

Canadian Government and Aboriginal Peoples
The Northwest Territories

Prepared for the Royal Commission on Aboriginal Peoples

by

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Executive Summary

This study examines the social and political context that underlies the policies of the First Nations and the government of the Northwest Territories that relate to the First Nations of the territory. The study reports on these policies and the strategic logic that underlies them. On the basis of this analysis, the study suggests recommendations that the Royal Commission should make in order to promote the constitutional development of the territory in a fashion that respects the rights of the First Nations and promotes cooperative and effective governance of the territory.

The relationship between the aboriginal peoples and the government of the Northwest Territories is unique among Canadian jurisdictions because only in the N.W.T. does the pursuit of aboriginal self-determination raise fundamental questions about the future structure of the public government. (1)

Until the 20th century, the First Nations of the Northwest Territories were vigorous and self-determining peoples. In a process whose timing differed from one part of the N.W.T. to another, the First Nations lost their self-sufficiency and social vitality as their economic base, culture, spirituality and institutions were challenged by those of the more powerful Euro-Canadian society. In the last 20 years, the First Nations of the N.W.T. have organized politically to address these problems by pursuing their rights, initially through Aboriginal claims and more recently by seeking to negotiate self-government. (5-9)

The context in which they pursue their rights is one in which the N.W.T. has traveled almost the whole path of constitutional development, stopping just short of provincial status. (9-11)

Taken together, Aboriginal persons comprise 60.2% of the

total territorial population. This figure is so much greater than any other jurisdiction in the country that it alone makes the politics of the N.W.T. unique within Canada. (11)

The First Nations of the territories also lead the country on the indicators of Aboriginal cultural vigour studied during the 1991 census. However, they suffer from such social problems as high levels of unemployment, conflict with the law, suicide and substance abuse. (11-13)

In contrast, non-Natives tend to enjoy high levels of formal education, employment, income, health and longevity. (13)

The politics of aboriginal issues in the Northwest Territories display a complexity vastly out of keeping with the territories' small population. Unlike the situation in the provinces, the public government is not a given to which First Nations must accommodate themselves. As a result, the claims for self-determination that territorial First Nations press threaten the legitimacy and future of the territorial government in a far more fundamental way than do similar claims in the provinces. In this high stakes game, nine First Nations pursue their individual strategies addressing numerous issues with constitutional implications. (13-15)

For analytic purposes, this study presents two visions of the constitutional future of the N.W.T. that represent the extreme poles of belief on this issue. One vision starts from the premise that Aboriginal sovereignty is fundamental. The other believes that a strong, public territorial government should be the axis on which the constitutional future of the N.W.T. turns, because it both conforms to the general culture of Canada and represents the most cost-effective approach to governance. (15-18)

The First Nations subscribe to varying degrees to the

vision of sovereignty. Similarly, non-Aboriginal opinion tends to favour the public government vision, but also contains significant diversity, including considerable respect for Aboriginal rights and support for the idea of transferring powers from the government of the N.W.T. to the communities.

The Government of the N.W.T.'s need for legitimacy and its desire to avoid losing much of its constituency by driving its Aboriginal clients into creating powerful First Nations governments logically should motivate it to decentralize and to try to accommodate self-government within its own institutions. Cooperation and power sharing with the public government will certainly provide more efficient delivery of service for the First Nations. Thus there is reason to hope that the two visions will converge as the western N.W.T. constitutional development process unfolds. However, should either side prove too inflexible, the outcome of very separate, and cost-ineffective, governments is very apparent. (18-21)

The diversity of views and circumstances among the First Nations of the territories has lead them to pursue a variety of approaches to the constitutional development of the N.W.T. (21-29)

A great many institutions of the territorial government develop and implement policies directly affecting Native people. (29-37)

The policy of the Government of the N.W.T. has moved from promoting a strong central government resembling the provincial model to supporting First Nations' national constitutional goals and accommodating the principle of First Nations' government within the institutions of the public government, that is, within itself. (37-44) At the national level, the territorial government has supported the inherent right, the fair settlement of Aboriginal claims and the division of the N.W.T. (44-51) In view

of its lack of legitimacy, particularly among Aboriginal northerners, it has not been able to play a dominant role in constitutional planning for the western N.W.T. (51-56) It has helped fund this planning, but is widely seen as resisting change that would devolve to the communities a significant amount of the power it now exercises, a change that a great many northerners support. Moreover, it has failed to live up to the promise of its Community Transfer Initiative to empower communities. (56-64) In contrast, it has sought to have the federal government devolve power to it in a process that First Nations generally oppose because it reduces the likelihood of their own future governments gaining these powers, which they view as theirs by virtue of their Aboriginal rights. (64-67)

Native women suffer considerable violence as well as other social problems. The territorial government provides a variety of programs relevant to them, but is not itself structured in a way that would help it to focus on women's needs. A positive development is that aboriginal women are participating actively in the politics of the N.W.T. (70-72)

The future prospect is hopeful as the N.W.T. will experience a fluid situation in which Aboriginal and non-Aboriginal northerners will tend to understand and respect one another's political positions, if not always agree on how to balance these positions. The task of finding and maintaining this balance will be complicated by:

- the need to obtain public approval through a referendum for any constitutional compromise that might be negotiated;
- lack of funds to facilitate a transformation of governance;
- the absence of a territorial party system that might help focus and maintain the government's commitment to a course of action;
- the confusion and uncertainty about the federal government's policy on the inherent right and how it might affect the strategy

of the various parties to the northern constitutional development process. (72-79)

The N.W.T. exemplifies the politics of the postmodern world in which diversity is recognized as a reality and respected as the wish of the people. This postmodern situation requires a coherent and fair process for developing institutions that both express this diversity and provide sound, cost-effective government. To this end, the Royal Commission should make the following recommendations:

The Royal Commission should recommend that, in the planning for the western N.W.T., the federal government take steps to ensure a level playing field between the principles of First Nations government and public government.

The Royal Commission should foster responsive and legitimate government by recommending that the government of Canada encourage the territorial government to work constructively to devolve authority to community and regional governments, if individuals in the communities and regions desire the devolution of particular powers.

The Royal Commission should recommend that the federal government should maintain sufficient financial support for the western constitutional process to enable it to proceed in a timely fashion and all parties to it to develop and pursue their views effectively.

The Royal Commission should recommend that a method be developed for testing the confidence of Native women in the western N.W.T. on a method for ensuring their confidence in First Nations governments before these governments come into

existence.

The Royal Commission should recommend that the Government of Canada continue to expedite the Nunavut process.

Also, the Royal Commission should recommend that when governments embark on cost cutting that appears to apply across the board, they should be sensitive to the phenomenon that the impact of cuts is likely to be ethnically differentiated because Aboriginal people in northern Canada tend to depend more on government services than do non-Aboriginal Canadians. (79-84)

1. Introduction

The relationship between the aboriginal peoples and the government of the Northwest Territories is unique among Canadian jurisdictions because only in the N.W.T. does the pursuit of aboriginal self-determination raise fundamental questions about the future structure of the public government. For the N.W.T., aboriginal self-determination is not one aspect of the larger issue of constitutional development at either the national or regional level; it is the heart of the issue, particularly in the western portion of the territories. The N.W.T. finds itself in a fragmented, equivocal and highly fluid situation in which numerous political processes are unfolding simultaneously. Because of the intimate linkages among these processes, the experiences the various First Nations, territorial politicians and non-aboriginal residents of the territories encounter with each process influence their strategic calculations regarding the other processes. It is in this shifting environment that the policies of the Government of the N.W.T. concerning aboriginal self-government evolve.

In order to provide a context for these policies, this paper will first review the post-contact history of the Northwest Territories. It will then describe the political environment of the N.W.T. Positing for analytic purposes two contrasting "visions" of the relationship between First Nations self-government and public government in the N.W.T., the paper will discuss the major actors in territorial politics and how their goals relate to the continuum defined by the two visions. It will then analyze policies and actions of the territorial government that influence the future of First Nations government in the Northwest Territories. In closing, the paper will argue that, while the Government of the N.W.T. has very substantial

resources with which to promote its goals, it is very much a captive of the larger forces that are shaping territorial politics. To the extent that these forces reflect currents in national politics, the paper proposes that the Royal Commission recommend policies on the part of the Government of Canada that will promote a full and fair consideration of First Nations' needs in the ongoing constitutional deliberations in the Northwest Territories.

The discussion that follows will use a relatively inclusive definition of self-government. It will consider First Nations self-government to be all those institutions and processes by which First Nations govern themselves. The formulation "First Nations", in contrast to a wording such as "native people", reflects the understanding among Aboriginal political cultures that First Nations are collectivities that are more than just the sum of the individual people who belong to them. These collectivities have deep historical and cultural meaning. Their future welfare is a fundamental obligation that Aboriginal people feel profoundly and the focus to which they direct their political efforts.

The most complete form of self-government is one that is (1) based on a constitutionally protected inherent right; (2) with a fully comprehensive span of jurisdiction; that (3) draws its leadership exclusively from and (4) exclusively serves a First Nation (or several First Nations). However, it is unreasonable to identify only such situations as instances of self-government. To do so would be to ignore a large number of real life arrangements in which First Nations exercise very considerable authority in pursuit of their well-being as collectivities. It is a more useful approach to view self-government as a principle that can be realized to varying

degrees. The degree to which a set of institutions embodies aboriginal self-government depends on a variety of factors. For example, an exclusively aboriginal government will usually be able to more directly advance a First Nation's interest than will a public government that the First Nation dominates, but that also represents people who are not members of the First Nation. However, in a few circumstances, such as the creation of Nunavut, the latter, public, form of government may offer substantial advantages to a First Nation. To reject Nunavut as an example of First Nation government is to deny the vision of a First Nation, in this case, the Inuit of the N.W.T., and the real opportunities for collective self-determination which they will enjoy.

A First Nation government based on an inherent right will be stronger than one which is not because it will correctly reflect the history of the First Nation. Also, it ought not to have to negotiate its structure with or be accountable to any other government (except, perhaps, concerning how it spends federal funds it receives). Similarly, constitutional protection greatly reduces the ability of other governments to deflect a First Nation government from the pursuit of the collective well-being of its people. Finally, the fuller the span of authority of a First Nation government, the more comprehensively it will be able to act on behalf of the First Nation.

These considerations demonstrate the usefulness of the concept of self-determination, defined as the degree to which a set of arrangements embodies the principle of aboriginal self-government. Equally they suggest that there is a point in any given case at which the factors or variables outlined above--exclusivity, inherence, entrenchment and span of powers--may simply give a First Nation too little self-determination to be acceptable as an instance of First

Nations self-government. Whenever a phenomenon is viewed as a variable, the question of the threshold or boundary arises: at what point is the ability of a First Nation to govern itself so attenuated that it is wrong to accept a set of arrangements as being meaningfully a First Nation government? This is a very important practical question in that First Nations must be wary of exaggerated claims about the degree of self-government embodied in political arrangements they are being offered. There is, of course, no general rule, no universal litmus test that will distinguish "true" or sufficient institutions or processes of First Nations government from those which are insufficient. This judgment will be unique to each case. It will be a difficult one because it is complex, because so much is at stake and because it may prove difficult, if not impossible, to reverse if it turns out to be incorrect. However, it is a judgment that must be made in order to recognize that there will be arrangements that, while not perfect, do provide First Nations with significant authority to govern themselves in their own best interests. The discussion that follows will consider such arrangements to be examples of First Nations self-government. It will also identify the extent to which and ways in which particular instances dilute the principle of self-government.

1.1 Methodology

This study is based upon documentary sources and interviews. Its documentation includes First Nations' and governmental policy papers, transcripts of speeches and of the hearings of the Royal Commission, newspapers, scholarly books and journals and the Debates of the territorial Legislative Assembly. Those interviewed for the study include 14 leaders or appointed officials representing all of the First Nations of the Northwest Territories; 16 members of the government of

the Northwest Territories, most of them civil servants; six officials of the government of Canada and five independent observers of northern politics. The majority of the interviews took place in May and June of 1993; some were updated in January 1995.

This paper was first submitted to the Royal Commission in 1993. While the final version preserves the basic structure and argument of its predecessor, its discussion and recommendations have been revised to reflect developments as of early 1995 and to take into account new documents that have appeared and interviews undertaken since the completion of the first draft.

This study diverges in an important way from other studies of governance; it does not address government policies relating to urban Indians and Native youth. The reason is that, as the discussion on spending later in the study will elaborate, the government of the Northwest Territories does not operate programs directed explicitly or exclusively at these two groups. Because Native people constitute such large proportions of the territories' urban residents (leaving aside a very few large urban centers) and of youth, it would be wasteful, complicated and frustrating to maintain the type of separate programming that reflects Natives' minority position in other Canadian jurisdictions. The only municipal policy the study will consider is the Community Transfer process. It will be examined because it was developed to respond to the primarily (although certainly not exclusively) Native desire that local communities exercise substantially more power than they do at present.

Finally, the study devotes much more time to developments in the western than in the eastern portion of the N.W.T. The reason is very simply that the politics of the West are far more complex and unresolved than are those of the region

that will become Nunavut. For example, the West contains eight First Nations, whereas the Nunavut region contains only one. The presence of a large non-Aboriginal population in the western N.W.T. further complicates the inter ethnic politics of constitutional change there. This complexity and the fact that fundamental questions such as the respective roles of self-government and public government have been settled for Nunavut, but not for the West, call for a lengthier treatment of the latter than of the former.

2. Historical Background

The post-contact history of the Northwest Territories can be plotted as two trajectories crossing the span of time. The first trajectory, describing the social vigor and the self-determination of the First Nations of the territories, at first runs high and flat across the graph of time before plunging precipitously, only to begin to recover in the last two decades. The second trajectory, the impact of public government on the life of the territories, maintains a low level until the middle of the twentieth century, then rises dramatically only to edge downward in the last few years. The trajectories converge today, setting the stage for the conflict of authority between public government and aboriginal self-government that dominates planning for the constitutional future of the territories.

When the first whites arrived in what is now the Northwest Territories, Aboriginal people had been living there for at least 12,000 years. The major groupings were the Dene, including the Hare, Dogrib and Slavey Indians, and the Inuit, who comprised a large number of relatively small groupings. These peoples pursued hunting, fishing and gathering economies based, in the case of the Dene, on terrestrial mammals and, in the case of the Inuit, on marine mammals. Mutually beneficial relations marked the first decades of contact between the Aboriginal

peoples of the N.W.T. and non-Aboriginals. Native people engaged in the fur trade and the Inuit provided whalers with supplies of food and clothing suited for the Arctic climate. This commerce provided Native people with trade goods that they integrated into their traditional economies and lives.

However, it also made them dependent on these goods.

When the price of furs collapsed between the 1930s and the mid 1950s, Native people found it difficult to obtain these trade goods. For the first time they became impoverished. The resultant loss of self-reliance accentuated the impact of other processes. The work of the missionaries and church-run schools undercut aboriginal culture and created a gulf of understanding between the generations in Native families. The imposition of Canadian law denied Natives the tools of social control by which their traditional approach to conflict resolution had maintained the integrity of their communities. It is difficult to overstate the devastation caused to Native communities by the communicable diseases brought by non-Natives. Appalling numbers of Native people died from these illnesses. Moreover, the inability of traditional medicine to respond to this crisis and the death of so many elders gravely eroded the stock and status of traditional knowledge in the North.

Aboriginal spirituality also suffered as Native people saw their relationship with the land ignored in the influx of non-Natives with very different attitudes toward the land, supported by a government that claimed to own and govern the land in a fashion which had no parallel in Native culture. The Dene signed Treaties 8 and 11 in 1899 and 1921 respectively when the pressure of resource development threatened relations between them and the Government of Canada. (Fumoleau) However, the Dene did not interpret these treaties as ceding land rights to the government. Anxiety about the fate of the land continued

to distress the Dene. In the 1950s, the government moved many of the territories' Native people from their dispersed hunting camps into towns in an attempt to ease the cost of providing them the services which their social dislocation increasingly demanded. One consequence of this policy was to cluster the population in a fashion that overburdened the wildlife resources near the communities. In many cases, Native hunters found the economics of harvesting distant stocks of wildlife unfeasible. They stayed in town, where the lack of wage employment added them to the welfare rolls and where a culture of urban poverty brought with it a range of severe social problems.

