in developing legislation. (Most government bills, particularly minor or routine bills, do not receive the full legislative action paper treatment.)

In southern Canadian legislatures, the government's budgetary prerogative is among its most closely held powers. Private members, even government backbenchers, rarely have any knowledge of, let alone influence over, budgetary decisions until they are publicly announced. And once the government's spending and taxing plans are made public, it is most unusual for them to be changed. Such changes as do occur usually reflect pressure from the public or from organized interests rather than the efforts of elected members. By contrast, the views of MLAs in the territorial Assembly have considerable weight in financial matters. The Minister of Finance's draft expenditure budget is given in confidence to the legislature's Standing Committee on Finance (SCOF) which reviews it in detail. Committee recommendations for change are considered seriously by the government and often find their way into the budget.<sup>xxxvi</sup>

For the 1992-93 fiscal year, the government brought MLAs and local communities into the budgetary process in a remarkable way. Despite accounting for less than 20 per cent of the territorial budget, the capital budget is of particular interest to MLAs and to most residents. Although most programme spending, including such key services as health, social services and education, falls under the large 'Operations and Maintenance' budget, 'O and M' moneys are devoted to relatively fixed costs such as salaries and administration. However the capital budget is largely discretionary and offers communities much sought-after facilities such as schools, community centres and air strips. In preparing the 1992-93 capital budget, the government established priorities for capital expenditures in particular communities through consultation with MLAs and the communities.

Following a territorial-wide capital needs assessment, government staff identified a set of capital projects for each community over the next five years. The premier wrote to all MLAs and to all mayors, asking them to rank priorities among these projects. Draft five-year capital plans were thus developed and returned to the communities and to MLAs for review. Most MLAs were pleased with the openness of the process and their heightened role in it.<sup>xxxvii</sup> For the 1993-94 fiscal year, the process was repeated and communities, in consultation with MLAs, were invited to recommend projects they wished to add to or delete from the plan (so long as the overall level of spending was unaffected). Final authority on capital decisions remains with cabinet, but cabinet has been receptive to the capital priorities established by the communities. To be sure, this novel approach to budgeting was an astute political gambit on the part of a government confronted with substantially reduced capacity to fund capital projects. Still, the contrast with southern governments, whose cost-cutting exercises have involved precious few departures from complete cabinet control of budgeting, is noteworthy.

Yet another unusual feature of the NWT Assembly is the involvement of MLAs in non-legislative advisory committees. For example, when the government embarked on a far-reaching project to devolve significant powers to local communities - the 'Community Transfer Initiative' outlined in Section VI - a committee of ministers and ordinary MLAs was struck to bring the views of ordinary members into the process. On occasion, the MLAs on this "Reshaping Northern Government Working Group" have had an opportunity to review draft documents from the bureaucracy on the transfer process before they were forwarded to cabinet. Similarly, when the board of the NWT Housing Corporation was abolished, a committee of MLAs to advise the Minister of Housing on social housing was established.

### The Death of Consensus Government?

The unusually fractious and confrontational first eighteen months of the Twelfth Assembly have raised some very basic questions about the nature of 'consensus government' in the NWT Assembly. Not only has its much-touted non-confrontational image been shaken, but the very viability of the Assembly, as it is currently structured, has been called into serious question even among those committed to broad public government.

Symbolic of the new adversarial air was the realignment of seats in the legislative chamber. Prior to the 1991 election, MLAs' desks were arrayed in opposing semi-circles, but while ministers sat together, several ordinary members were also seated with the ministers. From the 1991 election until the Assembly moved into its new building in the Fall of 1993, all ordinary MLAs sat facing cabinet, as if to emphasize the heightened government versus 'opposition' dynamic.

During 1992, the atmosphere in the House became increasingly hostile and confrontational. Entire question periods were taken up with attacks on individual ministers. In the Spring, one minister was forced out of a portfolio, though he remained in cabinet, by relentless criticism from ordinary members. Although a formal motion to remove the minister altogether was withdrawn, the tone of debate in the Assembly continued to deteriorate. Subsequently, four ministers - half the cabinet - resigned within six months, although only two resignations were directly forced by ordinary members.<sup>xxxviii</sup> In both instances, it is clear that had the ministers not resigned they would have been removed from office by formal motion.

One resignation was formally triggered by the minister's ill-advised notes to ordinary members seeking support for a capital project in his riding. The particulars of the incident were almost incidental in that the minister had for months been under relentless attack which likely would have brought him down eventually whatever the circumstances. Having effectively removed one minister, the OMC proceeded to call before it two other ministers, who had also been subject to extensive criticism, for an extraordinary 'accountability' session. One minister satisfied the ordinary members that he deserved to remain in office but one did not; he too resigned in anticipation of a motion to depose him.

The spectacle of two ministers being forced out of office in a week brought to a head public and media displeasure at the MLAs' behaviour. In addition to feeding public cynicism about the political process, for some the turnover of ministers raised fundamental questions about the viability of existing political structures. Ministers, it seemed, were burdened with responsibility without adequate power, whereas ordinary members exercised power without responsibility. Moreover, instability in government also became a serious concern; within little more than a year, for example, four different MLAs had served as Minister of Health.

Particularly by comparison with the quiescent and stable Eleventh Assembly, political machinations and hostility reached unusual levels during 1992. Only by NWT standards, however, was the level of confrontation high. Comments such as that in the Globe and Mail, "Some northerners say a day in the NWT legislature now makes Parliament's daily Question Period look like play school", puts forward a highly misleading impression.<sup>xxxix</sup> The Assembly's 1993 session proved to be relatively peaceful and decorous, not least because three of the most vociferously critical ordinary members had become ministers following the December 1992 resignations. In the new legislative building, three ordinary members are again seated on the cabinet side of the chamber, perhaps symbolizing a less confrontational atmosphere. Significantly, one of the reasons that the minister who received a "failing report" from OMC in the midterm review was not removed from office was a sense on the part of ordinary members that the public was fed up with the apparently capricious ouster of ministers, and that deposing more ministers could seriously damage the Assembly's public credibility.



Nonetheless, the nasty, adversarial politics of the Twelfth Assembly and the problems they have posed for ministers (individually and collectively) do represent a serious challenge to the central institution of public government in the NWT. This challenge has little to do with Aboriginal influence - or lack of influence - in the structure and operation of the GNWT. Rather, it stems from the fragility of a system premised on moderation, good will and mutual accommodation. Without stabilizing intermediaries such as political parties, the delicate balance between the authority of cabinet to develop policy and to take decisions on the one hand and on the other hand the capacity of the ordinary members to influence cabinet and to hold it accountable can easily be upset. Simply put, the Assembly is vulnerable to serious disruption by a small minority. Moreover, the capacity of ordinary members to remove and replace ministers offers a strong incentive for aggressive and ambitious MLAs to harass and embarrass particular ministers.<sup>xi</sup>

Yet such problems are not at all unique to the NWT Assembly. Even such bitterly partisan and hostile legislatures as the House of Commons can only function because of tacit, yet widely understood and accepted, limits on members' behaviour rooted in basic, shared values about the nature of politics and appropriate political activity. Although great social divisions mark the NWT, these cleavages are not, as might be expected, the source of the deterioration in the shared values which have permitted the Assembly to operate in a relatively non-adversarial manner. Personal animosity and individual feuds, rather than conflicts arising from Aboriginal or non-Aboriginal ideologies or interests, have been the prime causes. This in turn highlights a characteristic of NWT politics which may be relevant to other jurisdictions where questions of Aboriginal governance figure prominently. Because the NWT is so small (and also because such a high proportion of Aboriginal political leaders were politicized and became politically active within a short span of time), most prominent political figures have extensive histories of personal relationships with other political leaders.<sup>xii</sup> Individual personalities and proclivities can thus be of greater political significance than in larger jurisdictions, particularly given the absence of political parties which can serve to de-emphasize individual conflict. Another factor contributing to the acrimony, is the premier's inability to act with greater authority in replacing or demoting ineffective ministers.

The weaknesses in the Assembly, particularly in the relationship between cabinet and the ordinary members, made evident by the increasingly adversarial House atmosphere and by the ministerial resignations, gave rise to widespread reflection on the need for fundamental structural change.<sup>xiii</sup> One Aboriginal leader publicly called for political parties to replace the petty bickering which he contended had rendered the Assembly all but completely ineffective.<sup>xiiii</sup> Interest also developed in the possibility of electing the premier on a territorial-wide basis in order to bolster her power and legitimacy (as well as that of the cabinet she would choose) and also to enhance the government's capacity to withstand pernicious attacks by the Assembly. A change of this nature would of course mark a very significant departure from the Westminster model towards a hybrid system, like that of France, which combines presidential and parliamentary features. The prospect of breaking with British parliamentary tradition occasioned little concern. Perceived as a more serious drawback was the possibility that popular election of the premier would lead to party politics through the slates of candidates for the Assembly which could be expected to form in support of would-be premiers. Such ad hoc slates - often described as 'teams' - might or might not develop into southern-style political parties. Little attention was paid to another factor far more likely to produce full-blown parties: candidates for territorial-wide elections would require significant financing and extensive organization. Few candidates would be capable of generating enough money and creating an effective organization without support of a political party. (It is worth recalling that both in Britain and in Canada, the rise of disciplined political parties in the latter stages of the nineteenth century was directly linked to candidates' increasing dependence on the funding and organization that only the parties could provide.)<sup>xv</sup>

Even aside from the likely corollary of political parties, popular election of the premier would not be in keeping with the preference for diffused power in northern Aboriginal political culture. (It is, however, true that leaders of northern Aboriginal organizations such as Nunavut Tunngavik Incorporated and the Inuit Tapisarit of Canada are elected by vote of the entire membership.)

The MLAs were not inclined to such a drastic change as moving to a quasi-presidential regime, but they did directly address the distemper of the Assembly. In April 1993 a three-day strategic planning workshop was held by Caucus in Fort Providence. Large scale issues such as Western constitutional development and pre-division planning were discussed at this session, but attention was also devoted to the operation of the Assembly, based on "an appreciation among members that measures must be taken to improve upon the way in which the government and legislature make decisions".<sup>shv</sup> No structural reforms were undertaken, beyond a commitment to hold Caucus political strategy sessions more frequently and to consider options for "a more formalized mechanism for information exchange between Cabinet and Ordinary MLAs and decision making for the Legislative Assembly on division related issues".<sup>shv</sup> By directly confronting the troubled atmosphere of the Assembly, and by recognizing the need for attitudinal change among members as well as the need for improved procedural mechanisms, the workshop raised MLAs' hopes of significantly revitalizing the principles of 'consensus government' in the Assembly. (If nothing else, the workshop developed the first quasi-official definition of consensus government: "a process for decision making that depends on goodwill, respect and communications among Members".<sup>shvi</sup>)

#### Consensus Government in the Assembly: An Assessment

Any assessment of the NWT Assembly must begin with a recognition of its lack of legitimacy. Not only is it the central institution in a regime dismissed as illegitimate and colonial by Aboriginal groups, it also represents the centralization of governmental authority in Yellowknife which runs counter to a fundamental tenet of northern and Aboriginal political culture. Territorial residents - both those who support public government and those who do not - would prefer significant diffusion of power to the regions and communities. The Yellowknife-based Assembly is widely perceived as distant and as irrelevant to the real needs of people outside the capital. This substantially reduces its legitimacy and its effectiveness.

One way in which the Assembly has sought to counteract this alienation from Yellowknife-centred politics is through travel. Until a few years ago, the entire Assembly regularly met in communities across the NWT in an effort to bring government closer to the people. The three-week session in Norman Wells in 1989 likely marked the end of this practice. With the growth of Assembly staff and services, the cost of holding sessions outside Yellowknife has become prohibitive, particularly now that the Assembly has its own building in the capital (prior to 1993, the Assembly rented facilities in Yellowknife hotels). Moreover, beyond the short-term economic benefits to the host communities, it was not at all clear that moving the Assembly outside Yellowknife for short periods appreciably improved the links between the people and their legislature.

Travel remains a central precept of Assembly life, but now only legislative committees travel. Thus the NWT Assembly has come more closely to resemble the House of Commons and several provincial legislatures, which regularly dispatch committees outside their capitals to hold public hearings on major policy questions. When the House is not in session, Assembly committees also meet outside Yellowknife for routine business that could just easily - indeed, much more easily - be conducted in Yellowknife. Community response to visiting committees is highly variable; matters directly touching on peoples lives generate substantial interest whereas more strictly governmental matters are often met with indifference.<sup>shvii</sup> More generally, the potential for committee travel to engender popular support, and thus legitimacy, for the Assembly would seem limited.

A common criticism of the Assembly is that Aboriginal MLAs become so enamoured of their considerable salaries and perks, and of their positions of power that they lose sight of Aboriginal interests as they become personally tied in with an essentially foreign system of governance. Having high proportions of Aboriginal MLAs and ministers is, in other words, no guarantee that the NWT will have an Aboriginal government. In addition, British parliamentarism has formidable power to shape the outlooks and the behaviour of those who must abide by its principles. Those who operate within the confines of the Westminster model tend to become familiar and comfortable with it, and this may limit their willingness to contemplate significant changes to it. A telling illustration of this phenomenon is a recent report from a legislative committee charged with reforming the rules and processes in the Assembly. Although the committee explicitly sought to bring Aboriginal values to bear on politics in the Assembly, the only concrete suggestions it made were purely symbolic in nature.<sup>six</sup> Little interest has been evident in the Assembly for more substantial reform based on Aboriginal approaches, such as an elders' advisory council to the MLAs, suggested by the Report of the Traditional Knowledge Working Group.<sup>1</sup>

The Legislative Assembly of the NWT has been criticized for the weakness of its accountability links to the people (since candidates all run as independents, voters have no electoral way to register disapproval of government policy). It has also been congratulated for permitting the ordinary MLAs more influence than most Westminster parliaments. Any number of similar strengths and weaknesses might be cited. Ultimately, though, what matters most in assessing the Assembly is its ability to govern effectively in the eyes of the people of the NWT. This means not only reaching good decisions, but also reaching those decisions in a manner acceptable to the people. The NWT Assembly has indeed modified the structures of the cabinet-parliamentary system in important ways, thus rendering it more congruent with the values and culture of northern Aboriginal people. It is clear, however, that the adaptation required of Aboriginal people - MLAs and citizens alike - to the Westminster model continues to be of substantially greater magnitude.

#### IV CABINET

Many of the most significant issues relating to the NWT cabinet, including its power relations with the Legislative Assembly, have been examined in the previous section. Nonetheless, as the central locus of power in the GNWT, the structure and operation of cabinet do bear discussion.

Even in the standard Westminster system, cabinet is something of a paradox. Both constitutional form and political necessity dictate that it act as a unified collectivity and that it reach decisions in collegial fashion. At the same time, ministers are subject to strong individualistic pressures running counter to collective and collegial imperatives. In addition to bringing their own ideological preferences, ministers come to the cabinet table as representatives of particular regions and of economic and social interests; as well, they bring with them the perspectives and interests of the portfolios they hold; and they also bring with them a complex set of personal ambitions, as well grudges and animosities against their cabinet colleagues.

Two key factors which in southern Canada help resolve the tension between collective and individualistic imperatives are absent in the NWT: the enormous power of the first minister and the solidarity imposed by disciplined political parties.

#### The Role of the Premier

As the power of the Assembly and the elected cabinet has grown with respect to the Commissioner, so too the power of the Government Leader/Premier has grown relative to cabinet. Yet the premier's powers over ministers are, by normal Westminster standards, sharply limited.

Initially, the "Leader of the Elected Executive" took the lead role in developing consensus positions among elected ministers and served as spokesman for them to the Commissioner, the Assembly and the public, but exercised only limited powers.<sup>ii</sup> The Commissioner still chaired cabinet meetings and retained extensive power.