These problems compelled the Native peoples of the N.W.T. to organize themselves for political action. Their need to oppose the White Paper of 1969 provided the occasion for them to do so. In addition, increasing oil and gas exploration in the North posed new and greater threats to their lands and harvesting economy. Newly available core funding from DIAND greatly assisted their organizational efforts. By 1973, all of the First Nations of the N.W.T. had formed representative organizations. (Dickerson: 100-101) In their early years, these organizations conducted research and community consultations in order to prepare their comprehensive claims to the Government of Canada. 1976 saw two claims presented, the Dene claim covering much of the western N.W.T. and the Inuit claim. In 1977, the Committee for Original Peoples Entitlement, representing the Inuvialuit of the western Arctic, and the Metis Association of the N.W.T. presented their claims. The Government of Canada accepted the Metis claim but argued that no land should be the subject of more than one settlement. For this reason, it required that the Dene and Metis negotiate a joint settlement. In 1984, the Dene and Metis agreed to do this.

The Native organizations also pursued other political

projects in the 1970s. A proposal for a large gas pipeline in the Mackenzie Valley prompted the Government of Canada to appoint Justice Thomas Berger in 1974 to review the impacts of such a project. His inquiry, and particularly his visits to communities throughout the affected area, greatly invigorated the Dene Nation by providing a focus for its organizational efforts and giving it national prominence. Justice Berger's 1977 recommendation of a ten-year moratorium on construction of the pipeline to allow time for the land claims in the region to be settled and the settlements to be implemented greatly enhanced the Dene Nation's credibility. In the 1970s, the Aboriginal groups of the N.W.T. also defined positions on self-determination that closely resemble their present positions. The Inuvialuit and the Inuit proposed forms of public government for their respective regions. The Dene Nation published the "Dene Declaration" in 1975 calling for constitutionally protected self-determination. Thus, by the start of the 1980s, the First Nations of the N.W.T. were assertively challenging the authority of the territorial government.

Until the postwar period, the role of government in what is now the Northwest Territories was highly circumscribed. Aside from serving the needs of the mineral exploration industry and providing policing, the Government of Canada kept a low profile in the territories. Missions, which received very modest support from the government, provided what little schooling was available to Native people. Some medical care was available to Natives, but far less than was needed to meet their health care needs. The government paid for limited food assistance for starving Natives. (Dickerson: 37-51) In these policy areas, the government was motivated in part by thrift and in part by a policy framework

that assumed the desirability of encouraging Natives to retain their traditional lifestyle. This approach discouraged spending on programs, such as education, that would disrupt that lifestyle or provide alternatives to it, such as welfare.

The formal institutions of the Government of the N.W.T. before the 1950s were as minimal as its programs. Before 1905, the North West Territories was governed by a Lieutenant-Governor, an elected Assembly and an Executive Council operating on the basis of responsible government. After Alberta and Saskatchewan became provinces, the government of what was left of the N.W.T. assumed a much more modest and colonial form, one that provided no role for northerners. The Government was located in Ottawa, housed within a succession of departments of the federal government. It was headed by a Commissioner, who was a senior federal public servant. Provision was made for a four-member Territorial Council which was not, however, appointed until 1921. When it was created, all of its members were federal officials and it met in Ottawa. It was not until 1947 that the first resident of the N.W.T. was appointed to the Council. Over the next 28 years the Council evolved into a fully elected body.

1967 was a milestone year in the political history of the N.W.T. In 1966, the Advisory Commission on the Development of Government in the Northwest Territories, generally known as the Carrothers Commission, advised the federal government that Yellowknife should be made the capital of the N.W.T., that the territorial government should be relocated to it and that it should receive a broad range of jurisdiction so that northerners could enjoy a more accessible, accountable and responsive government (Canada. 1966: V. 1, 152). In 1967, the territorial government moved North. The partially elected Council continued to function and an Executive Committee was created composed of the Commissioner, the Deputy Commissioner and an executive

assistant, all appointed officials. In 1975, the newly renamed and now all-elected Legislative Assembly gained the power to name two of its members to the Executive Committee. During the next decade, more MLAs joined the Executive Committee and they assumed most ministerial responsibilities. In 1985, the Commissioner, its last non-elected member, ceased to sit on the Executive Committee. The Government Leader, elected by the Assembly from amongst its members, became chairman of what was now called the Executive Council and assumed the last administrative responsibility of the Commissioner, Public Services. (Dickerson: 93,121). The Northwest Territories Act still gives the Commissioner, who is responsible to the Minister of Indian Affairs and Northern Development, the power to reserve and disallow legislation passed by the Assembly. However, this power has fallen into such disuse and its exercise would be so provocative that, like the counterpart power of lieutenants-governor, it is most unlikely to be used.

The N.W.T. has traveled almost the whole path of constitutional development taken by its former portions that now enjoy provincial status. It has moved from an all-appointed to a fully representative form of government. From 1967 to the present it has increased its span of powers until they approach those of the provinces, the major exception being ownership and control of land and resources ((Dacks: 1990). Lacking the status of a province, it does not participate in the formal process for ratifying constitutional amendments. However, it does participate in the full range of intergovernmental discussions, up to and including first ministers' meetings on the Constitution, that lie at the heart of Canadian federalism.

Despite this growth, the territorial government is losing momentum today in the face of severe budgetary restraint and the aboriginal challenges that will be discussed below.

3. Present Context

3.1. Social Context

The Northwest Territories is a vast land whose population is as complex as it is small. In 1991, the population of the N.W.T. stood at 57,650. Of these, 21,035, 36.5% of the total territorial population, were Inuit; 9,805, 17% of the territorial population, were North American Indians; and 3,895, 6.7% of all territorial residents, were Metis. Taken together, Aboriginal persons comprise 60.2% of the total territorial population. This figure is so much greater than any other jurisdiction in the country that it alone makes the politics of the N.W.T. unique within Canada.

The First Nations of the territories also lead the country on the indicators of cultural vigour studied during the 1991 census. (Appendix A) 74.3% of Northwest Territories Natives 15 years or older who responded to the 1991 Aboriginal Peoples Survey reported that they speak an aboriginal language. The comparable figure for all of Canada is 35.8%, with the next highest figure for language retention being that of Saskatchewan--48%. 78.2% of territorial Natives 15 years and older report participating in traditional aboriginal activities, compared to a national figure of 50.6%. Traditional harvesting activities--hunting, fishing, trapping and gathering--continue to figure significantly in the lives of territorial Native people, even though the cost of equipment and fuel can make these activities at best marginally economic. It has been estimated that in 1989, Native people in the N.W.T. produced \$55 million worth of country food, with each hunter producing food worth between \$10,000 and \$15,000, a very substantial value given the per capita income of territorial Natives. (Bone: 214) This material benefit and the spiritual value of land and water-based

activities underscore the importance for the territories' Native peoples of their traditional harvesting. They also explain these peoples' determination to control the natural environment on which this harvesting depends.

Despite these positive indicators, a web of interrelated problems darkens the lives of Natives in the Northwest Territories. They tend to have relatively low levels of formal education. In 1989, the percentages of Native people with less than a grade 9 education were Inuit: 62%; Inuvialuit: 48%; Dene: 55% and Metis: 25%, compared to four percent for the non-Native population. (Government of the N.W.T. Bureau of Statistics: 26 and 28). In part for this reason, in part because of other factors such as the lack of jobs in the small communities in which a great many Natives live, they tend to participate less actively in the wage economy than do non-Natives. In 1988, 31% of Natives worked for more than 26 weeks of the year as compared to 78% of non-Natives (Government of the N.W.T. Bureau of Statistics: 23 and 26). Territorial Natives depend on a mixed economy comprising wage employment, harvesting of country food and transfer payments from government. While this economy suffices in a minimal sense, the low per capita income it generates contributes to the culture of poverty and to the poor housing and lack of fulfillment and hope that in turn have fed serious social problems among the Native people of the territories. These include high levels of conflict with the law, suicide, infant mortality and substance abuse. Clearly, Native communities in the territories require a great deal of healing. This is one of the urgent needs that inspire the efforts of the First Nations to pursue claims settlements and constitutional futures in which they will be more self-determining and better able to take ownership of their problems than they are at present.

The non-Native population of the territories stands in

marked contrast to the Native northerners. Non-Natives tend to enjoy high levels of formal education, employment, income, health and longevity. While some non-Native northerners have truly made the territories their home, many are drawn by economic opportunity, usually in the government or resource development sectors or in servicing the needs generated by these economic activities. These northerners leave in the face of unemployment, retirement or better prospects elsewhere. 20% of territorial residents over the age of five in 1991 had lived there for less than five years as compared with a figure of only seven percent for residents of the provinces and the Yukon. Given that Natives comprise over 60% of the territorial population and that very few of them migrate into the territories, the mobility, using the Statistics Canada definition, of non-Natives is probably above 40%, (Statistics Canada. 1993). These circumstances and the contrasting historical experiences of the First Nations and non-Natives in the North inevitably create very different cultures and goals between the two groups, providing the cloth from which territorial politics is cut.

3.2. Political Context

The politics of aboriginal issues in the Northwest Territories display a complexity vastly out of keeping with the territories' small population. For example, treaties cover the western portion of the territories, but treaty land entitlements and a reserve system have been implemented only minimally. In addition, modern lands claims are being settled in the region, some on lands already covered by treaty. The settlements of these claims provide for the creation of joint planning and resource-management boards, joint in the sense that they are composed of equal numbers of Aboriginal and government representatives. The significance of these boards lies in their

being public government bodies, but with the status that derives from their being entrenched under S. 35 of the Constitution Act, 1982, because they have been created under the provisions of Aboriginal claims settlements. Also, while their decisions can be over ruled by the relevant minister, they are likely to have a great impact on policy. To the extent that they do, they will demonstrate that it is possible to represent and advance Aboriginal interests through public government bodies.

Unlike the situation in the provinces, the public government is not a given to which First Nations must accommodate themselves. As a result, the claims for self-determination that territorial First Nations press threaten the legitimacy and viability of the territorial government in a far more fundamental way than do similar claims in the provinces. In this high stakes game, nine First Nations pursue their individual strategies addressing numerous issues with constitutional implications. These issues proceed along policy tracks that are separate, but intertwined. In order to provide an overview of this environment and to situate the political actors and their positions in it, it will be helpful to propose two "visions" of the relationship between First Nations government and public government in the Northwest Territories. These visions are polar opposites; they define a continuum of positions on this question. The views of the various First Nations and of the territorial and federal governments can be ranged along the continuum, in a fashion that identifies the terms of the debate on this fundamental question. To a degree these visions will be familiar to observers of the politics of aboriginal self-determination on the national level. However, they contain significant degrees of uniqueness, reflecting the unique circumstances of the N.W.T.

3. 2. a. The Vision of Native Sovereignty

The first vision is that of Native sovereignty.

According to it, the Aboriginal peoples of the Northwest Territories retain their right of self-determination. In the words of Francois Paulette, former chief of the Fitz-Smith band,

"The (Dene) are a sovereign and independent nation with our own pre-existing laws, principles and forms of government. We entered into treaties of peace and friendship done by consent. Any changes or amendments to any sections of the Constitution of 1982, including Section 91.24, must respect the spirit and intent of the treaties as understood by the treaty First Nations. All other amendments must have the consent of treaty First Nations." (Legislative Assembly of the N.W.T.. Hansard March 16, 1993: 957)

While this statement emphasizes treaties, its general relevance is its insistence upon First Nations sovereignty that cannot be altered other than by the consent of the First Nations. This consent was not given by the act of signing Treaties 8 and 11, which cover the bulk of the western portion of the N.W.T. For this reason, the only legitimate political relationship the Indian First Nations of the N.W.T. have is with the Government of Canada. It follows that, because they did not give their consent to the creation of the Government of the N.W.T., it is not a legitimate government. Moreover, the Government of Canada ought not to transfer responsibility for programs for Native people to the territorial government because, in doing so, it is violating its fiduciary responsibility for them as established by the treaties and defined in the Constitution Act. In effect, it is successfully implementing in the N.W.T. what it failed a quarter of century ago to accomplish across Canada, that is, to impose the assimilationist policy of the 1969 White Paper. What it should be doing, according to this vision, is negotiating directly with the First Nations of the N.W.T. the creation of aboriginal governments based on inherent right.

This vision accepts a possible role for public government in the N.W.T. so long as the inherent right is the overriding principle governing constitutional development. Bill Erasmus, Chief of the Dene Nation, has expressed this principle in this fashion:

"Some of our jurisdiction will be exclusive and some may be shared. But in no case will we consider any options in which our rights are not guaranteed in a (way) which we accept."

The sovereignty vision reflects the historical experiences of the Indian First Nations of the N.W.T. The different degrees to which they endorse this vision reflect the differences among their histories and present circumstances, and in particular the status of their Aboriginal claims. The Indian First Nations that have settled their claims have had to make their peace with the idea of a contingent right of self-government. They have agreed to negotiate the implementation of that right with the federal and territorial governments, although the recent federal government recognition of the principle of an inherent right to self-government discussed below may enable them to transcend the limitations of contingent self-government. In contrast, the Inuit and the Inuvialuit affirm their right to aboriginal self-government, but emphasize self-determination through a public government model. For their part, the Metis focus almost exclusively on public government.

3. 2. b. The Vision of a Preeminent Public Government

One side of the continuum of principles for guiding the constitutional future of the N.W.T. elevates First Nations self-government to a position of primacy. The other portion of the continuum gives pride of place to public government. This vision reflects an interpretation of northern society as one

in which, for constitutional purposes, homogeneity dominates difference. According to this vision, all people who have chosen to make their lives in the North are fundamentally northerners, hence should be treated uniformly in a territorial constitution, regardless of their ethnic identity. Moreover, differential rights enjoyed by different groups of northerners should be minimized because they involve potential injustice, contradict the spirit of universalism expressed by the Charter of Rights and Freedoms and are likely to provoke tensions within territorial society.

This vision recognizes that First Nations governments will develop in the future but prefers that this occur on a contingent basis, especially to ensure that it does not jeopardize the viability of the territorial government. In particular, this vision fears that Aboriginal self-government in the North based on inherence will lead to a fragmentation of service delivery which will have a devastating financial impact. Government services are already very expensive in the North. The territorial government has experienced significant reductions in the federal government funding upon which it relies so heavily and the future promises even more cuts. Moreover, the territories' economy offers little imminent promise of substantially higher revenues from taxation. The economic outlook will be particularly gloomy if resource developers come to interpret the multiplicity of First Nations governments and claims-based regulatory agencies likely to appear within the next decade as creating an unpredictable or unmanageable investment and operating environment. The public government vision is leery about adding to this situation of fiscal frailty the burden of the diseconomies of scale implicit in the creation of a number of First Nations governments. Adherents of this vision want to avoid the choice they foresee between accepting an erosion of

services or paying higher taxes that would further weaken the territorial economy. In their view First Nations governments should develop only in a fashion and to an extent that is administratively rational for the Government of the N.W.T. and maintains its existing levels of programs and service delivery.

Just as Aboriginal northerners differ in their commitment to the concept of self-government and their strategies for achieving it, so too do non-Aboriginals vary in their support for a dominant public government. They are not all operating from the same blueprint. Outside of Yellowknife, many non-Native northerners look with skepticism upon the way in which a strong Government of the Northwest Territories has focused power and economic opportunities in Yellowknife and upon the likelihood that a future western constitution based on a strong central government would continue to disadvantage their communities. The interest that the Inuvik municipal council has shown in pursuing a regional government plan with the Inuvialuit and the Gwich'in exemplifies Non-Aboriginal openness to a more decentralized form of government. It also shows the ability of a council that represents many non-Natives to plan shared government institutions with First Nations. Also, many Non-Aboriginal northerners temper their commitment to the Charter by recognizing the social problems that Natives have suffered in relating to a dominant culture, and by acknowledging and supporting Aboriginal rights. For example, the delegates to the first Western Arctic Constitutional Conference, held in 1995, emphasized their support for aboriginal rights and the need for progress regarding these rights and the implementation of the inherent right of self-government.

3. 2. c. Dueling Visions

Particularly because of the diversity of views among both Aborigines and non-Aborigines, the constitutional future of the western portion of the Northwest Territories will rest somewhere on a continuum whose ends are defined by the vision of Native self-government and the contrasting vision of a preeminent public government. Significant forces of convergence will place the future constitutional arrangements somewhere in the middle range of the continuum. The more the sovereignty vision produces a separate system of Native self-government minimally integrated with the public government, the more difficult it is likely to be, for reasons of diseconomies of small scale and jurisdictional confusion, to deliver the high quality of governmental programs that Native northerners wish to receive. It follows that First Nations have a material interest in seeking to collaborate with public government, if meaningful opportunities are available to them.