During the 1980s, the Commissioner effectively turned the remaining executive powers over to the elected cabinet, ceased attending cabinet meetings, and moved his office from the cabinet floor of the principal government office building to another building. Power was transferred from the Commissioner not to the Government Leader but to the cabinet collectively. Until 1987, the Government Leader was chosen by the ministers from among themselves, underlining his relatively weak position vis-a-vis cabinet.

This weakness came to concern MLAs who believed that the Government Leader lacked sufficient authority of cabinet to ensure coherent and effective policy. This led the Tenth Assembly to recommend to its successor that the Government Leader be elected by all MLAs and be empowered to choose his or her ministers. At the outset of the Eleventh Assembly in 1987, the Government Leader was elected by the entire Assembly, but the proposal to allow him to choose his ministers was narrowly defeated.<sup>iii</sup> Having the entire membership of the House elect the Government Leader did somewhat enhance his authority over cabinet in that he owed his position to support from among all MLAs, rather than only from ministers, as was the case for his predecessors. His position was also strengthened in two further ways. First, he was given explicit authority from the Assembly to discipline ministers and to assign and reassign them to portfolios.<sup>iii</sup> Secondly, with the concurrence of cabinet, the Government Leader assumed power to appoint deputy ministers, thereby increasing his ability to direct the bureaucracy and to coordinate policy.<sup>iv</sup> This supplemented the authority vested in the Government Leader by virtue of the fact that the Regional Directors reported to him rather than to cabinet as a collectivity (see Section VI).

Still, the premier's power remains far less extensive than in southern Canada. In Ottawa and in the provinces, the prime minister enjoys unchallenged power to appoint and to dismiss ministers and to set government policy, even over the opposition of cabinet. An important source of this power is the prime minister's leadership of the governing party, a position which owes relatively little to cabinet or to the elected members since it is determined by large party conventions (or, increasingly, by party-wide election). Not only does the NWT premier lack this powerbase, but her authority over cabinet is significantly constrained by the fact that ministers owe their positions to the Assembly as a whole rather than to her. Although the undated letters of resignation ministers have submitted to the premier do enhance her authority, nonetheless, the political risks in dismissing a minister are enormous so that only in quite extraordinary circumstances would she be likely to exercise that power. In November, 1993, Premier Cournoyea did ask for and receive the resignation of a minister who had apparently lied to the Legislature.<sup>v</sup> This episode, however, represents not so much a milestone in the expansion of the premier's authority as a confirmation that she can only remove ministers who have lost favour with the MLAs.

Accordingly, the premier's position is akin to that of early British prime ministers - first among equals. Although she has call on a significantly greater personal staff resources than do other ministers, she must lead by persuasion and by recognized ability rather than by outright power. Cabinet in the NWT thus operates far more than do its southern counterparts along the consensual lines ascribed to it in Westminster constitutional theory. The collective nature of cabinet is also evident in the increase in cabinet solidarity since the mid-1980s.

Ministers simply do not, as they once did with some frequency, speak in opposition to government decisions or even vote against them in the House.<sup>hi</sup> This development, however, does not so much mark acceptance of Westminster principles as reflect the political imperatives of an outnumbered and sometimes besieged executive.

Although the premier has grown in power over the past decade, the limits to that power are more notable than its strength. Only hesitantly have MLAs increased the premier's authority. This reluctance to extend the premier's power to an extent stems from a self-interested recognition on the part of ministers and ordinary members that granting her more power necessarily reduces their power. At the same time, it is consistent with traditional northern Aboriginal culture, which is uncomfortable with concentrated power and which confers authority on the basis of demonstrated leadership ability rather than by way of ascribed office-holding.

#### The NWT Cabinet: Small but Highly Bureaucratized

In the absence of a premier with strong, institutionalized authority or other solidarity-reinforcing mechanisms, such as political parties, the GNWT has developed a means for restraining the individualistic tendencies among ministers that, if not unique, is unusual for such a small jurisdiction. The NWT cabinet has only eight ministers - fewer than the membership of cabinet committees elsewhere in Canada - and yet it has an extensive array of committees, formal processes and central bureaucratic agencies. Indeed, the structure and operation of the NWT cabinet is markedly more institutionalized and bureaucratized than cabinets in a number of provinces.

Ministers, like their colleagues in the South, do not always abide by the formal processes; they engage in 'walk-ins' and 'end-runs' to circumvent the rules. The Beatty Report drew attention to what it termed a "crucially important deficiency" in the NWT cabinet: "collective Cabinet authority is not sufficiently established to clearly over-ride individual ministerial authority. There is not a sufficient locus of power within Cabinet to maintain among ministers the discipline and solidarity essential to the effective operation of Cabinet government in the Canadian tradition".<sup>hii</sup> A more jaded observer makes much the same point in tougher language: "the NWT cabinet today primarily casts lots for the use of the large federal transfers which make up the NWT budget".<sup>hiii</sup>

Although this latter judgement is overly harsh, it is certainly true that NWT cabinets are generally less cohesive than southern cabinets. Yet considering that no single individual has the authority to enforce the rules, as prime ministers and premiers do in the south, and that the capacity of party to induce solidarity is absent, territorial ministers are noteworthy for the degree to which they are faithful to the formally-established processes.<sup>lix</sup>

This dynamic within the NWT cabinet has no basis in northern Aboriginal culture - which tends to be anti-bureaucratic. Rather, it is a measure of the influence of the permanent bureaucracy, which restrains the discretion exercised by ministers. To a lesser extent, it reflects ministers' acceptance of the rules out of self-interest, both with respect to other ministers who are, in important ways, competitors, and with respect to ordinary members, who are an ever-present political threat.

In the wake of the Beatty Report's criticism of the central organization of the GNWT, cabinet machinery was streamlined during 1992 and 1993 and greater authority given to central agency bureaucrats to enforce cabinet processes. These reforms have reduced the number of formal cabinet structures, but on balance they have further institutionalized and bureaucratized the NWT cabinet. Since these processes tend to be associated with larger cabinets, the small, yet extensively institutionalized cabinet would seem a distinctive

feature of governance in the NWT, though certainly not one which reflects Aboriginal influence, since Aboriginal governance had no bureaucratic component.

## V THE BUREAUCRACY

Both in sheer numbers and in political influence the bureaucracy of the GNWT is an important institution. Bureaucracies exercise substantial power in all modern governments, but the power of the NWT public service is especially noteworthy. The territorial bureaucracy's enjoys unusual influence because government in the NWT lacks the institutional counterweight that political parties provide in the south. In addition, the bureaucracy has been far less influenced by Aboriginal culture than the legislature and the cabinet, so that the approaches and values which characterize it differ markedly from those of Aboriginal people. Accordingly, "the crucial contribution the public service makes to the policy process inevitably proceeds on the basis of non-aboriginal assumptions, no matter how sympathetic individual public servants may be."<sup>ix</sup>

The 'bureaucracy' formally includes everyone employed by the GNWT, but its primary influence both on the government's policy direction and on the nature of the administrative machinery to implement policy rests with its the senior officials. Indeed, the exclusion of 'front-line workers' such as social workers and renewable resource officers from the policy development and decision-making process exemplifies the primacy of non-Aboriginal values in the bureaucracy. The territorial bureaucracy, like its southern counterparts, is strongly hierarchical with a formidable concentration of power at the centre; it is premised on a command and control model of organization and on impersonal, inflexible routine. All of these characteristics run directly counter to northern Aboriginal values.

Aboriginal participation in the bureaucracy of the GNWT has been relatively low and Aboriginal influence on bureaucratic structure, methods of operation, culture and orientation, has been, at best, very limited. This is hardly surprising, since in northern Aboriginal society the very concept of bureaucracy, with its attendant structures and processes, was entirely unknown.

### The Structure and Nature of the Territorial Bureaucracy

The growth of bureaucracy in the NWT has been nothing short of astounding. From a literal planeload of public servants landing in Yellowknife in 1967 to establish the Government of the Northwest Territories, the bureaucracy had expanded to 2,845 by 1979<sup>xi</sup> and to 6123 in 1992,<sup>xi</sup> though in the 1990's, the numbers of territorial public servants has effectively remained constant. Much of this growth reflects the devolution of responsibilities from the federal government and the accompanying transfer of staff.

Figures on the number of GNWT employees include personnel such as teachers and health care workers who in the provinces would be employed by local authorities such as school boards and municipalities. Nonetheless, the extraordinary size of the GNWT bureaucracy comes into focus with the realization that well over ten per cent of the entire territorial population is directly employed by the GNWT. Another measure of the importance of bureaucracy in the NWT is the fact that just under 50 per cent of all territorial jobs are in the government sector.<sup>xiii</sup> (This latter figure includes roughly 3000 people employed by municipalities or by the federal.)<sup>xiv</sup>

Despite its phenomenal growth, the territorial bureaucracy has experienced far less change than other institutions of governance in the NWT. With growth and heightened responsibility it has become more complex, sophisticated and professional, but its fundamental organization into hierarchical departments divided according to conventional policy sectors and its bureaucratic operating principles are unchanged in essentials. The formative period, during which the territorial bureaucracy was established and institutionalized, took place prior to the emergence of a fully-elected legislature. Accordingly,

the crucial years in the development of the northern public service were those in which both administration and politics were controlled and managed by federal public servants and appointees. The territorial public service that developed under this regime, perhaps not surprisingly, is closer to a small scale version of the federal bureaucratic structure than to a distinct northern and native-oriented system of administration.<sup>lv</sup>

Moreover, as the territorial public service grew and became more complex it tended to become more, not less, like southern bureaucracies, as for example, in the "shift in the overall style of public administration in the N.W.T. from the small and highly personalized protobureaucracy of the past to a larger, more routinized and depersonalized one".<sup>lvi</sup>

An important factor in the continued primacy of the southern administrative model in the NWT has been the influence of the federal government. Although Ottawa has devolved formal authority to the GNWT for most programme areas, "Ottawa continues to fund the majority of GNWT expenditures through transfer payments and Ottawa expects that the proper accounting procedures and financial controls, which are based on southern models, will be put in place and maintained".<sup>lvii</sup>

The GNWT is said to be the "most decentralized government in Canada".<sup>lviii</sup> It is true that in terms of the regional offices which serve the five administrative regions, and the placement of GNWT officials in local communities, a high proportion of the territorial bureaucracy is located outside Yellowknife. Only the very smallest communities do not have Local Government Officers who not only deliver services (as social workers or as renewable resource officers), but also serve as local liaison for all line departments.

Yet the scope for regional officials, let alone the front-line staff in the smaller communities, to determine their administrative practices and to interpret policy without approval from officials at departmental headquarters in Yellowknife is limited. The discretion afforded regional staff in the NWT appears not to be appreciably greater than that exercised by regional officials in southern Canadian governments.

In formal organizational terms, the GNWT follows a model unique in Canada. As in the south, the head offices of government departments, which are all located in the capital, are responsible for policy development and for establishing administrative procedures. Staff in the regional offices direct programme delivery and supervise routine administrative functions such as hiring and auditing. In addition, senior officials are appointed for each region by the Department of the Executive (cabinet) to oversee and to coordinate policy implementation of all departments. These Regional Directors (and the Assistant Regional Directors) have no analogues in southern Canadian bureaucracies. Until the 1980s, the Regional Directors exercised line authority in policy matters; that is, regional staff of departments delivering programmes reported to Yellowknife through them. With the emergence of ministerial responsibility, this power was removed from the Regional Directors, whose functions now lie primarily in the realm of coordination and facilitation. The 'matrix management' approach of the 1970s and early 1980s, in which both Regional Directors and departmental Deputy Ministers and Assistant Deputy Ministers directed regional staff may have blurred lines of authority and accountability, but it did enhance regional influence in policy administration. For the most part, the

effective result of curtailing the responsibilities of Regional Directors has been to centralize administrative control in Yellowknife.

In short, the GNWT bureaucracy is characterized by extensive decentralization of personnel and facilities, but by only very limited decentralization of power.

In the NWT and elsewhere in Canada, government includes not only the legislature, the cabinet and the departmental bureaucracy, but also a host of special purpose and semi-independent agencies. The NWT, however, is marked by an extraordinary range and number of agencies, boards and commissions with responsibility for governance. These agencies include not just such organizations as the Workers' Compensation Board, a Housing Corporation and the Northwest Territories Power Corporation, which are similar in structure and function to their southern counterparts. A great number are small, local authorities such as Hunters and Trappers Associations and Drug and Alcohol Committees. Some exercise governmental authority delegated to them by the GNWT, but many are purely advisory. Members of some are appointed by the GNWT, others are locally elected.

At first blush, particularly given that these agencies involve substantial numbers of people from across the NWT and thus bring local community perspectives to bear on the governmental process, they would seem a distinctive territorial method of public administration, and one very much in keeping with the preference of Aboriginal people for decentralization of power. As well, incorporating these myriad agencies into the government structure could be seen to complement consensus government.<sup>lxix</sup> However, most are clearly subservient to the central institutions of the GNWT and accordingly represent only limited local control and community involvement in policy administration. In the period before the legislature and the cabinet became fully elected, the intricate web of special purpose agencies did serve to enhance the capacity of territorial residents to bring their views forward to government. Their current utility is more problematic. The Beatty Report criticised them as cumbersome and inefficient, and for undermining the effectiveness of elected MLAs.<sup>lxx</sup> Even more telling, though, was the report's conclusion that they are "creatures of the GNWT. Few if any of these boards and agencies were invented by communities or community governments."<sup>lxxi</sup> Like the decentralization of departmental staff, the network of special purpose agencies in the NWT is less distinctive than it first appears, and its contribution to regional and community empowerment is limited. Nor does it represent significant Aboriginal influence in territorial governance.

One distinctive feature of the territorial bureaucracy is most certainly not a response to Aboriginal culture or concerns. For a small organization, the GNWT has a unusually large number of managers. This is in part the result of a departmental structure modelled on the array of departments found in provincial governments. A structure developed to meet the unique needs of governing the NWT which took its small scale into account would have fewer departments and fewer managers.<sup>lxxii</sup> In the wake of the Beatty Report, the number of managers has been somewhat reduced as the GNWT consolidates departments and 'delayers' management, but these changes (which parallel developments elsewhere in Canada and the industrialized world) primarily reflect motives of economy and efficiency.

#### Aboriginal Participation in the Public Service

The number of Aboriginal people in the public service as well as their relative proportion of the total have increased substantially in the past two decades. Compared to their numbers in the population, however, Aboriginals remain significantly under-represented in the territorial bureaucracy. Moreover, Aboriginal people



are disproportionately concentrated in the lower ranks of the GNWT workforce; senior officials are overwhelmingly non-Aboriginal.

A related issue is the use of Aboriginal languages in the GNWT bureaucracy. The territorial Official Languages Act provides for the use of Aboriginal languages in the bureaucracy and in the bureaucracy's dealings with the public. However, though efforts have been made at language training and at other methods of extending the use of Aboriginal languages in the GNWT, English remains the overwhelmingly dominant language of the territorial bureaucracy.<sup>lxviii</sup>

Attempts have been made to increase the participation of Aboriginal people in the public service, first through creation of an Office of Native Employment in the Department of Personnel in the 1970s, later through a Native Employment Policy and finally, in 1989, through an Affirmative Action Policy. These efforts have enjoyed only limited success. The percentage of Aboriginal people in the bureaucracy has increased from 30 per cent in 1985 to 34 per cent in 1992.<sup>lxv</sup> At the senior ranks of the public service, progress has been proportionately greater: Aboriginal people constituted 14 per cent of managerial positions in 1991, up from 9 per cent in 1987.<sup>lxvi</sup> Despite the near-tripling in the number of Aboriginal people holding managerial positions in four years - from 21 to 54 - the far more salient fact is the remarkably low participation of Aboriginals in the higher echelons of the GNWT.

A study of the Native Employment Policy argued that the policy was seriously misdirected in its premise that Aboriginal people faced systemic discrimination in their attempts to gain employment with the GNWT. Instead, the report concluded that "the main reason for the lack of native representation in the GNWT Public Service is the severe shortage of native people with the required education and skills in the general population."<sup>lxvii</sup> To be sure, Aboriginal people with the required qualifications are in short supply, and the GNWT finds itself in competition for them with Aboriginal organizations and other potential employers. The emphasis on education and training, however, proceeds from the assumption that Aboriginal people must adapt to the territorial bureaucracy, rather than the reverse.