For its part, the more the territorial government insists that public government will be the fundamental principle around which the constitutional future of the N.W.T. is arranged, the more its legitimacy will decline and the more it will drive the First Nations of the western N.W.T. to pursue powerful and fully independent governments. In other words, the Government of the N.W.T. has a distinct interest in responding to community demands for increased power in order to dissipate aboriginal interest in focusing on an exclusive relationship with the federal government. At the same time, many of its members do not want to cede more than is necessary for fear of producing the fragmented and inefficient system which is one of the main reasons for their fearing powerful aboriginal governments.

A balance will be struck between these contending forces. The question is exactly where this balance will lie on the continuum between self-government and public government. The

answer to this question is particularly obscure at the time of writing; as has happened so often in the past, developments of the national stage have disrupted and complicated political calculations concerning Aboriginal rights in the N.W.T. In January, 1994, Ron Irwin, Minister of Indian Affairs and Northern Development, announced that the new Liberal federal government interprets S. 35 of the Constitution Act, 1982 as recognizing the inherent right to Aboriginal self-government. This announcement bears very significant implications for the North; if implemented, it implies that First Nations could not be denied their own governments nor be dictated to concerning the form of those governments and how they would relate to the territorial government. Also, because First Nations governments will be constitutionally protected, they will be seen as having a higher status than the Government of the N.W.T. This possibility has boosted the First Nations' confidence in dealing with the Government of the N.W.T. and has led them to review their goals in the light of an apparently more favorable federal government policy.

Mr. Irwin announced a six-month round of consultations with Aboriginal leaders concerning how the inherent right should be implemented in the communities. More than a year after his initial announcement, Mr. Irwin has not presented the results of this consultation. This lack of progress in defining the content of the inherent right and determining how to implement it have raised questions about the government's commitment to the policy. Until the government does confirm and define its commitment, confusion will reign as the First Nations of the territories--and non-Aboriginals as well--cannot anticipate what First Nations' governments based on inherence might look like. Not knowing this, northerners cannot assess how these governments might relate to the public government of the territories. The First Nations

cannot judge how much they can achieve their goals through self-government based on inherence versus relying heavily on public government. Further, with its policy unclear, the federal government finds it very difficult to proceed with the negotiations intended to produce, for example, the Gwich'in and Sahtu governments that they were promised two years ago.

It is therefore very difficult to predict how federal government policy will affect the balance between the two visions in the N.W.T.. The territorial factors that affect the balance, factors rooted in the historical and contemporary patterns of aboriginal aspirations and the policies of the Government of the N.W.T. affecting First Nations self-government, form the subject of the next section of this study.

4. Actors-Processes-Jurisdictional Frame-Mandate

4.1 First Nations

The nine First Nations of the Northwest Territories have developed constitutional positions that reflect their individual situations and their historical experiences. The brief space available here cannot do justice to these nine political agendas; the following sketches can only begin to chart the political waters that the First Nations and the governments of Canada and the N.W.T. must navigate.

4.1. a. The Inuit and the Inuvialuit

Comprising the large majority of the residents of their respective regions, these two First Nations have been reasonably comfortable in pursuing their self-government goals through the medium of public government, which they believe they can control through the normal operation of the electoral system. The fact that these First Nations do not belong to the Assembly of First Nations may also explain their willingness to trust a public

government model. They have not themselves experienced nor do they encounter in their national representative organization Natives who have experienced the radicalizing frustration of having to work within the Indian Act. Moreover, they have no history of a treaty relationship to focus their thinking on an exclusive relationship with the federal government. Whatever the reason, they have opted in favour of pursuing public government options.

For many years, the Inuvialuit have urged the creation of a public regional government in the Western Arctic and Beaufort Delta. In their words, "The Inuvialuit hold the view that self-government can be expressed as public government" (Inuvialuit Regional Corporation and Gwich'in Tribal Council in Commission for Constitutional Development. 1994: 5) At the same time, they have emphasized that they retain their Aboriginal right to self-government. At present they are cooperating with the Gwich'in in developing a proposal that would balance strong regional government with strong community governments in the Inuvialuit and Gwich'in settlement areas, and would reduce the authority of the central government in Yellowknife (p. 16).

As will be discussed in section 5.2.b, the Inuit have pursued the creation of Nunavut with its own public government.

4.1.b The Dene and Metis Nations

Through much of the 1980s, while they were pursuing their land claim, the Dene and the Metis also sought to secure their political future by means of specially designed institutions of public government. In 1981, they published Public Government for the People of the North. The form of government proposed in this document was highly decentralized; the communities would exercise primary responsibility for a wide range of powers while

the roles of the "provincial" government would be restricted to coordination, servicing the communities and "federal-like" (navigation and fisheries, communication, economic development) and shared federal-territorial powers. A ten-year residence requirement and a Senate with veto power composed exclusively of Dene gave them a very considerable advantage over non-Natives in this proposed constitution. This proposal was not pursued by other Native groups in the N.W.T. or by the territorial government.

The Dene participated in the work of the Western Constitutional Forum, described below, during the 1980s and endorsed its efforts to develop a public government model based on a consociational design (Western Constitutional Forum. 1985).

However, after these efforts petered out, the Dene Nation and the Metis focused on negotiating their land claim, and achieved an agreement in principle in 1988. However this agreement in principle foundered in the summer of 1990 because many Dene, particularly in the Deh Cho and South Slave regions, were concerned that the agreement extinguished Aboriginal rights to the land, failed to entrench Dene self-government in the Constitution and did not adequately recognize the treaties as the basis of the relationship between the federal government and the Dene. As a result, in November of 1990, the Minister of Indian Affairs and Northern Development announced that the federal government would negotiate individual claims with any of the five regions of the Dene Nation (see Map One) that wished to do so. In 1992 the Gwich'in signed a land claim settlement and the Sahtu followed suit in 1993. At the time of writing, the Dogribs are negotiating their claim.

These events mark a critical point in the history of the Dene, the Metis and the western N.W.T. While there appeared to be a prospect of gaining a comprehensive Dene-Metis settlement,

it made sense for the various Dene regions and the Metis to subordinate their different interests and philosophies to the larger cause. The fragmentation of the Dene/Metis claim broke this unity. It freed the Metis Nation to pursue its own agenda, which will be discussed in section 4.1.h. Also, the separate Dene regions began to pursue their different land claims and self-government goals. These goals have diverged in part because the different regions have faced differing degrees of pressure to settle their claims. Historically, First Nations have tended to settle treaties and modern land claims under the threat of loss of control over or destruction of their lands from development pressures on the part of non-aboriginals. The Dene are no exception. The Dogribs are finding that their land is being staked by mining interests pursuing diamonds. The Gwich'in do not face quite the same degree of jeopardy. In their case, the example of the benefits that the neighboring Inuvialuit have gained from their settlement has encouraged them to pursue the resolution of their own claim. In contrast, the Deh Cho and South Slave regions are not experiencing the degree of threat of resource extraction that might force them to sacrifice their position on aboriginal rights and the treaty and to negotiate a settlement within the confines of existing federal claims policy.

An additional factor in the contrasting views on self-government held by the respective regions is their different political cultures. The northern two regions have a smaller proportion of treaty Indians in their population, hence less contact with the perspectives of the Assembly of First Nations. They are less inclined to insist on an inherent right to self-government. In contrast, the more southern Dene are more intensively involved with the AFN. Moreover, being a part of Treaty 8 and adjacent to Alberta, they interact more frequently

with Alberta Indians than do the northern Dene. This contact brings them face to face with the strong constitutional positions taken by Alberta First Nations.

These differences and the disunity among the Dene over the claim agreement have taken a great toll on the Dene Nation. For several years following the failure of its comprehensive claim it struggled in the hope that it could win back the support of the disaffected northern regions. However, they have committed themselves to negotiating with the federal government under its existing conditions, whereas the Dene Nation rejects Ottawa's positions on treaty rights and self-government. Given this fundamental difference, the Gwich'in, Sahtu and Treaty 11 Dogrib nations formally withdrew from the Dene Nation in 1993 leaving it a shadow of what it had once been.

During the last years of the Dene Nation's decline, tribal councils gained great prominence for several reasons. Most importantly, in the regions which are negotiating claims or implementing settlements, they are the bodies which are doing the negotiating. They receive federal funding for this purpose and can be anticipated to be closely linked to the economic corporations which will manage the funds which the regions receive as part of their claims settlements. Tribal councils began receiving federal government operating funding in 1991/92. Thus, tribal councils have authority and resources. Unlike the Dene Nation, they "fit" the political sociology of the western N.W.T.. By and large each encompasses an appropriate area for gaining a consensus, that is, an area whose Dene population is sufficiently homogeneous as to facilitate the development of a political vision and to maintain commitment to it. The increased fragmentation of Dene politics, which have always been tribalized, may well have weakened the Dene, enabling the federal

government to lead first one then another tribal council to settle its aboriginal claim on Ottawa's terms. However, given the disunity surrounding the Dene claim, a fragmented Dene politics may enable each tribal council to act more decisively on its own than the Dene Nation could.

Whether the new-found power of the tribal councils represents a step forward or a step backward for the Dene remains to be seen. What is clearer is that the tribal councils will be very important Dene voices during the negotiating of a new western constitution. The goals of the tribal councils in these negotiations are still taking shape. For this reason, any description of their own government, the public government and of intergovernmental relations in the western N.W.T. must be tentative. However, it is useful to present the current state of thinking of the various tribal councils, if only to show the diversity of thinking that the constitutional process for the western N.W.T. will have to accommodate. The most recent available positions of the various First Nations are those presented to the Constitutional Development Steering Committee (CDSC) in anticipation of the first western Arctic's First Constitutional Conference, which took place in Yellowknife in January of 1995.

4.1.c The Gwich'in Nation

The Gwich'in accepted a contingent form of self-government in 1992, but now claim the inherent right newly recognized by the federal government. Their claim settlement allows them to select from a list of available areas of jurisdiction those for which they will assume responsibility. They are also working with the Inuvialuit to develop a model of regional public government. It is difficult to predict the span of jurisdiction

the Gwich'in will seek or how they wish their government to relate to the government of the N.W.T. or the government of the western Arctic. Their position is that "...the Gwich'in must determine the appropriate mixture of powers that are necessary to meet their self-government objectives (Gwich'in Tribal Council in CDSC. 1994:3). Their acceptance of a contingent form of government and their interest in regional public government suggest that they will not pursue a strategy that approaches the vision of full aboriginal sovereignty set out above.

4.1.d The Sahtu Tribal Council

In negotiating its aboriginal claim, the Sahtu Tribal Council vigorously pursued protection under S 35 for its future government but accepted instead a settlement much like the Gwich'in model. Now, the Council is pursuing self-government negotiations on the premise of the inherent right. Moreover, it asserts that

"...a new constitution for the Western Arctic is viewed by the Sahtu aboriginal community as being secondary and of lesser importance to initiatives associated with self-governments negotiations." Gwich'in Tribal Council in CDSC 1994:4)

In a system in which both aboriginal and public governments will figure, it wants decision-making to be "as close to the community level as reasonably possible", with the central territorial government a subsidiary body.

4.1.e The Dogrib Treaty 11 Council

The Dogrib Treaty 11 Council, representing the Dene of the North Slave region in Map One, envisions a constitution that will contain a central government whose current authority and resources will be significantly transferred to inherent-based

Dogrib governments, at both the regional and community levels (Dogrib Treaty 11 Council in CDSC. 1994). The Minister of Indian Affairs and Northern Development has given his approval for the Dogribs to negotiate self-government and their aboriginal claim in the same process, which was proceeding very slowly through its early stages in 1995.

4.1.f Treaty 8

The Treaty 8 (South Slave) position is basically the unalloyed vision of Aboriginal sovereignty described in section 3.2.a. The N.W.T. Treaty Eight Tribal Council is attempting to have the federal government honour its treaty obligations by providing the Treaty 8 Dene with reserves, inherent-based self government on them and other benefits promised under the treaty. The Council takes the position that its people's traditional approach to decision making remains intact. Thus there is no need to negotiate a form of government, nor does the federal government have any right to do so, given the sovereign status of the Treaty 8 Dene. The Treaty 8 chiefs have not participated in the western N.W.T. constitutional development process because they do not want to be governed by the future government of the western N.W.T. that this process will create. Rather, they want a Treaty 8 Tribal government that will have full jurisdiction over their traditional lands (N.W.T. Treaty 8 Tribal Council in CDSC. 1994).

4.1.g The Deh Cho Tribal Council

The Deh Cho Tribal Council represents the Dene and Metis of the southwestern corner of the N.W.T. Like the South Slave Dene, the Native people of the Deh Cho region see the treaty and the "Dene rights" it affirms as the basis of the nation to nation relationship they see themselves as having with the

Government of Canada. It wants this relationship confirmed, leading to self-government that would take the extended family as its organizational focus and draw its inspiration from the Dene Great Law of the Land. The Deh Cho Council is skeptical of the territorial government, seeing it as an administrative arm of the federal government and feeling that the territorial government's presence in Deh Cho communities has not supported Dene aspirations. Like Treaty 8, Deh Cho has not participated in the Constitutional Development Steering Committee, and wants its own government, based on the inherent right for its region (Deh Cho Tribal Council in CDSC. 1994).

4.1.h The Metis Nation

The Metis, who live throughout the western N.W.T., have historically suffered from a weak political position. Only since 1982, when they were recognized constitutionally as an Aboriginal people, have they been eligible for government programs and funding directed at assisting Native people. Their Aboriginal rights to land have been included in the Gwich'in and Sahtu settlements and may well be included in the Dogrib claim. Logically, they cannot share in the Treaty 8 constitutional project because it is based on land and other entitlements under Treaty 8, to which the Metis are not entitled, as their ancestors did not sign Treaty 8. Here and in Deh Cho, a priority of the Metis Nation is to gain a land base for its members.

The Metis Nation wants the future constitution of the western N.W.T. to focus on strong regional governments. Taking as its first premise that authority should flow upward from the people, it argues that these governments should have the authority to delegate to the central government whatever powers they wish to transfer to it. Despite the advantage this would give to the regional governments, the Metis also believe that the central

government should be strong in order to ensure the effective representation of northern interests in Southern Canada. The Metis claim a Metis right of self-government; however, they are not at present seeking separate institutions of self-government, preferring instead veto power in a public government setting over any legislation or amendment of the territorial constitution that would directly affect them (Metis Nation in CDSC. 1994).

4.2. The Government of the Northwest Territories

The Government of the Northwest Territories is still very much in flux. Several factors help explain the northern consensus that the Government of the N.W.T. is still evolving. The first is that the structures of government in the N.W.T. are so young that they have not yet become institutionalized. Second, the government faces an obvious occasion for reorganization when the territories divide in 1999. Third, the Government of the N.W.T.'s legitimacy is very much in question. Even ministers of the territorial government acknowledge that it lacks popular legitimacy and must be viewed as transitional:

"We have...a government that was set up without the blessing of the Dene chiefs and Metis leaders, without the Inuit and the Inuvialuit and without the blessing of the non-Aboriginal people as well here in the North....(we need) to focus on the fact that this government has to change and we have to work towards a day when all people will give their blessing to a new form of government that we have all agreed will be ours.

(Stephen Kakfwi, RCAP Yellowknife hearing, December 8, 1992, transcript p. 85)."

More fundamental, however, is the fact that the constitutional path that the N.W.T. has followed has been that of the provinces. While their governments adequately express the social structures and political culture of the provinces, the social structure and

political culture of the Northwest Territories are unique. For the Government of the N.W.T. to reflect the political cultures of its aboriginal peoples and earn their support, as it must if it is to be legitimate and responsive, it must journey on an uncharted path of constitutional development. For this reason the structures of the Government of the N.W.T. with which First Nations interact should be interpreted in two senses. The first is that of institutions currently in operation, institutions that appear to be well-established, powerful colonial importations. The second way is to approach them as tentative bodies that confront a need to restructure themselves to conform to the social realities of the jurisdiction they must govern.

Almost every agency and structure of the territorial government deals directly with the First Nations of the Northwest Territories. In part they do so because the Government of Canada takes the position that, as there is only one reserve in the N.W.T., it will generally not fund programs for Native persons as it does in the rest of Canada. In its view, it fulfills its obligation to fund Native programs through the annual operating grant that it provides to the Government of the N.W.T.. First Nations wishing to influence the design and delivery of the many provincial-type government programs that touch their daily lives have had to turn to the full array of territorial government departments and agencies that have authority over these policy areas.

For its part, the territorial government has taken an integrated approach to program development. Initially it may have done so in anticipation of the ultimate assimilation of Native people into a southern Canadian style social structure. Now, the size, political sophistication and assertiveness of the Aboriginal population of the N.W.T. mean that if the territorial

government operated separate policies for Native people these policies would have to be equivalent to those offered to non-Natives. This could only be accomplished by means of the extremely costly and divisive expedient of, in effect, cloning the Government of the N.W.T. to produce Native and non-Native sides. Avoiding this undesirable administrative structure, the government is organized on an ethnically inclusive basis. Departments and agencies deliver a single set of programs almost all of which serve both the Aboriginal and non-Aboriginal populations of the territories.