Subtle yet powerful cultural barriers impede the participation of Aboriginal people in the territorial public service. The preference given to formal education and official credentials over experience in hiring and promotion clearly works against Aboriginal people. Similarly, in the GNWT the 'merit principle' - a fundamental precept of bureaucracies throughout Canada, by which public service jobs go to those most qualified to perform them - emphasizes southern standards to the disadvantage of Aboriginal people. As C.E.S. Franks puts it, "merit is not an objective neutral term, but is highly influenced by cultural and social factors. As it is defined in the N.W.T. merit places no value on the cultures and languages of the territory's aboriginal inhabitants, and places a very high value on those of southern Canada."<sup>lxviii</sup> Significantly, for example, none of the affirmative action criteria to increase the proportion of Aboriginal public servants relates to language abilities.<sup>lxviii</sup> At the higher ranks of the bureaucracy, the lion's share of jobs are located in Yellowknife. This accordingly limits the career prospects for Aboriginal public servants, who are often unwilling to leave their local communities.

Though nominally subservient to its political masters, any large governmental bureaucracy exerts substantial independent influence. Most contacts that most people make with government are with the bureaucracy. Moreover, the bureaucracy is a critical repository of expertise and experience on which the elected politicians rely heavily for advice and for the administrative capacity to implement their policy decisions. Thus the composition of the bureaucracy and the experiences and outlooks of public servants are crucially important in determining the nature of government in the NWT. Bureaucracies are by their nature

conservative and resistant to fundamental change, and though some significant changes have taken place in the NWT public service, it remains by far the government sector with the lowest rate of Aboriginal participation and the sector which is least influenced by the culture and approaches of Aboriginal people.

## VI RESHAPING NORTHERN GOVERNMENT

The GNWT recently embarked on a far-reaching set of structural reforms with the potential to reshape territorial government in quite fundamental ways. The centerpiece of the proposed reforms is a massive devolution of power from the GNWT to local communities, which would produce a model of governance far more congruent with Aboriginal values than the current arrangement. Judgements cannot yet be offered as to whether the potential for change will be realized, but the objectives of the restructuring warrant consideration, as does the progress thus far achieved towards those objectives.

The principal focus of the reforms, the need for devolution and decentralization of governmental power, is an enduring theme of NWT politics, long predating the 1991 Beatty Report. Nevertheless, this report has served as an important catalyst, and the government initiatives prompted by the Beatty Report stand as the most serious attempt to empower local communities in significant ways at the expense of the central structures of the GNWT.

A complex set of motives lay behind cabinet's decision to create the "project to Review the Operations and Structure of Northern Government". Although a desire to transfer government authority to the community level was one element, the impending renegotiation of the formula funding agreement with the federal government, which portended a significant decrease in the funding available to the GNWT was also a critical factor. Cabinet recognized that it would no longer be able to offer the range and scale of services territorial residents had come to expect without a thoroughgoing reorganization of the GNWT to make it more efficient and more effective. In addition, the modus vivendi between cabinet and the ordinary members during the Eleventh Assembly depended in no small measure upon the government's ability to satisfy a substantial proportion of the MLAs' requests for capital projects. Thus the prospect of sharply reduced fiscal capacity threatened the viability of consensus government.

Strength at Two Levels, the Beatty report, was completed just as the new cabinet took office in the Fall of 1991, and was immediately made public. The report encompassed three broad sets of recommendations. A host of improvements were proposed to specific programmes to enhance their effectiveness and to reduce cost. Substantial organizational reforms to the GNWT were suggested, such as consolidating departments, reducing the number of managers and drastically reducing the number and the influence of agencies and special purpose bodies. Most significantly, the report strongly advocated massive transfers of decision-making authority and programme delivery responsibility from the GNWT to the local communities.

For some years, the oft-professed goal of the GNWT was to promote decentralized political decision making by transferring authority to regions and communities.<sup>lxix</sup> In reality, however, little more than lip service was paid to the objective of creating what were termed "prime public authorities" at the community level. In addition, while legislation was passed to provide the framework for regional and tribal councils, the GNWT generally opposed the devolution of significant powers to them.<sup>lxx</sup>

In February 1992, in a position paper entitled "Reshaping Northern Government", cabinet announced its commitment to the main features of the Beatty report: "Communities must have the greatest possible amount of control over the programs and services they choose to offer in their communities and they must be

able to alter or design programs and services to meet local needs.<sup>lxxxvi</sup> High level bureaucratic committees were established to direct and to coordinate both the reorganization of the GNWT and what was termed the "Community Transfer Initiative". After some wrangling about the role of the MLAs in the process, a committee of ministers and MLAs was struck to oversee and to advise upon the CTI.

Departmental consolidations began almost immediately as did work on revamping specific programmes. In June 1992, a decentralization of 91 GNWT jobs was announced. This involved relocating staff of discrete governmental units such as the Marine Operations Division of the Department of Transport and Health Insurance Service of the Department of Health from Yellowknife to regional centres such as Fort Simpson, Rankin Inlet and Inuvik. Decentralization of GNWT jobs in this fashion, though not envisioned in the Beatty report, was consistent with its approach.

Progress on the Community Transfer Initiative was less apparent. A small implementation group was established in the Department of the Executive, but its effectiveness was limited by inertia and lack of direction at higher levels. The committee of deputy ministers achieved few concrete results. In part, the lack of action reflected bureaucratic opposition to the entire concept of the CTI. In turn, this opposition was based partially on self-interest (the fear that GNWT bureaucrats would lose power or would have to move from Yellowknife) and partially on genuine concern that many communities were incapable of handling the substantial responsibilities envisioned for them in the CTI. In addition, cabinet's commitment to the principle of the CTI camouflaged significant variation in individual ministers' understanding of what community transfers meant in practice. Thus political direction - critical in a change of this magnitude - was not always clear and concerted.

Delays in moving forward with the CTI are hardly surprising given the enormity of the changes involved. The government expressed willingness to transfer all or part of every GNWT programme and service to communities. Moreover, these powers are to be devolved to communities (that is, full responsibility for them) rather than delegated to them (that is, with the communities serving as the agent for the GNWT) or administered through a more decentralized GNWT. Communities would thus gain significantly more than simply enhanced municipal status with a greater degree of autonomy from the GNWT. They would become quite independent, self-governing entities with the power to set their own priorities among various policy areas and to develop programmes appropriate to local needs.

The premise was that communities would take on only those responsibilities they wished to control and believed themselves capable of running. They were in effect offered a menu of services and programmes which they might have transferred to them.<sup>lxxxvii</sup>

Inevitably, perhaps, the CTI has not lived up to expectations, though it certainly has registered some successes. Only a very few communities, such as Cape Dorset, which signed a comprehensive transfer agreement in May 1994, have pursued the possibility of transfers across a broad range of services. More typically, communities have sought the transfer of individual GNWT positions - Economic Development Officers, for example - or specific programmes, such as those offered by housing authorities. Some communities have not sought any transfers. Nor has the GNWT been willing to proceed with transfers without formal (and therefore sometimes protracted and complex) processes and detailed transfer agreements.

To some extent, the CTI has been overtaken and overshadowed by larger political-constitutional developments. For many communities in the Eastern Arctic, the myriad questions about the emerging Nunavut government are a higher priority than the CTI. In the West, the CTI and its objectives are, in effect, special cases of a whole series of fundamental constitutional questions which remain very much unresolved.

And in the Deh Cho and Treaty 8 areas, Aboriginal leaders are at best lukewarm about prospective transfers of authority from a government whose basic legitimacy they deny.

If its eventual success remains uncertain, the Community Transfer Initiative is nonetheless an important priority for the GNWT, which has made significant efforts to realize its objectives. It is by far the most serious attempt at community empowerment ever undertaken by the GNWT. In addition to the possibility that it will give local communities extensive control over important governmental functions such as health, social services, education and economic development, the CTI has other potential implications of great significance:

Aboriginal self-government and public government. The tension between these two approaches, which are usually regarded as mutually exclusive, has been one of the fundamental questions of governance in the NWT. Major devolution of power to the community may permit a substantial integration of Aboriginal self-government and public government.<sup>lxxxiii</sup>

Western Constitutional Development. The form of government in the Western territory following the creation of Nunavut is not at all clear. The CTI approach is generally compatible with the proposals of the Commission for Constitutional Development (the Bourque Report).<sup>lxxxiv</sup> The Bourque report is principally cast in terms of regional government, which it calls a "District Order of Government", whereas in the CTI regions are very much secondary to individual communities. Some have speculated that the GNWT prefers to emphasize communities over regions because regions would pose more of a threat to the existing powers of the GNWT than the communities which would, because of their small scale and limited capacity, rely more heavily on the central government.

Role and function of existing GNWT institutions. A full-fledged transfer of programme responsibilities to the communities would severely undercut the powers of the central government. Although the Beatty report was premised on the GNWT retaining significant authority in policy making (hence the title, Strength at Two Levels), opponents worry about and proponents look forward to the central institutions in Yellowknife losing much of their power. (The Bourque report proposals would effectively reduce the GNWT to little more than a hollow shell redirecting federal funds to district governments and setting territorial-wide "standards".)

To the extent that key policy decisions are made at the community level, the role of the MLA becomes problematic. Not only would many of the MLAs' current functions become redundant or unnecessary, but the Assembly might be composed of MLAs whose communities have taken over extensive responsibilities as well as MLAs whose communities continue to be governed to a significant degree from Yellowknife. Reconciling the varying roles and prerogatives of such members within a single legislature would not be easy.

Although it is well never to underestimate bureaucracy's capacity to resist fundamental change, the CTI does hold the potential for creating a central bureaucracy whose size, scope and operating principles differ dramatically from those which currently characterize the NWT bureaucracy. More generally, the CTI envisions strong community-based government, which given the social makeup and nature of most communities in the NWT, would hardly fail to enhance Aboriginal styles and values in governance.

## VII CONCLUSION

The system of public government in the NWT has developed very rapidly from a colonial regime run in autocratic fashion by Ottawa-appointed bureaucrats to a sophisticated set of democratic institutions. Along the way, a number of significant modifications have been made to the standard Westminster model of cabinet-parliamentary government inherited from southern Canada.

Among the noteworthy adaptations to the southern Canadian model of governance found in the NWT are the following:

### Legislature

- absence of political parties despite adherence to the British 'responsible government' model
- recognition and use of Aboriginal languages
- existence of Caucus, comprising all MLAs, to set direction for government, resolve conflict and manage issues
- existence of OMC, comprising all MLAs except ministers and Speaker, to foster accountability by cabinet and to coordinate action on concerns of private (ordinary) MLAs
- substantial participation by private members - both as individuals and through legislative committees - in development of government policy, including legislation and budget
- extensive application of consociational principle between Eastern and Western Arctic, including in electoral system
- relatively civil and non-confrontational atmosphere
- institutionalized system of regional caucuses
- conscious attempt to integrate consensual decision-making into operation of legislature

### Cabinet

- premier and ministers elected by secret ballot of all MLAs
- application of consociational principle in composition of cabinet
- significant constraint on premier's power over ministers
- unusual degree of bureaucratization for a small cabinet

### Bureaucracy

- unusual degree of decentralization of government employees

- significant attempts to increase Aboriginal participation
- 'matrix management' model, utilizing Regional Directors

Although a number of these modifications are consistent with key principles of northern Aboriginal political culture, such as the preference for consensus decision making and the distaste for concentrated political power, the extent to which they represent Aboriginal-inspired adaptations is not at all clear. For example, whereas the relative civility characteristic of the NWT Assembly is clearly a function of Aboriginal styles of discourse, Aboriginal influence in the origin of Caucus - which would appear to be an archtypically Aboriginal institution - was minimal. In many instances, the most that can be said is that Aboriginal influences and preferences have likely contributed to the persistence of unique governmental structures and processes in the NWT.

Nonetheless, it is clear that the adaptations in the NWT's institutions of governance, which are most in evidence in the Legislative Assembly, do not represent fundamental departures from the Westminster model. The concentration of power in the cabinet and the tendency for conflict to become focussed on cabinet-ordinary member relations, which are characteristic of southern systems, are also present in the GNWT. Moreover, despite some important adaptations, the structure, the role, indeed the very nature of the bureaucracy in the NWT are essentially similar to the bureaucracies in southern Canada. In short, the people of the NWT, particularly the Aboriginal people, have adapted more to the system of public government than the institutions of the GNWT have adapted to them.

At the outset it was suggested that the Northwest Territories is quite unique in its combination of Westminster structures, Aboriginal population and absence of political parties. Still, it is possible from the experience of the NWT to suggest some lessons which may be applicable to other jurisdictions in Canada with significant Aboriginal populations. Readers will doubtless draw their own conclusions from the foregoing description and analysis of the structures of the GNWT. In doing so, some care should be devoted to distinguishing between characteristics of the GNWT which reflect Aboriginal influences and those which are the result of northern circumstances, particularly those deriving from geography and economics. In addition, I would suggest the following:

1. Numbers are not enough. If sheer numbers were what determined the nature of governmental institutions, the Aboriginal majority in the population, the legislature and the cabinet of the NWT would have made the GNWT a very different organization.
2. Institutions of governance - legislature, cabinet and bureaucracy, for example - are not simply mechanical contrivances; they must, to operate effectively, be congruent with the culture and the society in which they are located. Among other things, the patterns of authority, methods of decision making and the orientation towards individuals and collectivities which characterize the society must be reflected in governmental structures.

The practical consequence is that institutional 'borrowing' should be done with care: structures which work well for one society may be quite inappropriate for another. (Northern Aboriginal culture may differ significantly from Aboriginal culture elsewhere in Canada, with respect to its interplay with institutions of governance.)

3. Once established, governmental institutions can certainly be modified, often significantly, but their fundamental character tends to resist change. In part this is a function of the difficulty in reaching agreement on suitable institutions to replace them. In part it reflects the formidable set of interests - MLAs, ministers, bureaucrats, interest groups - which develop stakes in the existing system. The result is often an unwillingness to do more than tinker with established institutions and processes.
4. Organizational engineering - major attempts to restructure government, with a particular objective in mind - need to be very clearly thought out prior to implementation. It is not simply that the unforeseen, and perhaps unpalatable, consequences of major institutional reform are often as significant as the intended changes; the experience with the Canadian Charter of Rights and Freedoms is a case in point. Once adopted, certain institutional changes may be difficult or impossible to reverse. It would seem, for example, that any future amendment to the Canadian constitution will, in the wake of the Charlottetown Accord, require a referendum. Should the NWT 'experiment' with either political parties or with territorial-wide election of the premier, it would be very difficult to revert to the previous system.
5. Whatever system of political decision making is adopted, much of the nature of the governmental system is determined by the character and approach of the bureaucracy. Particularly since bureaucracies are inherently reluctant to change, attention to the composition the bureaucracy and how it functions is critical. The mixed experience of the GNWT in attempting to increase Aboriginal participation in the bureaucracy warrants further attention. However, if bureaucracies only take on more Aboriginal people, without considerably modifying their organization and methods of operation, the overall change will be limited.
6. Systems of governance are just that: systems. Changing one institution - say cabinet in the NWT - will inevitably have significant implications for the other, inter-related components of the system - legislature and bureaucracy. Moreover, these implications may not be at all obvious prior to the initial changes. The institutions of government, and their reform, need to be understood holistically.
7. The scale of operations matters greatly. Although small by provincial standards, the GNWT is a large, sophisticated organization, employing several thousand people. Its size both creates and limits possibilities for different methods and approaches to governing. More generally, it cannot be assumed that, just as the GNWT should not simply be understood simply as a miniature replica of provincial governments, a regional or community government could or should not be presumed to operate as a scaled-down version of the GNWT.
8. The proposals set out in the GNWT's "Reshaping Northern Government" policy, particularly the Community Transfer Initiative, suggest that public government and Aboriginal self-government are not necessarily incompatible.<sup>lxvii</sup> The results of this endeavour will bear close watching.