A number of territorial programs of general application do have a disproportionately Aboriginal client group. Such programs include territorial public housing, the Native studies component of educational programming, wildlife management, forest fire management and support for the fur industry programs of the Department of Renewable Resources and health promotion programs on such topics as fetal alcohol syndrome, maternal nutrition, and suicide prevention. These programs are, however, not exclusively directed to an ethnically defined client group, nor are they the responsibility of agencies that only deal with Native people. The territorial government does operate a relatively few programs for an exclusively Native clientele, such as the Aboriginal Court Challenges Program or grants to Native communications groups. However, these are not administered by agencies with an exclusively Native client group.

In the absence of such agencies, to describe the points of First Nations access to the territorial government is to describe the government itself. The following comments are not a comprehensive description. Rather, they focus on the features of the Government of the N.W.T. that influence the pattern of First Nations interaction with it.

4. 2. a. The Legislative Assembly

The Assembly is composed of 24 members who are elected on a non-partisan basis and whose participation in the Assembly is not governed by party discipline. This is possible because the principle of responsible government is very much looser in the territorial Assembly than it is elsewhere in Canada. The Assembly can vote to dismiss the territorial cabinet or to remove individual ministers from it. It has never taken the former step. It has removed individual ministers, but this action has not been interpreted as evidence of want of confidence in the government. Similarly, bills introduced by ministers can be defeated without bringing down the government.

These rules render party discipline unnecessary. This system is widely referred to as a "consensus system", which is argued to resonate with traditional First Nations' approaches to politics and decision making. Viewed differently, it resembles the non-partisan politics often found at the municipal level of government in Canada. (Dacks. 1986, White) As with municipal politics, this system gives individual members of the legislature great freedom of action. While they devote much energy to advancing the local interests of their constituents, they are also free of the constraints of party policy when they wish to pursue their own and their constituents' views on matters affecting the whole territory.

Three quarters of the members of the present (twelfth) Assembly are of Aboriginal origin. The small population of constituencies and the Aboriginal tradition of wide consultation on political questions link these MLAs particularly closely with the views of their constituents and the First Nations organizations that represent the majority of them. As a result, First Nations' constitutional concerns actively inform the life the legislature. On critical issues, such as division of the

Northwest Territories and a constitutionally entrenched inherent right to self-government, the Assembly, including many of its non-Aboriginal members, has supported First Nations' in their pursuit of self-government. However, the absence of party organization has made it difficult in the past to focus this support, to translate it into policies for advancing Aboriginal self-government, to evaluate the effectiveness of the government's implementation of these policies and to compel it to act with more vigour.

4. 2. b. The Executive Council

The process of constructing the Cabinet of the N.W.T. is still evolving. At the first session of the Twelfth Assembly following its election in 1991, the Assembly elected the Government Leader, Nellie Cournoyea, and her ministers. She then allocated their positions to them. This power and her authority to discipline them give her some control over her cabinet colleagues, but clearly much less than first ministers in other jurisdictions, to whom ministers owe their initial appointment to cabinet and the future of their status as ministers. As a result, the government leader has fewer resources with which to maintain cabinet solidarity and to impose the authority of cabinet as against the preferences of the public service. Particularly in policy areas in which political considerations point policy in directions that conflict with considerations of administrative rationality and technical functionality, this weakness can prevent the territorial government from being as responsive to popular sentiment as its elected members wish it to be.

Five of the eight members of the present Executive Committee are of aboriginal origin. Of these, several have been intimately involved in First Nations organizations. Ms Cournoyea, formerly

a leading member of the Inuvialuit Regional Council, was a land claim negotiator for the Inuvialuit. Stephen Kakfwi, Minister of Intergovernmental and Aboriginal Affairs, is a former president of the Dene Nation. So too is Richard Nerysoo, Minister of Education, Culture and Employment Programs, who also served as a negotiator for the Gwich'in Nation in its recently settled claim. The broader obligations these ministers must pursue in their territorial roles, the constraints under which they labour and the evolution of the First Nation's organizations they formerly served may lead them to differ with these organizations on particular policy questions. However, there can be no doubt that they are very aware of the evolving thinking among First Nations on self-government issues. Moreover, given the importance of these issues in the N.W.T., all members of cabinet are sensitive to them, producing a much higher level of consciousness of these issues than is be found in the provincial or federal cabinets.

The Cabinet maintains a Political and Constitutional Development Committee with responsibility for coordinating government policy concerning First Nations self-government. It is also noteworthy that two cabinet ministers sit with three MLAs from the western N.W.T. and three from the Nunavut region on the Special Joint Committee on Division.

4. 2. c. The Ministry of Intergovernmental and Aboriginal Affairs

This ministry was created in January, 1992. Its mandate is "to protect, develop and promote the interests of public government and the residents of Northwest Territories" with regard to a number of constitutional development processes, among which First Nations government is not mentioned. (Government of the N.W.T. 1994: 02-35) This mission statement clearly suggests a bias in favour of public government. However, the

Ministry does contain a branch devoted to monitoring developments relating to self-government and coordinating the territorial government's participation in them. The balance between self-government and public government that the Ministry will promote will be determined by the Cabinet. Whatever that balance, the fact that the ministry consolidates several functions formerly scattered among a number of departments should facilitate a coherent and integrated governmental response to the full range of issues related to constitutional development.

4. 2. d. Departments of the Government of the N.W.T.

First Nations deal with all of the departments of the Government of the N.W.T. because, as noted above, the territorial government controls a great many of the federal and provincial programs that affect Native people in the provinces. Some departments have established community and regional bodies to implement their policies. These bodies, which will be described below, can be considered elements of the Government of the N.W.T. because they derive their authority, funding and policy parameters from it. They include local education authorities, initiated in 1977, divisional boards of education, the first of which was created for Baffin Island in 1985 (Dickerson: 130-31) and regional health boards, established in their present form covering all of the N.W.T. in 1988 (O'Neill: 160).

To an extent unmatched anywhere else in Canada, band councils, First Nations political organizations and their cultural and economic development offshoots provide a wide variety of services on a contract basis to the Government of the N.W.T. Examples include research into traditional knowledge, the development and delivery of language programs, personal care facilities and the provision of firewood for the elderly,

homemaker services, the operation of an alcoholism treatment center and a management study of the government's travel administration.

This pattern represents a logical response to the circumstances of the territories. Native organizations are obviously excellently equipped to provide services the success of which depends on their cultural sensitivity, familiarity with local conditions and the trust and credibility they enjoy in the communities they serve. In addition, some Native organizations, such as the Inuvialuit Development Corporation, possess the substantial economic resources that enable them to pursue a broad range of contracting opportunities with the Government of the N.W.T. Claims settlements are creating additional Native economic development agencies and strengthening existing ones. Contractual relations increase the frequency of contact between Native organizations and the Government of the N.W.T.. They also contrast with the usual character of the relationship; rather than Native people being clients and the government either a regulator or a benefactor in an inherently political and unequal relationship, it is the Native organizations that provide the service to the Government of the N.W.T. in a relationship of equality based on marketplace considerations.

The recent settlement of several claims in the N.W.T. will fundamentally alter the relationship between government departments and First Nations in another important way. The settlements create joint resource planning and management bodies on which both civil servants and representatives of the First Nations will sit and share responsibility for public policy. Thus the old relationship of government regulator and Aboriginal regulatee is being replaced by a form of power sharing that will give First Nations some power over, hence sense of ownership

of, public policies affecting their land base.

4. 2. e. Structures of the Government of the N.W.T. Responsible for Policies Related to Native Youth and Women

The Government of the Northwest Territories does not have any agency with a primary responsibility for policies affecting youth in the territories. This responsibility is pursued by a variety of governmental departments, in particular the Departments of Education, Culture and Employment Programs and Health and Social Services.

The Women's Advisory (sic), is located within the Executive Council. It

"serves as a focal point of contact within the territorial government on issues of concern to women... (provides) research, advice and support to the Minister (Responsible for the Status of Women)... (and) works jointly with other departments on policy development and research which impact particularly on women." (N.W.T. Department of Finance. 1993: 02-17)

The Advisory administers the Women's Initiatives Grant Program and the territorial government's funding of the Status of Women Council of the N.W.T., created by the Legislative Assembly in 1990, and budgeted at \$303,000 for the 1994-95 budget year. With only one person year assigned to it, reduced from 2.7 in 1991/92, the Women's Advisory can have only a modest influence on the content and coordination of government policies affecting women.

5. Overview of Government Activities

5. 1. Policy Framework

During the first quarter century of its life, the Government of the N.W.T. pursued the vision of a preeminent and centralized public government. Its establishment in 1967 clearly

anticipated an evolution in the direction of provincial-style institutions. While successive governments supported the settlement of aboriginal claims, they also sought, and gained, the devolution of powers from the Government of Canada, despite the objections of First Nations concerning the implications of these transfers for the future development of their own governments. (Dacks 1990: 354 - 358)

The policy of the Government of the Northwest Territories is clearly moving away from this vision. In his December 1992 presentation to the Royal Commission on behalf of the territorial government, Stephen Kakfwi, Minister for Intergovernmental and Aboriginal Affairs, made the following observations:

"As a government, we have said publicly that whether the inherent right is constitutionalized or not, we, as a matter of political fact, have said many times that we will operate as if Aboriginal people have the inherent right. We believe that they have the inherent right...
"...it is not for us to circumscribe or to limit (the treaties)... We recognize and respect the bilateral nature of treaties." (RCAP Yellowknife hearing, December 8, 1992, transcript, 86-97)

As will be discussed below, the territorial government has championed this line of thinking in the national constitutional process. Its application at the territorial level is a complex question. The dominant opinion in the Government of the N.W.T. probably favours accommodating First Nations government within public government and is willing to make structural concessions toward this goal, but realizes that it may prove unattainable.

What explains the territorial government's change of heart? First, as noted above, three quarters of the members of the current Legislative Assembly and a majority of its Cabinet are Aboriginal persons. The absence of party discipline frees them

to contribute to a policy climate supportive of First Nations government. Moreover, the First Nations to which some of them belong have settled or are settling their claims and beginning to negotiate to create their own governments. This may have influenced these MLAs by making them more comfortable with the concept of self-government and by causing them to respond more sympathetically to it than they have in the past, in order to represent faithfully the wishes of their constituents. These MLAs' tendency to support the self-government process may well have been reinforced by Native attitudes that view MLAs as delegates, more as voices for their constituents than as independent actors in the Assembly. (Arnott 1992) Second, the illegitimacy of the present Government of the Northwest Territories in the eyes of many Natives enhances the prominence of Aboriginal leaders. These leaders have propelled the deliberations regarding the constitutional future of the western N.W.T. after division in a direction that emphasizes self-government.

Third, the political weight of Yellowknife, the spiritual home of the public government vision (though not all of its people or MLAs fall into this camp), is likely to ebb during the period when the western constitution will be planned. At present, it is not represented in the territorial cabinet. Moreover, the various regions of the western N.W.T. became much better organized as they prepared to negotiate their regional claims. Their more powerful voices are increasingly making self-government a prospect that cannot be ignored. In the future, the transfer of powers to the smaller communities of the N.W.T. through the Community Transfer Initiative, the transfer of territorial government jobs out of Yellowknife as a result of a deliberate policy of administrative decentralization, and the growth of regional First Nations organizations well funded by

settlement moneys can be expected to further weaken Yellowknife and its ability to promote the public government vision. The only development which might counter these trends is a successful court challenge of the distribution of constituencies in the N.W.T. A stricter adherence to a "one person, one vote" system of representation would increase the number of Yellowknife constituencies. This would strengthen the opposition in the Assembly to policies the Cabinet might wish to adopt to accommodate rather than resist the development of powerful First Nations governments.

The fourth factor is the impact of the national constitutional process. Despite the considerable Aboriginal resistance to the Charlottetown Accord's provisions regarding self-government and the ultimate failure of the Accord, the process leading to it and the support of national and provincial leaders for the principle of an inherent right to self-government greatly increased the political confidence of the First Nations of the N.W.T. More recently, the Liberal government's policy that the inherent right to self-government already exists within Section 35 of the Constitution Act, 1982 appears to have strengthened the First Nations of the N.W.T. as they negotiate the relationship between their future governments and the future public institutions of the western N.W.T. Conversely and depending on the very uncertain answer to the question of how far the federal government will actually go in implementing its recognition of the inherent right, members of the territorial government who support a strong public government are coming to appreciate that they will hold fewer cards in these negotiations. To the extent that N.W.T. First Nations have come to view the GN.W.T. as a hostile government, they will seek a very full range of powers for their own governments. They would gain these powers at the expense of the territorial government,

which would confront reduced funding, a severe loss of legitimacy symbolized by the creation of Aboriginal governments with broad spans of jurisdiction and all of the inefficiencies of integrating two government systems responsible for the same policy areas for populations that are distinct, but live together.

The territorial government clearly wishes to avoid these problems. It was possible to do so for many years because no obvious occasion presented itself that compelled the N.W.T. to definitively confront the issue of how to restructure its government to respond to the political needs of its Aboriginal peoples. The anticipated division of the territories provides just such an occasion. When it occurs, a government will have to be created for the western portion of the present territories. (N.W.T. Legislative Assembly. 1993) 1999 is not an absolute deadline; it is legally possible, if no agreement can be reached on a new pattern of governance for the West, simply to reduce the geographical area to which the Northwest Territories Act applies. However, Natives will not accept such an outcome, nor would many non-Natives welcome it. Therefore, the western N.W.T. must rethink its institutions of government before the planned 1999 division. As will be explained below, this process has forced the Government of the N.W.T. to focus on the political realities and to recognize an urgency it has not felt in the past. The result has been a greater willingness on its part to share power with the predominantly Aboriginal smaller communities and to facilitate the development of self-government.

How much greater is this willingness? How completely has the Government of the N.W.T. embraced the principle of First Nations self-determination? How likely is its new policy orientation, to the extent that it has indeed changed, to endure?

The simple answer is that it is too soon to tell. Particular traits of the territorial government complicate the task of prediction. For example, while all governments are heterogeneous, containing multiple agencies often with conflicting interests, it is particularly difficult to speak of the Government of the N.W.T. as a coherent entity. As noted above, its policy focus, the Cabinet, is not organized on the basis of party discipline, hence does not display the same degree of solidarity found elsewhere. This makes it impossible for the electorate to hold it collectively accountable for its actions. It also weakens the ability of the government leader to respond should ministers and departments resist implementing Cabinet policy. Moreover, the Assembly's willingness to dismiss ministers and the vagaries of the electoral and cabinet formation processes can create sufficient instability in the composition of Cabinet to limit its ability to develop new policies and cause them to take hold throughout the government. These factors strengthen the hand of the public servants of the Government of the N.W.T. For example, a number of the people interviewed for this study referred to bureaucratic resistance to the Government of the N.W.T.'s efforts over the past two decades to devolve authority to local communities.

An additional complexity in judging the territorial government's openness to self-government is that many of its policies can cut both ways on this question. For example government efforts to hire more Native public servants can be seen as preparing these individuals for management roles in First Nations governments. Alternatively, they can be seen as a form of co-optation. Then again, the policies are likelier to be motivated by a variety of goals only tangentially related to the self-government/public government issue. Such goals might include reducing Native unemployment and increasing program

sensitivity and the level of trust Native people feel in the public service. Similarly, as argued below, the Community Transfer Initiative may ease the transition to self-government or it may create a new and stronger dependence of Native people upon the territorial government. In the latter scenario, Natives and particularly those who come to benefit from the powers that the initiative will give to communities may not find it in their interest to support the development of First Nations governments.

Another key element of the territorial government's policy framework that will influence its stance on self-government is its determination to reduce its deficit. The Government of the N.W.T. has not escaped the fiscal stringency that has gripped governments elsewhere in Canada. Indeed, its situation may be worse in that it depends on transfers from the Government of Canada for 83% of its total revenue (Northwest Territories. 1994: iv). The cuts in these transfer payments that are likely to occur as the Government of Canada attempts to reduce its own deficit will prove difficult for the territorial government to recover from the modest tax base to which it has access. In order to reduce its current deficit and heightened stringency in the near future, budget cutting has become the order of the day for the territorial government. Indeed, the bulk of its preeminent policy statement, Reshaping Northern Government, focuses on this issue. Those who resist First Nations government will try to use the austerity thrust of the territorial policy framework as a weapon against it.