## NOTES

- i. My thanks to George Braden, Marina Devine, Bren Kolson, and Dennis Patterson for detailed and perceptive criticism of an earlier draft of this paper.
- ii. As of 1991, some 35,390 of the NWT's 57,645 residents were Aboriginal; Statistics Canada, catalogues 94-327 and 95-397.
- iii. The paper draws upon two previous articles, "Westminster in the Arctic: The Adaptation of British Parliamentary in the Northwest Territories," Canadian Journal of Political Science XXIV (September, 1991), 499-523, and "Structure and Culture in a Non-partisan Westminster Parliament: Canada's Northwest Territories," Australian Journal of Political Science XXVIII (July, 1993), 322-339. Judgements offered in this essay differ somewhat from those of the 1991 paper, which was primarily based on observation of the Eleventh Assembly (1987-1991).
- iv. Special Representative for Constitutional Development in the Northwest Territories, Constitutional Development in the Northwest Territories (Ottawa: Supply and Services Canada, 1979), 31.
- v. Canada, Advisory Commission on the Development of Government in the Northwest Territories. Report to the Minister of Northern Affairs and National Resources (Ottawa, 1966).
- vi. See Gurston Dacks, "Devolution and Political Development in the Canadian North," in Dacks, ed., Devolution and Constitutional Development in the Canadian North (Ottawa: Carleton University Press, 1990), 335-364.
- vii. For a summary of the literature and a more extensive treatment of consensus as practiced in northern Aboriginal societies, see Gurston Dacks, "The Adaptation of Public Governing Institutions in the Territorial North," study prepared for the Royal Commission on Aboriginal Peoples, November, 1993, 7-11.
- viii. Gurston Dacks, "Political Representation in the Northwest Territories," in J. Paul Johnston and Harvey Pasis, eds., Representation and Electoral Systems: Canadian Perspectives (Scarborough: Prentice-Hall, 1990), 139.
- ix. C.J. Lynch, "The Westminster Model in the Pacific," The Parliamentarian LXI (April, 1982), 138-50.
- x. D.T. Hughes and S.G. Lingenfelter, "General Introduction," in Hughes and Lingenfelter, eds., Political Development in Micronesia (Columbus: Ohio State University Press, 1974), 7-19.
- xi. Y. Ghai, "Constitution Making and Decolonisation," in Ghai, ed., Law, Politics and Government in the Pacific Island States (Suva: Institute of Pacific Studies, University of the South Pacific, 1988), 32.
- xii. Frank Cassidy and R.L. Bish, Indian Government: Its Meaning in Practice (Halifax: Institute for Research in Public Policy, 1989), 77-8.



- xiii. Gurston Dacks, "Politics in the Last Frontier: Consociationalism in the Northwest territories," Canadian Journal of Political Science XIX (June, 1986), 349.
- xiv. Michael Asch and Gurston Dacks, "The Relevance of Consociation to the Western Northwest Territories," in Western Constitutional Forum, Partners for the Future: A Selection of Papers Related to Constitutional Development in the Western Northwest Territories (Yellowknife, 1985), 38.
- xv. The East has approximately 41 per cent of the territorial population and 46 per cent of the seats.
- xvi. At meetings of the Assembly's Striking Committee, recommendations as to which MLAs sit on which committees often reflect concern for East-West balance, whereas issues of Aboriginal or non-Aboriginal representation on legislative committees seldom arise.
- xvii. These issues are more fully explored in Graham White, "Northern Distinctiveness, Representation by Population and the Charter: The Politics of Redistribution in the Northwest Territories," Journal of Canadian Studies, XXVIII (Fall, 1993), 5-28.
- xviii. A few votes, such as those on the overall budgetary policy of the government or on the Speech from the Throne (the "Commissioner's Address" in the NWT), are matters of confidence by definition. Other matters - whatever their intrinsic importance - are only matters of confidence when the word "confidence" appears in the motion.
- xix. Until recently, the first minister in the NWT was known as the 'Government Leader'. In 1994, the Legislative Assembly formally authorized use of the term "premier", which was already coming into common use; Legislative Assembly of the Northwest Territories, Hansard, February 18, 1994, 231.
- xx. Graham Eglinton argued that the NWT of the mid-1980s was not a fully responsible government; see "Matters of Confidence in the Legislative Assembly of the Northwest Territories," Appendix A of the Third Report of the Special Committee on Rules, Procedures and Privileges, October 1986. Several years later, Dacks wrote that "the defeat of a significant motion or piece of legislation proposed by a minister does not bring down the government as it would elsewhere in Canada...the absence of the basic test of confidence means that responsible government cannot be said to exist in the NWT" ("Political Representation", 140). Dacks' conclusion rests on a misunderstanding of the nature of confidence in British parliamentary systems. Governments, and ministers, can and do lose votes on important motions and bills without necessitating the resignation of the government or a dissolution. Such losses may be politically embarrassing, but unless they are explicitly designated as matters of confidence, the life of the government is not at risk.
- xxi. C.E.S. Franks, "The Legislature and Responsible Government," in Norman Ward and Duff Spafford, eds., Politics in Saskatchewan (Toronto: Longmans, 1968), 23.
- xxii. For example, the general view in the Assembly is that the Nunavut Caucus is far more cohesive and thus far more effective in determining ministerial elections than the Dene-Metis Caucus.

- xxiii. During the Eleventh Assembly (1987-91), the committee was referred to as "Ajauqtit", an Inuktitut word "meaning 'people who push', referring to those people who help push a sled that bogs down in the snow" (Kevin O'Keefe, "Northwest Territories: Accommodating the Future," in Graham White and Gary Levy and Graham White, eds., Provincial and Territorial Legislatures in Canada [Toronto: University of Toronto Press, 1989], 240). Significantly, in the Twelfth Assembly, this term, with its connotations of support and common goals, was dropped and the term Ordinary Members' Committee used exclusively.
- xxiv. Hansard, October 24, 1988, 351.
- xxv. Following the 1991 election, an unsuccessful attempt was made to expand the cabinet to nine ministers. No legal strictures limit the cabinet to eight.
- xxvi. Ministers in the Australian and New Zealand Labour parties are elected by their party caucuses, but their removal rests with the prime minister.
- xxvii. In addition, as one of the reviewers pointed out, the intense personal relationships between MLAs fosters important informal accountability processes.
- xxviii. Territorial Leadership Committee, "Mid-term Review" transcript, December 10 and 11, 1993.
- xxix. Hansard, December 14, 1993, 21-2.
- xxx. Observers of the NWT Assembly would likely dispute characterizing it as 'non-confrontational' and 'civil', particularly in light of the concerted, hostile attacks on ministers during 1992. Nor, in previous years, were heated debates, walkouts and even minor physical altercations unknown. On balance, however, several years observation of the NWT Assembly combined with a background of extensive involvement with southern Canadian legislatures, have convinced me that the NWT House is quite markedly less confrontational and more civil than the House of Commons and the provincial legislatures.
- xxxi. Hansard, December 14, 1993, 21.
- xxxii. See, for example, Jane Christian and Peter M. Gardner, The Individual in Northern Dene Thought and Communication (Ottawa: National Museum of Man, 1977), 25, 80-1.
- xxxiii. Again, it must be stressed that nothing like an equal sharing of power between cabinet and ordinary members exists in the NWT Assembly. Rather, it is in comparison with the virtually powerless lot of backbenchers, government as well as opposition, which typifies Westminster parliaments that the uniqueness of the NWT is apparent.
- xxxiv. In most Canadian legislatures, even in time of minority government, the cabinet controls the legislative agenda, so that it can prevent unpalatable private members' bills from coming forward. The cabinet in the NWT lacks this power.
- xxxv. See Standing Committee on Legislation, Report on a Review of the Legislative Process for the

Twelfth Assembly, December 1991.