A final observation about assessing the commitment of the Government of the N.W.T. to facilitate and accommodate the development and substantial empowerment of First Nations governments is that it is uncertain how much the Government of the N.W.T. actually controls the process. The limitations of jurisdiction and legitimacy that the Government of the N.W.T.

faces give it relatively little room to move. In the words of Stephen Kakfwi, "It is not for the territorial government to take leadership....advancing our ideas would only prejudice whatever value or merit the ideas might have because there is no legitimacy for the territorial government." (Royal Commission hearing, Yellowknife, December 8, 1992: transcript 101) In a very real sense the Government of the N.W.T. may do what it has to do, what changing political realities dictate. Thus the issue will be decided in large part by the determination of the First Nations of the N.W.T., by their ability to press their positions effectively and by the responsiveness of the federal government. The most the Government of the N.W.T. can do is to try to influence the primary actors directly and to create conditions which make certain outcomes more attractive and others more problematic. It is this context that explains why it has not been the territorial government, but rather representative bodies such as the Western Constitutional Forum in the 1980s, the Committee of Political Leaders early in the 90's and most recently the Constitutional Development Steering Committee that have formally led the constitutional development process in the West.

5. 2. A Crowded Agenda: Issues Related to First Nations Self-Government

The territorial government's most important policies affecting self-government are those relating to the national constitutional process, division of the Northwest Territories, constitutional planning for the western N.W.T., the powers of local and regional governments, regional boards, and devolution of authority from the Government of Canada.

5.2.a The National Constitutional Process

Since the beginning of the current era of constitutional debate in the late 1970s, the Government of the Northwest Territories has supported Native aspirations. (Northwest Territories. 1982) In the discussions leading to the Charlottetown Accord, the Government of the N.W.T. sought to advance the following principles related to the place of First Nations in Canada's Constitution:

"The Constitution should recognize Aboriginal peoples' inherent right to self-government within Canada. Governments of Aboriginal peoples should constitute one of three orders of government in Canada. Aboriginal governments should be subject to the Charter of Rights and Freedoms, including the capacity to make use of the "notwithstanding" clause. The Federal government should establish a process to clarify and implement treaty rights. Governments should interpret treaty rights in a "just, broad and liberal manner" taking into account the context, spirit and intent of the original treaty. Aboriginal consent should be required to constitutional amendments which directly affect Aboriginal peoples and their rights. Section 91 (24) of the Constitution 1867(sic) should be amended to include Metis." (N.W.T. Special Committee of the Legislative Assembly on Constitutional Reform: 6-8)

Clearly, these and additional principles that the Government of the N.W.T. pursued strongly support the constitutional aspirations of the First Nations of the N.W.T..

The Government of the N.W.T. pursued these principles out of both conviction and practical politics. As noted above, several members of the Executive Council of the N.W.T. have held leadership roles in their First Nations, hence come naturally to these principles. A majority of the Assembly is Aboriginal and support for Aboriginal constitutional goals is considerable among its non-Aboriginal members. Their support reflects the views of their constituents, 61% of whom in the national referendum supported the Charlottetown Accord and its extension

of the recognition of First Nations. These voters and others who might have voted against the Accord because they felt it gave too little to First Nations can be expected to hold MLAs accountable in the next territorial election if the Government deviates from its present policy. Certainly the First Nations organizations of the N.W.T. have the strength and sophistication to mobilize their members around such an issue. However, they are unlikely to need to do so. Indeed, several of those interviewed for this study observed that the Charlottetown process was an education for the ministers who participated in it and that they came away from the process with a heightened level of commitment to the principles they brought to it.

5. 2. b. Division of the Northwest Territories

Since 1976, the Inuit of the Northwest Territories have insisted that the settlement of their Aboriginal claim and the creation of a new territory, to be called Nunavut, are inseparable. They have done so in large part because of their determination to protect the wildlife harvesting economy that remains culturally and economically very important to them. It is not enough merely to have a right to harvest wildlife if government can approve non-renewable resource development or non-Aboriginal wildlife harvesting that destroy the stocks of wildlife upon which the Inuit depend. To prevent government from harming the wildlife in which they hold a fundamental interest, the Inuit need to control government, at least at the territorial level, now and in the future. The preponderance of Inuit in the population of the area that will become Nunavut provides this promise of Inuit control of the Nunavut government for the foreseeable future. Thus the linkages between the claim settlement and Nunavut give the Inuit the package that their future requires--the property rights that the claim settlement

confirms and the legislative authority provided by the creation of Nunavut.

The new territory will be governed by a public government that will not be based on the Aboriginal right to self-determination. However, demography ensures Inuit control of this government for a long time to come. In their opinion, the Inuit see this, in conjunction with their claims settlement, as an acceptable guarantee of government sensitive to their needs and an appropriate vehicle of their self-determination. For this reason, the response of the Government of the N.W.T. to the Nunavut project is a very important element of any assessment of its stance on Aboriginal self-determination.

This response has evolved over the years. The Government of the N.W.T. passively supported the creation of Nunavut until the end of the 1980s. More recently, its support has become stronger and more tangible. The explanation for this policy shift lies in the diversity of interests regarding division of the territories that the Government of the N.W.T. has had to accommodate. Many residents of the western portion of the N.W.T. have opposed division because they anticipate that they will end up paying for some of the extra costs of government resulting from the creation of Nunavut. Assuming that the Government of Canada will be reluctant to pay all of the incremental costs of creating a new government, they expect a combination of higher taxes and reduced levels of government services to make up the shortfall in federal government support which they expect the government of the new western territory to suffer. Some residents of Yellowknife also fear that government employment in their city will drop as a result of division and that this loss will be a costly one for the city's economy. However, the members of the Legislative Assembly and the Executive Council from the regions that will comprise Nunavut have strongly

endorsed division. Moreover, the territorial government's commitment to the settlement of First Nations claims has logically committed it to Nunavut, because of the Inuit insistence that their claim cannot be settled in the absence of Nunavut.

Over the past 15 years, circumstances have gradually evolved in such a way as to emphasize the latter set of concerns--those favoring active territorial government support for Nunavut--over the former set. The western N.W.T. and some members of the territorial government retain their skepticism regarding Nunavut. However, the Government itself has become strongly committed to division. The first step in this process was the 1979 election of the Ninth Legislative Assembly. Unlike its predecessor, in which non-Native perspectives predominated, this assembly included Native and sympathetic non-Native MLAs who promoted a variety of Native political interests. In 1980, a committee of the Assembly recommended division. The Assembly voted in favour of the principle of division and sponsored a 1982 territory-wide plebiscite on the question. Although the vote was close, the plebiscite demonstrated majority support for division and thus added greatly to its credibility.

The territorial government participated in planning for division, but this process proved inconclusive so long as the Inuit land claim negotiations remained stalled because the Dene and the Inuit could not agree on the location of the boundary between their claim areas. In the absence of agreement on the claims boundary, the territorial government was limited in what it could to advance Nunavut. Whether a victim of circumstances or in deference to the concerns of western Arctic residents, the territorial government did more during this period to strengthen itself by gaining various powers through devolution from the federal government than it did to promote or prepare

for division.

Progress in the negotiation of the Inuit claim settlement rewrote this script in 1990, when an agreement-in-principle was negotiated. In this Agreement, the Government of the N.W.T. committed itself to work with the Tungavik Federation of Nunavut, the Inuit land claim negotiating body, to develop within six months a process for preparing for division of the Northwest Territories. As noted above, it was moved to this action because it was essential for making progress toward settlement of the Inuit claim, a fundamental policy goal of the territorial government. However, the problem with drawing on the increasing momentum of the claims process in order to promote Nunavut was the insistence of the federal government that questions of Aboriginal political development not be addressed as part of the claims process lest the results be thought to be constitutionally protected as an Aboriginal right under Section 35 of the Constitution Act, 1982.

The territorial government lived up to its commitment by making a joint proposal with the TFN to the Government of Canada that Nunavut and the settlement be enacted through parallel and simultaneous pieces of legislation. Subsequently it worked with the TFN and with the federal government to elaborate this concept in the final Agreement of 1991. In Article Four of the Agreement, the three parties agreed to negotiate a political accord. This accord would commit the two governments to create Nunavut within a specified period of time and with due consideration to a variety of needs, such as adequate funding arrangements for the two new territories. The accord would be outside the final agreement, hence its contents would not be constitutionally entrenched. However, it would be completed before the people of the Northwest Territories would hold their May 4, 1992 vote on the boundary for division and before the

Inuit would vote on ratifying the Agreement. This timing ensured that the Inuit would not lose their bargaining power by voting in favour of a claim settlement before they had had adequate assurance that division would occur.

The two governments and the Inuit created a Nunavut Steering Committee of senior officials to negotiate the Accord and, thereafter, the Nunavut Act, which expresses Canada's commitment to create Nunavut and provides for the institutions required to make the very complex arrangements for dividing the present N.W.T. into two separate jurisdictions.

What is particularly noteworthy is that officials of all three of the parties represented on the Steering Committee report that the Government of the N.W.T. generally supported positions advanced by the Inuit during negotiations (Dacks 1993: 12-14). For example, the TFN wanted a date specified for the implementation of Nunavut while the federal government preferred to wait until progress on preparations could be assessed. The Government of the N.W.T. supported the Inuit in order to limit the federal government's discretion over this issue of timing that was so important to the Inuit and the success of their claim agreement implementation. While the federal government anticipated that the political accord would be a minimal statement that would give it substantial room to maneuver, the Tungavik Federation and the Government of the N.W.T. joined forces in insisting on a more expansive document. They knew that they could not bind the federal government to commitments in any enforceable fashion. However, they wanted commitments, on such topics as adequate and equitable financing arrangements and provisions for training Inuit workers for employment in the Government of Nunavut, stated in writing. This would give these commitments maximum moral impact should the Inuit feel the need in the future to press these issues with the federal government.

Another example of the Government of the N.W.T. and the TFN working together was their shared position that, as much as possible, the ability of the Government of Canada to dominate the process of implementing Nunavut be limited. The result was the creation of the Nunavut Implementation Commission, on which both governments and the Inuit are represented. This body is only advisory, but should enjoy sufficient credibility that government will have to take its advice very seriously. Regardless of the success of the NIC in limiting the discretion of the federal government, what is significant is the support that the Government of the N.W.T. gave to the TFN on this question.

It may be argued that these examples of territorial government support for Inuit positions at the negotiating table did not cost the territorial government anything. After all, once it committed itself to division of the territories and so long as it receives what it considers to be fair treatment on the financial aspects of division and acceptable assurances about an administratively smooth transition, it has little interest in opposing the desires of the Inuit, who are still its constituents. Undoubtedly, the strength of the territorial government's commitment to Nunavut will be tested more rigorously in the future (Dacks, 1993: 53-59). Terms will have to be agreed upon for federal funding, for the transfer of territorial government assets which are located in what will become Nunavut, and for it to continue to deliver programs in Nunavut until the fledgling Nunavut government gains the administrative capacity to deliver these programs. The good will of the Government of the N.W.T. may also be tested by the challenges of implementing the recommendations of the Nunavut Implementation Commission, particularly if doing so involves significant financial burdens. However, the inescapable judgment on the record since the Inuit land claim breakthrough of 1990

is that the territorial government has consistently and strongly supported the political development goals of the Inuit and has begun to reorganize itself to meet the administrative challenges of making division happen.

5. 2. c. Constitutional Planning for the Western Northwest Territories

During much of the 1970s, territorial Native political organizations challenged the territorial government. In 1975, the Dene Nation issued the Dene Declaration, an assertion of its right to self-determination. Large numbers of Dene presented arguments for self-government to the Berger Inquiry. From 1975 to 1979, the Dene Nation boycotted the Legislative Assembly, on the grounds that it was an imposed and illegitimate body. In 1981, the Dene Nation and the Metis Association of the Northwest Territories published Public Government for the People of the North. However, these developments did not cause the territorial government to pursue any focused rethinking of its preference to evolve in the traditional, southern Canadian direction.

It took the growing likelihood of division to force the issue onto the territorial agenda. The Constitutional Alliance of the Northwest Territories, formed in 1982 in anticipation of the impending creation of Nunavut, was composed of two bodies, the Nunavut and the Western Constitutional Forums. The WCF consisted of representatives of the Dene Nation, the Metis Association, the non-Native population of the western N.W.T. and the Legislative Assembly. Its primary mandate was to develop a proposal for the political and constitutional development of the western N.W.T. The 1987 Iqaluit Agreement on implementing division that it signed with the NCF contained some elements of such a proposal. These included a public government that would

balance individual and collective Aboriginal rights in a constitution "whose relevant sections are designed to constitute, together with provisions in land claims agreements, the definition of Aboriginal self-government in the western jurisdiction." (NCF & WCF: 4) This vision of the constitutional future of the western N.W.T. recognized self-government but preferred to express it within the institutions of the public government. The Iqaluit Agreement was not ratified and the Constitutional Alliance ceased to exist in 1989.

Interest in western constitutional development was renewed with the 1991 signing of the Inuit land claim final Agreement and the negotiation of the Political Accord which committed the federal and territorial governments to division, assuming ratification by plebiscite of the division boundary and of the settlement itself. The resulting urgency to make progress toward a new constitution for the West became all the greater as the Gwich'in and then the Sahtu land claims drew closer to settlements that provided for the subsequent negotiation of self-government arrangements. The leaders of the Dene Nation, Metis Nation and the Inuvialuit Regional Corporation and a non-Native MLA formed the Committee of Political Leaders. In June of 1991, this *ad hoc* committee appointed a Commission for Constitutional Development with instructions to inform the residents of the western N.W.T. about the constitutional issues facing them, to seek their opinions on these issues and to make recommendations concerning the constitution which would establish a government for the western N.W.T. after division. The Commission's public consultation process served to highlight the lack of consensus in the western N.W.T. about the legitimacy of the Government of the N.W.T. and the character of the government that should replace it. (Devine: 12) The main recommendations of the April, 1992 Report of the Commission include:

- "...that the New Western Territory constitution recognize, uphold and protect the First Peoples' inherent right of self-government.
- "...that the New Western Territory constitution recognize that Aboriginal First Nations may opt out of the New Western Constitutional process and seek a direct link with the federal government. (Commission for Constitutional Development. 1992 (b): 19)
- "...that the New Western Territory constitution affirm that all authority to govern belongs to the people, collectively, and flows, collectively, from them to their institutions of government. (page 24)
- "...that a New Western Constitution recognize different orders of government and the powers of each of those orders.
- "...that authorities not identified in the Constitution as being the exclusive responsibility of the central order of government, be assumed to be vested in other orders of government." (page 26)

Taken together, these recommendations anticipate a radically decentralized territorial constitution. Depending on the wishes of the people and the willingness of local and regional governments to assume the powers that are available to them, the central government would play a much more modest role than does the present Government of the N.W.T. Indeed, taken to the limit, the recommendations could lead to the development of a central government whose main activities would be setting standards and making regulations regarding matters which the other orders of government agree should be handled in a uniform manner across the western N.W.T., providing common services, such as tax collection, for these governments and providing territorial-level government for Yellowknife. (Devine: 14)

In the Assembly debate on the Commission's report, the Minister of Intergovernmental and Aboriginal Affairs said, "There are many recommendations in the report itself that I found extremely satisfying to see. I am particularly pleased with the revolutionary approach which you took...." (N.W.T. Legislative

Assembly. Hansard March 16, 1993: 965) However, the Government of the N.W.T. did not respond officially to the report. Moreover, rather than moving to the anticipated Phase II of its work, to have been devoted to working out the details of the general recommendations contained in the Phase I report, the Commission was disbanded. Why it met this fate has been hotly debated. Several native leaders, such as Chief Beaulieu of Treaty 8 and Bertha Allen of the Native Women's Association, have publicly asserted that the Government of the N.W.T. rejected the vision of the Commission, even if it did reflect the wishes of the people, because this vision would have weakened the government. Cabinet members have strongly denied this allegation.

In 1993 the Constitutional Development Steering Committee prepared a "Workplan for Western Constitutional Development". The CDSC is a transformed Committee of Political Leaders, expanded to include all of the western MLAs and representatives of women, Native women and the predominantly non-Native tax-based municipalities. The mandate of the Steering Committee is to "design, implement and guide the process of developing a constitution for the western territory including how substantive decisions on the constitution will be made and how final proposal will be ratified." (Constitutional Development Steering Committee. 1993: 1) The first step in the process was for the Aboriginal and other groups represented on the Steering Committee to develop their own proposals for implementing self-government. These were published in 1994. In January of 1995 about 150 leaders and "ordinary northerners" took part in the First Constitutional Conference for the western N.W.T. The purpose of this conference was to develop a consensus on very general principles. The consensus that was reached resembled the recommendations of the Commission for Constitutional Development, particularly regarding support for the inherent

right and for strong community governments. This consensus is supposed to provide the basis for a second conference, which is intended to develop more detailed recommendations and a plan for transforming these into a formal package. It is hoped that residents of the western N.W.T. will vote on this proposal in 1996.

What can be said about the territorial government's stance as this process has evolved? A telling piece of evidence is that it was willing to participate as merely one of the four original members in the Committee of Political Leaders in which it must have anticipated, as turned out to be the case, that Native leaders would push aggressively for an approach to constitutional development based on self-government. The Government of the N.W.T. paid the \$1,735,000 cost of the Commission for Constitutional Development. In addition, it has funded substantially the Constitutional Development Steering Committee and acquiesced to the growing emphasis in the West on self-government. Most of those interviewed for this study agreed that the Government of the N.W.T. does not have a plan for a future western constitution. Elements within it are concerned about the vacuum at the center and the cost of the fragmented pattern of governance toward which this process appears to be moving. Some still hope that the process will prove inconclusive, forcing the West to accept the status quo by default when time runs out and division occurs. The fate of the Commission for Constitutional Development and even more clearly the lack of progress on community transfer described in the next section point to an inflexibility within the government based on these attitudes.

However, at present, the political center of gravity in the GN.W.T. appears to lie with the opinion that the status quo provides no shelter, that the people of the western N.W.T. are

"all in this together", hence must achieve a solution that preserves their unity, and that the Government of the N.W.T. must move on even if the destination is not yet in view. If the Government of the N.W.T. has any fixed principle, it is to promote the highest degree of integration and efficiency possible in whatever relationship evolves between the public and Native governments of the western N.W.T.. If it has any bias it is to suspect that the best outcome for the N.W.T. will be a situation in which First Nations governments come into existence and choose for practical reasons of efficiency to leave substantial power in its hands.

5. 2. d. Empowering Local and Regional Governments

The question of the appropriate roles for local and regional governments is an extremely important one. The small communities of the N.W.T. have predominantly Native populations. Thus to empower the bodies that govern these communities is to give Native people real power over their lives. As this study has argued, such a development would represent a growth in Native self-determination, albeit not one based on a constitutionally entrenched inherent right. The role of local and regional governments has been debated since the territorial government moved North in 1967. Indeed, the Carrothers Commission, which recommended this move, also recommended the development of strong local governments. So too did the 1979 report of the Prime Minister's Special Representative for Constitutional Development in the Northwest Territories. (Drury) Both of these inquiries recognized that the political cultures of the Native peoples of the territories are rooted in their communities. It was at this level that people wished to have the authority to make the practical decisions that affect their daily lives.

The territorial government over the years made various attempts to respond to these wishes (Graham in Dacks 1990: 203-206). However, these efforts proved unsuccessful. As a result the smaller communities of the N.W.T., the large majority, have delivered such services as roads, fire protection, water and recreation, but have been denied authority over such vital matters as education, health care, social services and economic development.

The territorial government has taken a similar approach to regional councils. While supporting them in principle and funding them, it has also restricted them to a coordinating and advisory role. When a government-commissioned study of regional councils recommended in 1987 that they be strengthened, the government rejected the recommendation as inconsistent with its wish to transfer power to communities. (Dickerson: 171)

Recent developments are forcing the territorial government to review these policies. One of these developments was the very strong support for local and regional government that people expressed to the territorial Commission for Constitutional Development and confirmed at the First Constitutional Conference. This support rests on a strong cultural base; it reflects the widespread view that "all authority to govern belongs to the people and flows from them to their institutions of government." (Commission for Constitutional Development. (b): 11) Given that territorial Aboriginal political cultures emphasize local political identifications, the concept that the people should be able to locate power where they consider it to be appropriately placed poses a great threat to the territorial government.

A second development has been the growth of tribal councils in recent years. Since the failure of the comprehensive Dene/Metis claim, these councils have been pursuing claims

negotiations and other strategies related to gaining their Aboriginal rights. These activities are reinforcing the tendency of Native people in the western N.W.T. to identify with the region in which they live and with the people of the region. The opportunity that claims settlements will provide for the development of regional First Nations governments is likely to add to the force of regionalism in the western N.W.T.. Third, it has increasingly come to be recognized that the existing policy framework with regard to communities and local government has failed to generate sound local economies. To the contrary, it has fostered a dependence that demeans people in the communities. It also costs the territorial government huge sums of money that it can less and less afford to spend. Driven by these considerations, the territorial government has responded with what it calls a Community Transfer Initiative.

Early in 1991, the territorial government commissioned a study of the its operations and structure. Among its many conclusions, this study observed that

"Community governments are under-used in the north. Community governments need to be given greater scope and authority as it is essential that strong leadership be working at two levels....the territorial government should transfer more responsibility and resources to communities in the area of providing 'services to people'." (Northwest Territories 1991: 17)

In February, 1992 the new territorial government adopted this recommendation when it announced a Community Government Transfer Initiative. Under this policy, the territorial government and individual communities will negotiate a Community Transfer Agreement. This will identify the responsibilities that are to be transferred to the local government; the minimum standards

for service and program delivery that the community must maintain; the resources to be transferred and methods of accountability. (Government of the N.W.T. 1992(a): 14-18) In the past, the authority of local governments has been limited to service delivery, with legislative authority remaining with the territorial government. It is noteworthy that the Community Transfer Initiative includes the possibility that not only administrative responsibility, but also the much more important legislative authority can pass to local governments.

The issues the Community Transfer Initiative raises demonstrate the complexities of territorial politics. For example, while the territorial government has not involved itself actively in joint programming or administration with bands in the past, this has in part been due to the complexities caused by the fact that band councils fall under federal jurisdiction. The territorial government has attempted to circumvent these complexities by developing arrangements called Charter Communities. In these communities, the council of the public government will be composed of the councilors elected by the treaty Indians of the communities plus additional councilors elected by the other community residents. The band council will continue to operate in regard to matters that fall under its sole jurisdiction according to the Indian Act. All other local government matters will be decided by the public government council. The goal of this approach is to end the duplication and competition that are inevitable when a single community has two distinct councils. Community transfers could move power to Charter Community governments, thus bringing these powers slightly closer to Native representative bodies. However, how satisfactory this device will prove to be is hard to gauge as only one community has so far opted for this. The territorial government does note uncertainty about the identity of the

governments to which it will transfer power:

"The groups to which the Government can transfer programs and service responsibility are likely to change based on the results of land claims, Aboriginal self-government negotiations and both the federal and National constitutional processes. Deciding what a community government is will be an on-going process." (Government of the N.W.T. 1992: 15)

This statement suggests and subsequent working documents confirm that the territorial government is willing to transfer responsibilities directly to First Nations governments. Indeed, it has been suggested that, by moving meaningful government responsibilities to the local level, the Community Transfer policy will provide Native leaders with program and administrative skills and experience which will can be applied to First-Nations governments, when these develop.

However, the prospect of Dene negotiating program transfers with the territorial government lies at the root of the most fundamental Dene objection to the Community Transfer policy. This is that the policy is based on the incorrect premise that the territorial government legitimately holds jurisdiction over the powers it proposes to transfer. The position of the Dene Nation and prominent Dene from the southern portion of the western N.W.T. is that the Dene have an inherent right to self-government. They argue that the treaties give them a direct relationship with the Government of Canada, which has a fiduciary obligation to the Dene by virtue of the treaties. The community transfer policy undercuts the treaties because to take advantage of it, Dene must tacitly accept the legitimacy of territorial government jurisdiction. In this way the transfer policy helps validate the process by which the federal government has empowered the territorial government without Dene consent. As reported above, the Dene interpret the federal government's devolution policy

as attenuating Canada's fiduciary responsibility to them, thus in a subtle but effective fashion, implementing the thrust of the Government of Canada's White Paper of 1969.

Skeptics of the Community Transfer policy point to other problems. Preeminent among these is the possibility that the Community Transfer Initiative will tie local communities with new bonds of dependence to the territorial government. Community Transfer may provide the existing public governments of predominantly Native communities with enough control over their own affairs to discourage people in the communities from exploring the possibilities of First Nations government. Such an outcome would certainly simplify the task facing the territorial government. It would avoid the complexity of dealing with governments established under authorities other than itself. However, it would deny Native people the potential advantages of First Nations self-government, or at least discourage them from investigating the potential of this option.

In a sense an opposite type of problem with the Community Transfer Initiative arises from its complexity and ponderousness. While it is reasonable, assuming the territorial government's jurisdiction, for it to wish to ensure a successful transfer of responsibility, the transfer process has been criticized for the great detail in which Transfer Agreements must be negotiated. It is argued that many public servants prefer the status quo to the loss of territorial government power and the complex local-territorial government relations Community Transfer is likely produce. The detail of the Transfer policy enables these public servants to drag out transfer negotiations and thus to discourage local leaders from gaining powers for their communities. This critique has cast doubt on the extent to which the formal policy of community transfer will actually be implemented and the stringency of the conditions which will

be attached to transfers. Adding to these concerns is the awareness that the Community Transfer Initiative is part of a policy framework aimed at reducing the territorial government's deficit. (GN.W.T. 1992(a)) Communities will have to assure themselves that transfers will be adequately funded, including appropriate provision for training for local people to assume their communities' new responsibilities.

To date the record supports the skeptics more than it does the proponents of Community Transfer. As of 1995, three years after the inception of the Initiative, only one community, Cape Dorset, has signed a broad transfer agreement. A few others have opted to take on responsibility for a very limited range of powers, most often relating to economic development. Most observers explain this disappointing record in terms of what they take to be excessive bureaucratic concern about the administrative principles identified above. However sound these principles may be, their application to the Initiative defies the will of the people as expressed at both the Commission for Constitutional Development and the 1995 Constitutional Conference.

The Initiative touches on the role of regional government in that it anticipates that neighboring communities may wish to "work together by combining their authorities and responsibilities" for particular programs. However, it does not identify regional governments as agencies to which it might directly devolve its authority. Indeed, the report that spawned the Initiative is entitled Strength at Two Levels, consistent with the territorial government's reluctance to encourage the development of regional government. This reluctance is understandable in view of the cost of adding another layer of government in a region which is already very expensive to govern. At the same time, it does fly in the face of the clearly expressed

preferences of many Native and some non-Native people in the territories.

The Community Transfer Initiative is a microcosm of public policy in the Northwest Territories. It involves both conceptual issues about inherent right and the legitimate role of the territorial government, and pragmatic calculations of political strategy on the part of the territorial government as it seeks to foster its credibility while containing its spending. The Initiative could nurture First Nations self-government in the western N.W.T., but could also preempt it. Having accomplished so little in three years, it has done neither. Indeed, its legacy may be to reinforce the image of the territorial government as unresponsive to the people of the N.W.T.

5. 2. e. Regional Boards

While the territorial government has discouraged the development of regional councils, a number of departments of the Government of the N.W.T. have devolved a degree of authority to functionally specific local and regional bodies, most of which are composed predominantly of Native people. As in the case of local government, when these Native people make significant decisions about public government policies that affect their daily lives, they are exercising a form of self-government. Involvement in local and regional bodies that draw their authority from the public government does not satisfy the strictest test of Aboriginal self-government. They are not based on an inherent right nor are they protected from interference through constitutional entrenchment. Their powers are usually limited to the administrative level, to delivering programs which are determined by legislation that they do not directly control. However, they can make a sufficient difference to the quality

of life of their communities that these local and regional bodies deserve attention.

Regional health boards, which date from the mid 1980s, are responsible for program delivery and have discretion regarding the programs they wish to emphasize, within standards set by the territorial government. (O'Neill in Dacks 1990: 157-193) The boards have struggled with the territorial government over the division of powers between them. They have felt that their mandate has been very confined and that the system is excessively dominated by the territorial Department of Health. For its part, the government feels that the need for specialized diagnostic services and treatments that can only be offered in a cost-effective fashion at very few centers requires a relatively integrated and centrally directed system.

Whether because of the different natures of medical and educational services or the different professional norms among practitioners, the 8 divisional (regional) boards of education in the N.W.T. have enjoyed better relations with the territorial government than have the regional health boards. The education boards enjoy more authority over their staff, including making their own hiring decisions. The boards deliver the territorial curriculum and develop and implement their own programs. Their authority to set the school year enables them to respond to local preferences on this question. They are well connected with the communities because their members are appointed by the community education committees in each region. They have thus been sympathetic to local wishes, such as day care centers in high schools to encourage young mothers to stay in school and a reduced emphasis on sending children out of communities for their later years of schooling. This responsiveness has tended to increase local confidence and involvement in the educational system. Of course, because the bulk of people living in the small

communities of the N.W.T. are Aboriginal, this approach to organizing educational decision-making empowers Native people. The situation is not perfect; major curriculum and budget decisions continue to be made in Yellowknife and the levels of student performance in the territorial education system need to be improved. Still, the vigour of the divisional boards and their links to their communities represent significant examples of Aboriginal self-determination through public government.

5. 2. f. The Devolution of Authority from the Government of Canada to the Government of the Northwest Territories

Since it moved North in 1967, the Government of the N.W.T. has gradually assumed from the Government of Canada almost the entire range of jurisdiction enjoyed by provincial governments. (Clancy in Dacks 1990) The most important powers it has yet to gain are authority to manage lands, inland waters, minerals, oil and gas. These are, of course, very important jurisdictions; both the non-renewable resource sector of the territorial economy and traditional Aboriginal harvesting will be profoundly affected by decisions that will be made in these policy areas.

Devolution was one of the territorial government's highest priorities in the 1980s. (Northwest Territories 1991 (b): 12) The territorial government has pursued devolution both to better equip itself to serve northerners and to advance its long-term evolution toward provincial status. Territorial First Nations have resisted this process for at least two reasons. The first is that it has empowered a government that they view as illegitimate. In doing so, devolution has eroded the federal government's responsibility for them and complicated any future direct transfer of responsibility from it to First Nations governments. Second, they feared that devolution of

responsibility for land and water and the development of oil, gas and minerals might precede the implementation of their claims settlements. This could have put in place regulatory bodies over which they would have little control rather than, or in advance of, the agencies of joint management that they wish to see established (and entrenched) under their claims settlements. (Dacks 1990: 250-51) The persistence with which the territorial government pursued devolution during the 1980s provoked recurring tensions in its relations with First Nations in the 1980s.

These tensions have abated in recent years primarily because of progress toward the settlement of Aboriginal claims. In the case of the Inuit, their settlement provides for a Nunavut Wildlife Management Board, Nunavut Water Board, Nunavut Planning Commission and Nunavut Impact Review Board, all of which are entrenched under S. 35 of the Constitution Act, 1982. The Inuit feel confident that these bodies will advance their interests because their representative organizations will supply 50% of the members of these boards. Moreover, the creation of Nunavut will mean that the territorial government representatives on the boards will be Inuit or accountable to the Inuit. The confidence they feel in this arrangement has led them to reverse their previous opposition to devolution of authority over land, water and resources. Indeed, they calculate that Nunavut will be a beneficiary if the Government of Canada devolves these powers to the Government of the N.W.T. in the next several years in that Nunavut will then automatically possess them.

As in many other respects, the situation is more complex in the western N.W.T.. The two Dene/Metis claims that have been settled provide for joint First Nations-public government resource management agencies. These will not give the Dene and Metis the same degree of assurance as the Inuit enjoy because

the government of the future western territory may place territorial needs regarding resource development issues above the interests of a particular First Nation. The likelihood of this will be greater because, with division, First Nations in the western N.W.T. will lose the protection that the majority Aboriginal electorate throughout all of the present N.W.T. now provides them. However, the boards represent the best outcome that the First Nations could reasonably hope for. In this circumstance, they are likelier to do better if all the government representatives on these boards are territorial officials rather than a territorial-federal mix, and if the minister to whom the boards report is a territorial rather than a federal minister.

In contrast, the Dene in the Deh Cho and South Slave regions face a less satisfactory outcome. Denying that the Government of Canada exercises any legitimate authority over the land and its resources and unwilling to extinguish their own rights to the land, they cannot be happy with the prospect of the Government of Canada giving a fundamental power that it does not rightfully possess to a government that these Dene consider illegitimate.

The great challenge that devolution poses in the near term is to create a rational system of resource management. This system will have to integrate the authority of the territorial government and of claims-based joint management agencies in a fashion that both is efficient and protects the important Aboriginal interests that caused the First Nations of the territories to insist on the creation of the joint management bodies in their claims settlements.