- xxxvi. As elsewhere in Canada, secrecy surrounds the revenue budget. Given the limited possibilities for taxation in the NWT, this is a less significant restriction than in other jurisdictions. The most significant proposed tax change in recent years, a one per cent payroll tax, was reviewed in draft form by SCOF and initially rejected because of committee criticisms.
- xxxvii. One MLA did complain bitterly that ministers and members of SCOF enjoyed unfair advantage over other MLAs in obtaining capital projects for their constituencies. (Hansard, November 24, 1992, 82-3.) The consensus among members was that this criticism was unfounded.
- xxxviii. An Inuk minister resigned because, although he was not among the main targets of ordinary members' criticism, his health was suffering from the adversarial atmosphere in the House and the demands made on him by MLAs. Another minister resigned because of a pending criminal charge unrelated to his political activities.
- xxxix. Miro Cernetig, "Northern legislature turns frosty," Globe and Mail, February 22, 1993.
- xl. This dynamic is of course analogous to the political incentives and the consequent behaviour of members in southern legislatures. The incentives for opposition members in more standard Westminster systems strongly incline them to uncompromising, aggressive and obstructionist attacks on government. Cooperative and supportive behaviour from the opposition only assists the government and reduces the prospects for fulfilling the opposition's most basic goal - replacing the government.
- xli. This is certainly true within the West and within the East, though it may be less accurate on a territorial-wide basis.
- xlii. Little of this reflection found its way onto paper, but it was a frequent subject of discussion in Yellowknife during late 1992 and early 1993.
- xliii. John Holman, "Hagen Wants Party Politics," Press Independent March 26, 1993. The reference was to Willard Hagen, President of the Gwich'in Tribal Council.
- xliv. For a more extended discussion, see Graham White, "Consequences of Electing the Government Leader of the Northwest Territories," paper prepared for the Strategic Planning Session of the Legislative Assembly of the Northwest Territories, Cambridge Bay, October, 1993.
- xlv. Hon. Nellie Cournoyea and Mr. Fred Koe, "Notes for Remarks to Press Conference," April 7, 1993, 3. (Koe is Caucus Chair.)
- xlvi. Legislative Assembly of the NWT, "The Operation of Consensus Government," press release, April 7, 1993.
- xlvii. Ibid.

- xlvi. By way of illustration, the Standing Committee on Legislation recently travelled to ascertain public views on a legislative action paper on freedom of information and an ombudsman. Few people attended its meetings to offer opinions or to observe the proceedings. By contrast, the Special Committee of Health and Social Services attracted large numbers of people to its public hearings in the communities.
- xlix. Legislative Assembly of the Northwest Territories, Standing Committee on Rules, Procedures and Privileges, Final Report on the Comprehensive Review of the Rules, March, 1993.
- l. Alice Legat, ed., Report of the Traditional Knowledge Working Group (Northwest Territories Department of Culture and Communications, 1991), 26.
- li. See Government of the Northwest Territories, "Role and Responsibilities of the Leader of the Elected Executive," July, 1980.
- lii. O'Keefe, "Accommodating the Future," 208.
- liii. The House unanimously supported a motion "that this House vest in the Government Leader the following authority: 1) The overall management and direction of the Executive branch of government; 2) The right to take disciplinary action which he deems necessary, with respect to the conduct of Ministers..." Legislative Assembly of the Northwest Territories, Votes and Proceedings, November 12, 1987. Believing that since the Assembly put the ministers into office, only the Assembly could remove them, some MLAs did not interpret this motion as giving the Government Leader power to dismiss ministers.
- liv. Hansard, March 16, 1989, 1291.
- lv. Hansard, November 23, 1993, 53.
- lvi. Occasional instances of the premier indicating that ministers are voting on certain questions as individual MLAs rather than as cabinet do not negate this assertion. Instead, they highlight the extraordinary extent to which party discipline dominates southern Canadian legislatures, even on matters which have little bearing on government policy.
- lvii. Project to Review the Operations and Structure of Northern Government, Strength at Two Levels (November, 1991), 19.
- lviii. Peter Jull, "Canada's Northwest Territories: Constitutional Development and Aboriginal Rights," in Peter Jull and Sally Roberts, eds., The Challenge of Northern Regions (Darwin: Australian National University North Australia Research Unit, 1991), 54.
- lix. The comparative basis for the assertions about ministerial behaviour in this paragraph comes from research partially reported in Graham White, "The Interpersonal Dynamics of Cabinet Decision Making in Canadian Provinces," paper presented to the European Consortium on Political Research Workshop on the Political Role of Cabinet Ministers in Parliamentary Systems, University of Limerick, April, 1992.

- ix. Dacks, "Political Representation in the Northwest Territories," 142.
- lxi. Mark O. Dickerson, Whose North? Political Change, Political Development and Self-Government in the Northwest Territories (Vancouver: UBC Press, 1992), 122.
- lxii. Hansard, March 24, 1992, 419.
- lxiii. Government of the Northwest Territories, 1994-95 Budget Address, 35.
- lxiv. "Opportunities North" special supplement to News/North, May 9, 1994, 19.
- lxv. C.E.S. Franks, "Toward Representation of the Aboriginal Population in the Public Service of the Northwest Territories," in Rebecca Aird, ed., Running the North: The Getting and Spending of Public Finances by Canada's Territorial Governments (Ottawa: Canadian Arctic Resources Committee, nd [1989?]), 393.
- lxvi. Michael S. Whittington, "Political and Constitutional Development in the N.W.T. and Yukon: The Issues and Interests," in Whittington, ed., The North (Toronto: University of Toronto Press, 1985), 76.
- lxvii. Comments by one of the reviewers of this paper.
- lxviii. Strength at Two Levels, 14.
- lxix. Ibid., 92.
- lxx. Ibid., 93.
- lxxi. Ibid.
- lxxii. The Beatty report rejected the argument that a departmental structure premised on a small number of departments with wide responsibilities, perhaps combined in unusual ways, would disadvantage the GNWT in its dealings with Ottawa and the provinces by marking it as a "junior" government. It argued that if wants to be taken seriously it should concentrate on its effectiveness rather than on its appearance. Ibid., 66.
- lxxiii. The use of Aboriginal languages in the GNWT is discussed in Office of the Languages Commissioner of the Northwest Territories, Eight Official Languages: Meeting the Challenge. The First Annual Report of the Language Commissioner of the Northwest Territories for the Year 1992-1993, November, 1993, 54-5, 61-4, 126-144.
- lxxiv. Hansard, March 24, 1992, 419.
- lxxv. Ibid. This figure is based upon the approximately 380 senior managerial positions.
- lxxvi. Mike Bell, The Government of the Northwest Territories Native Employment Policy: A Review and Assessment, Background Study for the Legislative Assembly's Special Committee on the

- Northern Economy, 1989, 22.
- lxxvii. Franks, "Toward Representation", 407.
- lxxviii. Office of the Languages Commissioner, First Annual Report, 129.
- lxxix. See Government of the Northwest Territories, "'Seize the Day': A Report to the Legislative Assembly on Political and Constitutional Development in the Northwest Territories," October, 1989, 7-9.
- lxxx. See for example, Dickerson, Whose North?, ch 7, and Katherine Graham, "Devolution and Local Government," in Dacks, Devolution and Constitutional Development, 195-224.
- lxxxi. Government of the Northwest Territories, "Reshaping Northern Government," February 1992, 15.
- lxxxii. The principles of the CTI and the process for transferring responsibilities to communities are set out in Government of the Northwest Territories, "Community Transfer Initiative Implementation Plan", November, 1992.
- lxxxiii. Among the publicly-articulated principles of the Community Transfer Initiative are the following: "The GNWT recognizes aboriginal peoples' inherent right to self-government and, on that basis, will negotiate community self-government transfers within its jurisdiction...Aboriginal self-government should proceed in a manner compatible with the development of public government in the Northwest Territories". "Community Transfer Initiative Implementation Plan" 2.
- lxxxiv. Commission for Constitutional Development, "Working Toward a Common Future," April 1992.
- lxxxv. This point is obvious in the case of Nunavut, which will be a public government, but because of the high proportion of Inuit, will effectively also be Aboriginal self-government. For other jurisdictions the relation between public and Aboriginal self-government is problematic.