5. 3. The Level of Expenditures on Aboriginal Questions

It is easy to identify territorial government spending that is specifically targeted at Aboriginal persons (see Appendix B). However, this spending considered by itself understates the

extent to which the Government of the N.W.T. spends money on programs that are available to all but have predominantly Aboriginal clientele and that are designed with these clients in mind. As noted earlier in this paper, examples of such programs include territorial public housing, the native studies component of educational programming, support for the fur industry by the Department of Renewable Resources and health promotion programs on such topics as fetal alcohol syndrome, maternal nutrition, and suicide prevention. These programs make it difficult to determine the Government of the N.W.T.'s total financial allocation for Aboriginal programming. They cannot be ignored. However it is not easy to avoid arbitrariness in deciding how much of their cost to allocate to the "Aboriginal envelope" and how much to the operating expenses that a public government would incur regardless of the ethnic composition of the population it serves.

The issue of financing programs for Aboriginal persons in the N.W.T. is a contentious one. The reason is that the Government of Canada does not fund programs for Indians in the N.W.T. as it does in the rest of Canada. It does provide band support funding to pay for bands' office costs and, in 1991/92 began funding tribal councils in the N.W.T.. However, with very small exceptions, it does not provide funds to bands for some very big ticket items, such as social services and education; capital projects; and the provision of municipal services such as fire protection and sanitation. In its view, the annual operating grant which it provides to the Government of the N.W.T. fulfills its S 91 (24) obligation to fund native programs.

This position has provoked great unhappiness in some Aboriginal organizations which feel that, on the level of principle, the Government of Canada has abandoned its fiduciary responsibility to the Aboriginal people of the territories, at

least with regard to funding. That this was done without their consent strikes them as a fundamental violation of the relationship that they believe they have with Ottawa. On the practical level, they report that when they seek funding from Ottawa that is available to bands in the South they are denied on the grounds that the annual grant to the Government of the N.W.T. is intended to cover the type of activity or program for which the funding is being sought. Both Aboriginal groups and the territorial government note considerable concern regarding a second practical implication of Ottawa's position. This is the pattern that the total of moneys that the Government of the N.W.T. receives from Canada is increasingly becoming inadequate. While the territorial government attempts to compensate for the financial shortfall, its ability to do so is limited. As a result programming suffers. However, as noted above, many government programs of general application have a very predominantly Aboriginal client group. Thus, when federal funding falters, the impact is not ethnically neutral. The Aboriginal segment of society, being most dependent upon government programs, suffers disproportionately. This argument assumes, of course, that if territorial Aboriginal groups received program funding directly from Ottawa, they could protect it from erosion more successfully than can the GN.W.T.. This is certainly a debatable proposition.

There is a larger context to this issue that the Royal Commission should draw to public attention: the national passion for attacking government deficits and the longer-term agenda of reducing the size and role of government are policies the pain from which is visited particularly heavily on Aboriginal people. The Royal Commission should recommend that governments be sensitive to this phenomenon when they embark on cost cutting that appears to be apply across the board, but is to a significant

degree ethnically differentiated in its impact. They should be doubly sensitive because a smaller proportion of Aboriginal than non-Aboriginal people will benefit from any tax relief resulting from cost and deficit-cutting. This will be the case because on reserve income is not taxed and the low incomes of many Aboriginal people cause them to pay less tax than the national average. Thus not only do Native people suffer more from spending cuts, they benefit less from any tax savings.

While the "Aboriginal cost" of most territorial government programs cannot be identified, there are some exceptions. These include the territorial Ministry of Intergovernmental and Aboriginal Affairs. While this agency deals with national and territorial constitutional issues as well as with specifically Aboriginal issues, these categories of activity overlap almost completely as, for example, in the case of the process leading to division of the Northwest Territories. Hence it is appropriate to view the Ministry's budget as a cost related to Aboriginal programming. The core allocation for this ministry in the 1994/95 Main Estimates is \$3,225,000. Also noteworthy are the grants that the Government of the N.W.T. gives to regional councils, most of which operate in portions of the N.W.T. with largely Aboriginal populations. These grants are expected to total \$921,000 in 94/95. Further, the territorial government funded the constitutional development process for the western N.W.T. for about \$900,000 during the 93/94 budget year and an anticipated \$500,000 for 1994-95. It must be added that the territorial government is spending on administrative preparations for division a sum of money that is considerable, but very difficult to count; not only does this process extend to all of the departments and agencies of the government, but it usually involves an addition to the workload of public servants rather than the appointment

of additional public servants, whose salaries and office costs could easily be attributed to the division process. All of these allocation relate to the Aboriginal portfolio because the constitutional processes under way would not have been launched had it not been for ongoing Aboriginal concerns with the constitutional status quo in the N.W.T. Also, its impending division made it necessary to address these concerns in the constitution of the new western territory that will result from division.

The Government of the N.W.T. has given official language status to six Aboriginal languages. It proposed to spend a total of \$2,255,000 in 1994-95 on the Language Bureau, which provides interpretive services. However, as this funding also covers French translation, it is not possible to specify on the basis of available documentation the cost of Aboriginal language translation.

5.4. Policies of the Territorial Government Related to Native Women

A number of Native women question the wisdom of moving to First Nations government (or for that matter more powerful local public governments) until their communities are healthier. In this regard they are concerned about the frequency of sexual assault and family violence and the apparent complacency of many communities in the face of these social problems. Moreover, they report hostility and attempts at silencing if they try to press for solutions to these and other problems. These problems are not readily addressed by government programs, in part because they reflect the larger socio-economic problems of so many Native communities. The government does deliver many programs, particularly in the areas of social services and health care, that improve the situation and security of women. These programs

are too extensive to be evaluated in the space available in this paper. It can only be observed that the minimal resources allocated to providing a focus within the territorial government on women's issues--the one-person Women's Advisory--represent a lost opportunity.

In contrast, a more promising note was struck by the several recommendations of the Commission for Constitutional Development advocating a Social Charter that would affirm "the right of all people, but especially women, children and elders to a life free from violence" (p. 17), and that additional constitutionally protected rights for women be considered for inclusion in the constitution of the new western territory.

Two women, including the Government Leader, sit in the 8-member Cabinet and three in the 24-member Assembly. While women comprise a larger proportion of the territorial than other Canadian cabinets, this can be interpreted as an artifact of the small size of the territorial Assembly. The proportion of seats they hold in the Legislative Assembly is almost the same as for women in the House during the 34th Parliament

The participation of women in the western N.W.T. constitutional process has grown remarkably. No woman sat on the Committee of Political Leaders and none was originally appointed to the Commission on Constitutional Development. After protests about this exclusion, Mrs. Bertha Allen was appointed to the Commission. The Constitutional Development Steering Committee has designated representatives from the N.W.T. Status of Women Council and the Native Women's Association. The committee's executive is guaranteed to have at least one woman serving on it. The Status of Women Council and Native Women's Association prepared a joint submission for the First Constitutional Conference. In the Nunavut region, the concept of creating two-member constituencies, each with one male and

one female MLA, has received considerable support.

The representation of women in governing and planning bodies provides cause for modest hope for the future. However, for the present, Native women continue to be a population at risk.

6. Assessing the Relationship between Territorial Policies and the Future of Aboriginal Governance

The many policies and actions of the Government of the Northwest Territories that affect the prospects for Aboriginal self-government clearly reflect the context in which the Government of the N.W.T. operates. The constraints of this context owe much more to the social structure and political culture of the territories than they owe to the distribution of jurisdiction between the federal and territorial governments and the degree of freedom of the latter to act in ways which affect the future of Aboriginal governance.

6.1 Opportunities

The uniqueness of the territorial situation provides its government with unique opportunities to foster Aboriginal governance.

First, residents of the territories view the existing Government of the N.W.T. as a transitional government that they expect will undergo structural change in the near future. They do not uniformly welcome this change. However, they understand, to varying degrees, that the changes to come will be driven by the need to find a workable relationship between the territorial government and the First Nations governments that will soon take shape in the western N.W.T. To an extent unmatched anywhere else in Canada, the N.W.T. presents the possibility that the public government will adjust its own structure to some degree to

accommodate Aboriginal governments. To the extent that this potential for flexibility is realized, managing the Aboriginal government-public government interface should be easier in the western N.W.T. than elsewhere in the country. For example, the territorial government may organize itself to provide asymmetrical levels and staging of program delivery to different First Nations depending on the extent of jurisdiction that they decide to assume and the pace at which they wish to assume these responsibilities (Commission for Constitutional Development: 30, 34). In contrast, the political will may not exist elsewhere in the country (with the possible exception of the Yukon) to accept the administrative complexities of responding in this way to the varying jurisdictional needs and degrees of readiness of the different First Nations within each of the provinces.

Second, as reported above, the Government of the N.W.T. and the First Nations of the territories interact a great deal. To a degree that varies from one First Nation to another these relations are marked by mistrust and conflicting visions of future Aboriginal-public government relationships. However, they are also characterized by positive experiences of recent years. These include cooperation in constitutional development exercises in which all understand that Native leaders play a very important role. The planning and delivery of programs involving a number of government departments also bring First Nations and the government together for common purposes. Probably the most important outcome of the very high level of interaction is the familiarity of First Nations and governmental officials with one another and their respective positions on constitutional and other questions. This higher level of mutual understanding throughout the system, contrasted with the situation in the provinces, should enable future negotiations to proceed with less misunderstanding than is likely to occur between provincial

governments and their First Nations. Understanding will not necessarily lead to agreement, but it will at least facilitate the quest for it.

Third, programming for Aboriginal people has not been ghettoized in the Government of the N.W.T.; it is the responsibility of all departments of the government. Some of these departments have in the past resisted policies aimed at increasing the power of the smaller, predominantly Native communities. However, should the Government of the N.W.T. set itself on a course of basic restructuring to accommodate the principle of First Nations government, these departments will at least have had a great deal of experience with programming to meet Native needs. Moreover, they are likelier to be more responsive than if Native issues were the prime responsibility of a single agency in the government and only a peripheral concern for line departments, as is the case in most provinces.

The second and third opportunities are relevant to the task of successfully integrating First Nations and public governments. They will be less significant in situations in which First Nations governments develop in relative isolation from public governments. Indeed, as will be discussed below, the high degree to which territorial programming is directed to (and can be seen as funded on the basis of) a large Native client group may pose a considerable constraint on the ability of the GN.W.T. to respond to the wish for Native self-government.

6.2 Limitations

The social and political context of the N.W.T. significantly limits the government's ability to foster First Nations government. The very lack of legitimacy of the government combined with the natural tendency for it to be seen as self-interested in the issue hinders it in taking strong action

in the area of territorial constitutional development. For example, some First Nations leaders would resist the territorial government, to whose existence their people have not consented, taking initiatives that affect political rights that they believe are exclusively theirs to negotiate with the federal government. A second problem the Government of the N.W.T. faces is the number and variety of the constitutional models that have been proposed. This multiplicity of options requires that the government move in two directions. It must encourage, but with a light touch, a process of consensus building to narrow the range of options. It must also anticipate the need to develop a flexible constitution, one which will accommodate a variety of models of First Nations government. The problem with the first direction is that time is running out as the 1999 target date for division draws closer. The problems with the second direction are the high cost likely to result from such a constitution and the lack of precedents to guide its design. The western N.W.T. really is sailing in uncharted waters as it seeks its new constitution.

A third limitation of the Government of the N.W.T.'s situation is the knowledge that whatever constitution is arrived at, it will have to be approved through a popular ratification process. The referendum on the Charlottetown Accord has created an expectation that constitutional changes must be supported in a plebiscite. However, the fate of the Charlottetown Accord anticipates a problem. Many non-Natives respect the rights and constitutional positions of the First Nations of the N.W.T. and to varying degrees share their wish for increased community powers. However, there is also considerable concern among the non-Aboriginal population that the new western constitution will subordinate its interests to those of the First Nations. They will be well placed to press their concerns in a referendum.

In territorial elections, the distribution of constituencies significantly over represents the Native vote. In a plebiscite, all votes would be counted toward a single total, and non-Native voters could comprise half of the total eligible electorate. Thus, the territorial government must pay very close attention to the limits of constitutional change that the non-Native population will accept. Otherwise, it risks a rejection of the constitution that will represent a hard-won consensus among the leaders of the territories. Such an eventuality will most likely lead the First Nations to develop the highly independent governments that will signal the costly and divisive fragmentation of territorial politics that the Government of the N.W.T. wishes very much to avoid.

Fiscal frailty also limits the territorial government's ability to take constitutional initiatives. As has been argued above, the constitutional evolution of the western N.W.T. seems likely to lie in a costly direction. It would be difficult enough to fund these added costs while maintaining levels of service if the Government of the N.W.T.'s revenues were buoyant. However, the federal grant on which the territorial government relies so heavily is likely to continue to diminish relative to the spending needs of the territorial government. When the cost of division is added to this scenario, the government must face its constitutional options with the realization that it may be difficult to fund the model of governance that must be created to meet the political needs of the western N.W.T..

A final contextual limitation facing the territorial government is that party politics have not developed in the N.W.T. The resulting absence of party discipline has weakened the ability of cabinet itself to reach a consensus on a preferred model of western constitutional development, to require that sometimes reluctant departments develop analyses and programming

supportive of this vision and to guide, gently, public opinion in its direction. This problem is likely to grow as the Cabinet members from what will be the Nunavut region come increasingly to focus their attention on division, inevitably at the expense of Cabinet's full consideration of western constitutional issues. Thus, all of its other limitations aside, the absence of party politics has limited the Government of the N.W.T.'s ability to provide leadership concerning the shape of the constitution of the future western territory.

All of the above limitations flow from the social and political patterning of the western N.W.T. An additional set of limitations derives from the distribution of jurisdiction between the GN.W.T. and the federal government. The most fundamental reality here is that it is the federal government, not the GN.W.T. which is responsible for Native people and for the settlement of their Aboriginal claims. As a result, the GN.W.T. must develop its policies towards First Nations governance within the policy confines set by Ottawa. For example, the federal policy that sets extinguishment of Aboriginal title as a precondition for settlement of claims precludes settlements with certain territorial First Nations, in particular the Treaty Eight and Deh Cho Dene. This both adds to the variety of cases that constitutional planning must accommodate and removes most of the incentive for these First Nations to seek compromises with the territorial government on constitutional issues. The same outcome results from the federal government's refusal to entrench self-government agreements under S. 35 of the Constitution Act 1982. The historical record does not allow us to judge that the territorial government would reverse these policies if it had jurisdiction over them. However, the fact that it does not hold this power certainly complicates the task

that faces it.

Moreover, faced with this jurisdictional weakness, the Government of the N.W.T. lacks the power to encourage convergence between the proponents of the two visions presented at the start of this paper. Those who prefer that public government dominate the constitutional future for the western N.W.T. need to be encouraged to make the concessions to First Nations that will lead them to accept a working relationship with the future western government. They are likelier to make these concessions if they believe that the government with the relevant jurisdiction will take the steps necessary to make First Nations governments a reality should negotiations about the shape of public government fail. In other words, the First Nations need a credible exit option. All must understand that failure to design and implement a new constitution for the West will not result in the status quo being perpetuated by default. However, because it lacks the jurisdiction, the Government of the N.W.T. cannot move to create the level playing field that will promote this convergence.

The failure of the Charlottetown Accord to be ratified increased the ambiguity of the situation in which the Government of the N.W.T. must operate. The thirteen governments of Canada supported this concept, but it failed to be entrenched in the Constitution. The federal government's 1994 recognition of the inherent right appeared to give Aboriginal self-government the type of credibility advocated above. However, as was argued earlier in this study, the protracted delay of the federal government to act on its commitment is beginning to put that commitment in doubt and to confuse and limit progress on negotiations on self-government that are currently under way. In view of its jurisdictional limitations, the Government of the N.W.T. has few means of rectifying this situation.

Another sense in which the distribution of jurisdiction

limits the territorial government's freedom to act is the obverse of an opportunity described above. Because policy planning and implementation for Native people is so thoroughly integrated into all of the structures of the territorial government, a fundamental alteration of Aboriginal governance would require a complete reorganization, indeed, a complete reconceptualization of the role of the territorial government. Were the N.W.T. situation like that of the provinces, with band councils on reserve lands interacting directly with the federal government on a broad range of program issues, basic changes in Aboriginal governance would not be so disruptive to the Government of the N.W.T.. However, they would be much less likely to produce a reorganization of the government to enable it to integrate its activities most effectively with those of the new First Nations governments.

6.3 An Intergovernmental Transfer of Responsibility?

Would a redistribution of jurisdiction between the territorial and federal governments more effectively foster Aboriginal governance than a continuation of the status quo? The answer to this question is no, unless the redistribution is part of a more comprehensive arrangement that would establish new First Nations governments. Altering the balance of jurisdiction before the new western constitution is negotiated would severely alienate important parties to the negotiations. It would probably drive them away from the bargaining table and ensure their rejection of any model that might be negotiated. Giving more federal power to the Government of the N.W.T. would anger many First Nations leaders. They wish to negotiate the constitutional future directly with the federal government because it is the only government that they believe has a legitimate right to deal with them on this issue. Also they

believe that transferring authority to the Government of the N.W.T. would reduce their bargaining power in gaining its acquiescence and cooperation in the creation of First Nations governments.

If Ottawa took back some areas of jurisdiction in order to promote Aboriginal self-government, the non-Native population would be incensed at what it would correctly view as an anti-democratic rejection of the historical pattern of increasing the self-determination of northerners. It is hard to imagine that any northerners, Native or non-Native, believe that a government 4,000 kilometers away and preoccupied with national responsibilities will be able to govern them as responsively as their own government.

7. Conclusions: Reflections on the Northwest Territories as a Postmodern Society

A basic assumption of the modern age is that as transportation, communication and market forces shrink the globe, diverse cultures will come to be assimilated into a larger culture. Difference will become less of a force in social life and patterns of governance will become more homogeneous and uniform to reflect the decline of diversity. This assumption has been proven incorrect in many areas of the world. The developments of the past several years have proven it to be incorrect for the Northwest Territories. At one time it was thought that the First Nations of the N.W.T. would ultimately assimilate to conform to southern Canadian, non-Native norms. More recently it was thought that, while Native claims would be settled and governments created, the impact of these for the N.W.T. would be limited. It was anticipated that the small number of settlements and First Nations governments and the

contingent nature of the latter would produce a relatively manageable context for the Government of the N.W.T.. These expectations have not been realized. The regionalization of the Dene/Metis claim in the West has produced a highly fragmented situation. The growing acceptance of the principle, if not a clear approach to its application, of an inherent right to First Nations self-government has given the First Nations of the N.W.T. reason to view the governments which they are in the early stages of designing as having a credibility and promise equal to or greater than what the territorial government enjoys.

This situation suggests several recommendations that the Royal Commission should make. Assuming the First Nations of the N.W.T. have a right to govern themselves, and also assuming that this right has not yet been definitively accepted as the first principle in planning a new western constitution, there is only way to avoid the permanent fragmentation of politics in the territories or at least to ensure that the First Nations of the N.W.T. are protected should the politics of the new western territory turn against them. The Royal Commission has already argued the existence of an inherent Aboriginal right of self-government. The Royal Commission should build on this principle by recommending that, in the planning for the western N.W.T., the federal government take steps to ensure a level playing field between the principles of First Nations government and public government.

At present, the Government of Canada, while recognizing the inherent right, encourages those who resist the transfer of power to Aboriginal people. In his speech to the First Constitutional Conference, The Minister of Indian Affairs and Northern Development asserted:

"In the North...demographics favour using public government structures to implement regional and

community expressions of self-government." (p. 5)

While this statement may be valid for Nunavut, in the western N.W.T. it works against Aboriginal people as they plan and begin to negotiate their institutional future. The federal government should set aside the bias in this statement. It should serve notice that, in the event of a failure of the western constitutional process, it will move quickly upon the request of First Nations to create and adequately fund powerful Aboriginal governments in the western N.W.T.. Further, it should seek to entrench these governments under S. 35 of the Constitution Act, 1982. This protection may be easier to provide in the N.W.T., in which federal authority is greater, than in the provinces. This context of acceptance and support should give First Nations the sense of security that will enable them to appreciate fully the practical advantages of integrating their governments with public government and of cultivating mutually sympathetic and beneficial relations with the territorial government. As has been argued above, this approach will also encourage more non-Natives in the western N.W.T. to accept a vision of the constitutional future which will encourage cooperation between First Nations governments and the public government.

It will be very important to foster this cooperation and to promote the effectiveness of public government, which will surely play an important role in the governance of the future western N.W.T. To this end, the Royal Commission will foster responsive and legitimate government if it recommends that the government of Canada encourage the territorial government to work constructively to devolve authority to community and regional governments, if individuals in the communities and regions desire the devolution of particular powers.

The Royal Commission should also recommend that the federal government should maintain sufficient financial support for the western constitutional process to enable it to proceed in a timely fashion and all parties to it to develop and pursue their views effectively. To the extent that adequate funding accelerates the process, it reduces the likelihood that the process will run out of time when division occurs and the status quo will triumph by default. In this sense adequate funding assists the First Nations in their project of creating a truly new western constitution and disadvantages those who would prefer that public government remain the first premise of the new western constitution.

The Royal Commission should recommend that a method be developed for testing the confidence of Native women in the western N.W.T. on a method for ensuring their confidence in First Nations governments before these governments come into existence. The abuse and fear that Native women report in the communities in which they live owes something to a climate of community acquiescence to their suffering. It is doubtful whether unhealthy communities should become self-governing, lest such a development worsen the situation of women. The problem raised by this doubt is that it would be another colonial obstacle to First Nations self-determination for an agency outside of the community to have the power to judge whether gender relations in the community justify the creation of a Native government. Perhaps one approach to this issue is to require that every proposed First Nation government be ratified by a vote of the people with a majority of men and of women required for ratification.

This discussion has focused on developments in the western N.W.T. because they are more complex and less settled than is

the issue of Nunavut. However, this is not to say that the creation of Nunavut and its adequate funding are absolute certainties. If the Nunavut project were to stumble for lack of funds or political will, the consequences for the political development of the territories would be severe. It is therefore critical that the Royal Commission not assume that Nunavut has proceeded too far to be deflected. Rather, the Commission should recommend most strongly that the Government of Canada continue to expedite the Nunavut process. The government should adequately fund the Nunavut Implementation Commission and ensure that the various departments of the federal government which will necessarily be involved in the creation of Nunavut understand that it is a high priority of the government.

Nunavut and the development of First Nations governments in the western N.W.T. will fragment the former territories. This is not a prospect that must be viewed with dismay. Constitutions tend to operate best when they reflect social and cultural realities. Just as the federal structure of Canada reflects the historic development of the country and the patterns of political identification within it, a governmentally heterogeneous Northwest Territories will reflect the desire and right of First Nations to govern themselves. Undoubtedly, a constitution based on this premise will present significant problems, particularly of practicality. Maintaining existing levels of government services without substantial additional resources will likely prove most difficult. However, there is no alternative that is consistent with an Aboriginal right of self-government. Happily, acceptance of this principle is the likeliest approach to promoting the efficiencies to be gained by integrating the activities of First Nations governments and the public government of the territory. The western N.W.T. requires a postmodern

constitution that will be congruent with its postmodern society; by recognizing the territories' diversity, such a constitution will be the best means of building unity within it.

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Appendix A

Aboriginal Profile

Appendix B Inventory of Programs and Expenditures

As reported above, the Government of the Northwest Territories operates a number of programs, such as constitutional development planning, that are universal in their objectives and client base, but that reflect to a considerable degree the importance of Aboriginal issues in the territories. The various government departments, such as education, expend considerable sums on programming directly targeted at Aboriginal clients or whose client base (as in the case of the Community Harvester Assistance Program) is predominantly Aboriginal. The following are some examples. Figures (in \$000's) for 1994/95 are found in the left hand column. The figures for 1985-86 are found in the right hand column. Comparisons which might be inferred from these pairs of figures should be regarded as tentative because of the difficulty of making direct comparisons between the two years reported. For example, the content of these programs may have changed during the nine years and elements of some programs may be delivered through different programs, without the cost of these elements being clearly attributed to their new "homes".

	<u>1994/95</u>	<u>1985 86</u>
-Core funding for Metis Nation N.W.T. Locals	\$250	--
-Language Bureau	\$2,255	\$1,615
-contributions to regional native communications groups	\$105	--
-grants for the documentation and researching of Aboriginal oral traditions	\$93,000	--
-Aboriginal Court Challenges: grants to support the raising of issues involving the definition and protection of Aboriginal rights	\$40,000	--

Appendix C Chronology of Outstanding Events

- 1899 Treaty 8, covering southern portion of the western N.W.T., signed.
- 1905 After Alberta and Saskatchewan are made provinces, what is left of the Northwest Territories is administered by a Commissioner, a senior federal public servant resident in Ottawa.
- 1921 A Council of the Northwest Territories is appointed to advise the Commissioner. The Council, composed of federal government officials, meets in Ottawa.
Treaty 11 signed by the Dene of the northern Mackenzie Valley.
- 1947 The first resident of the N.W.T. appointed to the N.W.T. Council.
- 1951 For the first time (since 1905), elected members sit on the Council; three of the eight members of the Council are elected to represent the western portion of the N.W.T.)
- 1963 Government bills to divide the N.W.T. are introduced in Parliament, but die when Parliament prorogues.
- 1965 First Aboriginal member appointed to the Council
- 1966 Report of the Advisory Commission on Development of Government in the Northwest Territories
- 1967 The Government of the N.W.T. moves to Yellowknife, which becomes the capital of the N.W.T..
- 1975 The Council of the N.W.T. becomes an all-elected body and changes its name to the Legislative Assembly.
Two elected members of the Council serve as members of the Executive Committee.
- 1979 All members of the Executive, except the Commissioner as its chair, are members of the Legislative

- Assembly.
- 1982 Territory-wide plebiscite approves the principle of dividing the N.W.T..
- 1985 Inuvialuit land claim settlement passed by Parliament
The Government Leader, a member of the Legislative Assembly selected by the Assembly, replaces the Commissioner as chair of the Executive Committee.
- 1987 The Iqaluit Agreement on principles for implementing division signed, but not ratified.
- 1990 Dene/Metis fail to ratify the land claim agreement negotiated with the federal government. The Minister of Indian Affairs and Northern Development announces his willingness to settle land claims in the western N.W.T. on a region by region basis.
- 1991 Committee of Political Leaders formed to consider the future constitutional development of the western N.W.T.
- 1992 Gwich'in land claim agreement signed.
Nunavut Political Accord signed.
Boundary for division of the N.W.T. approved by a territory-wide plebiscite.
- 1993 The Nunavut Act and the Nunavut Land Claims Settlement Act are passed by Parliament.
Sahtu Dene/Metis claim agreement signed.
Commission for Constitutional Development reports on the first phase of its activity and is dissolved.
Focus for public involvement in planning the constitution of the western territory shifts as the Committee of Political Leaders expands and is named the Constitutional Development Steering Committee.
- 1994 The Government of Canada recognizes the inherent right of self-government as an existing treaty and aboriginal

right and pledges to work toward its implementation.
1995 First Constitutional Conference of the western N.W.T.
1999 Legislated date for the creation of Nunavut.

TABLE 1: POPULATION BY ABORIGINAL GROUP SHOWING THE NUMBER AND PERCENTAGE OF THE TOTAL ABORIGINAL POPULATION, NORTHWEST TERRITORIES AND CANADA, 1991

REGION	N.A.I. ON RESERVE		N.A.I. OFF RESERVE		METIS		INUIT		TOTAL	
	#	(%)	#	(%)	#	(%)	#	(%)	#	(%)
NORTHWEST TERRITORIES	210	(0.6)	9,595	(27.7)	3,895	(11.3)	21,035	(60.8)	34,585	(100)
CANADA	166,025	(26.5)	294,655	(47.1)	135,265	(21.6)	36,215	(5.8)	625,710	(100)

SOURCE: Statistics Canada, Aboriginal Peoples Survey, Cat. No. 94-327, 1993.
 Prepared by the Research Directorate, Royal Commission on Aboriginal Peoples.

TABLE 2: ABORIGINAL POPULATION AGES 5-14 AND 15+ WHO SPEAK AN ABORIGINAL LANGUAGE, SHOWING NUMBER AND PERCENT WITHIN EACH ABORIGINAL GROUP FOR THE NORTHWEST TERRITORIES AND CANADA, 1991

	REGION	N.A.I. ON RESERVE		N.A.I. OFF RESERVE		METIS		INUIT		TOTAL	
		#	(%)	#	(%)	#	(%)	#	(%)	#	(%)
5 - 14	NORTHWEST TERRITORIES	15	(30.0)	820	(38.7)	105	(12.9)	4,175	(76.8)	5,105	(60.8)
	CANADA	17,945	(44.3)	6,095	(9.0)	1,580	(4.9)	6,190	(67.0)	31,715	(21.4)
15 +	NORTHWEST TERRITORIES	100	(76.9)	4,290	(70.5)	620	(24.8)	10,425	(86.2)	15,415	(74.3)
	CANADA	66,720	(65.4)	43,045	(23.1)	14,725	(17.5)	15,510	(74.6)	139,375	(35.8)

SOURCE: Statistics Canada, Aboriginal Peoples Survey, Cat. No. 89-533, 1993.
Prepared by the Research Directorate, Royal Commission on Aboriginal Peoples.

TABLE 3: POPULATION AGES 5-14 AND 15+ WHO PARTICIPATE IN TRADITIONAL ABORIGINAL ACTIVITIES, SHOWING NUMBER AND PERCENT WITHIN EACH ABORIGINAL GROUP FOR THE NORTHWEST TERRITORIES AND CANADA, 1991

AGES	REGION	N.A.I. ON RESERVE		N.A.I. OFF RESERVE		METIS		INUIT		TOTAL	
		#	(%)	#	(%)	#	(%)	#	(%)	#	(%)
5 - 14	NORTHWEST TERRITORIES	35	(70.0)	1,615	(76.2)	465	(57.1)	4,350	(80.0)	6,445	(76.8)
	CANADA	23,295	(57.5)	26,655	(39.5)	9,185	(28.7)	6,490	(70.2)	65,260	(44.1)
15 +	NORTHWEST TERRITORIES	115	(88.5)	4,845	(79.6)	1,635	(65.3)	9,680	(80.0)	16,215	(78.2)
	CANADA	66,510	(65.2)	83,390	(44.8)	33,460	(39.8)	15,410	(74.1)	196,830	(50.6)

SOURCE: Statistics Canada, Aboriginal Peoples Survey, Cat. No. 89-533, 1993.
Prepared by the Research Directorate, Royal Commission on Aboriginal Peoples.

TABLE 4:HIGHEST LEVEL OF SCHOOLING, TOTAL CANADA AND ABORIGINAL PERSONS IN THE NORTHWEST TERRITORIES, 1991

LEVEL OF SCHOOLING	NORTHWEST TERRITORIES ABORIGINAL PERSONS, AGES 15 - 64 %	TOTAL CANADA, (ABORIGINAL AND NON-ABORIGINAL), AGES 15 + %
No Formal Schooling	10.1	not available
Less than Grade 9	34.3	13.9
Grades 9 - 13	26.6	39.1
Partial Post Secondary	10.4	31.7
Post Secondary Certificate or Diploma	13.9	4.0
University Degree	0.9	11.4

SOURCE: Statistics Canada, Aboriginal Peoples Survey, Cat. No. 89-534, 1993, Table 1.1.

TABLE 5:EMPLOYMENT CHARACTERISTICS OF THE ADULT (15 +)
POPULATION, TOTAL CANADA AND ABORIGINAL PERSONS IN
THE NORTHWEST TERRITORIES, 1991

EMPLOYMENT CHARACTERISTIC	NORTHWEST TERRITORIES ABORIGINAL PERSONS, AGES 15 +	TOTAL CANADA, (ABORIGINAL AND NON-ABORIGINAL), AGES 15 +
Employed	9,165	13,005,500
Unemployed	3,130	1,469,440
Not in the Labour Force	8,375	6,829,795
Participation Rate	59.3%	67.9%
Unemployment Rate	25.4%	10.2%

SOURCE: Statistics Canada, Aboriginal Peoples Survey, Cat. No. 89-534, 1993, Table 1.1.

TABLE 6: TOTAL INCOME OF THE ADULT (15 +) POPULATION, TOTAL CANADA AND ABORIGINAL PERSONS IN THE NORTHWEST TERRITORIES, 1991

INCOME	NORTHWEST TERRITORIES ABORIGINAL PERSONS, AGES 15 + %	TOTAL CANADA, (ABORIGINAL AND NON-ABORIGINAL), AGES 15 + %
Less than \$2,000*	28.3	-
Less than \$3,000*	-	8.6

* * * * *

\$0 - \$10,000	55.7	27.7
\$10,001 - \$20,000	18.9	24.4
\$20,001 - \$40,000	16.8	31.0
More than \$40,000	8.5	16.9

SOURCE: Statistics Canada, Aboriginal Peoples Survey, Cat. No. 89-534, 1993, Table 4.1.

*These categories are obviously not identical, the result of their being drawn from two different studies. They are included to demonstrate the large proportion of Native people in the Northwest Territories at the very lowest range of the income scale.