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Aboriginal Peoples and Political Institutions:
The Experience and Direction in Canada's Northwest Territories

A background paper by the Honourable Dennis Patterson, MLA
Minister for Aboriginal Rights and Constitutional Development,
Minister of Education,
and
Chairman of the Nunavut Constitutional Forum

Northwest Territories

Ottawa
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Introduction

Our Northwest Territories position at this conference is unique. In our area, one third of Canada, we are joining together the traditional political culture of the Canadian state and the special needs and concerns of aboriginal cultures. Although we are a Canadian government, we are in the process of becoming two governments centred on the cultures and aspirations of aboriginal peoples.

The Northwest Territories (NWT) has only been admitted in its own right to one previous First Ministers Conference. Yet our experience qualifies us uniquely to contribute to the work of Canadians and Canadian aboriginal groups in dealing with the issues now before us. Most controversial and important among these is the question of self-government. In this paper we briefly offer our experience, our recommendations and our reflections.

What is the NWT?

This apparently simple question is itself controversial. There are several different viewpoints, including ones strongly held by large portions of the NWT population. To Inuit it may be the lands of the beautiful tundra and islands fringed to the south by the tree-line. To Dene and other Indian-descended people it may be the rivers and forests of the Mackenzie River basin, a land where the last sparse stunted trees at north and east give way to the Barren Lands. To both Inuit and Dene peoples the NWT contains a homeland, an ancient land to which attach many traditions and a unique way of life. In this land the people, unlike the Canadian settler peoples from Europe and elsewhere, know no other home, history or location. It is foolish to try and prove that this or that group may have arrived from somewhere else at some distant time. The fact is that before the nations of England or Germany, France or Italy, China or Russia, had meaning, the ancestors of Inuit and Dene lived in the lands of the Northwest Territories where they live today.

A special role was played by Metis in the more recent development of the north. A vigorous entrepreneurial people, they moved north and west with the river trade which was the first major economic basis of Canada's modern development. The role of mediators between the two cultures, aboriginal and European, was one they could not escape. It is only in the last few years that the proper

importance of Canada's Metis in history has begun to be understood.

The predominantly white population of settlers who have made the NWT their home has tended to bring other hopes and assumptions. And a much larger group has come and gone with the opportunities and tasks of change and development, whether in mining, teaching, building hospitals or administering justice. Many of these people are attracted by the opportunity to work with the native peoples and to help build a unique northern society alongside them. These newcomers are as varied as they are numerous, and perhaps the hallmark of the northern settler is the insistence on individual values. In political terms this heterogeneous group may be about equally divided between those who would bring to the north the ways they have learned elsewhere and those who come north precisely to create something new.

So what do these many norths have in common? This question has been the main source of tension in northern life and is reflected in the long-running debate in the NWT on the nature of political structures. A committee of the Legislative Assembly reported in 1980 that no consensus existed for the NWT as a presently constituted jurisdiction, that the aboriginal peoples in particular were disaffected from the existing political order and that the present boundaries did not seem natural or logical to the aboriginal majority.

There are not yet final answers to these questions, but some processes and directions have emerged.

Also, a few essential facts are clear. The NWT used to be much larger, encompassing the Prairie provinces and the Yukon. When the pressure for self-government in a developing area had become considerable, and when it had become convenient for Ottawa to act, a piece or pieces of this huge area were carved out, suitably named and transformed into new territories or provinces. The borders of the NWT today merely reflect what is left over from an earlier period of nation-building.

Yet the people of the north have no desire to become part of already existing jurisdictions. We have our own ways of life and our own destiny. We find Section 42 of the Constitution Act, 1982, offensive and menacing with its implication that the north can be carved up and apportioned

out to jurisdictions farther south. The sooner that section is removed from the Canadian constitution, the better.

It is true that we have our own regions. There are the two great regions divided by the tree-line - regions both cultural and geographic. Within those two halves of the NWT may be found important sub-regions such as the Beaufort Sea coasts and Mackenzie Delta area inhabited by the Inuvialuit, an Inuit people represented by COPE which has just initialled a major claims agreement. This region is still determining its own needs and priorities in relation to possible future political structures.

The question of the shape of the NWT in future, then, is one involving not only regions but perceptions of the meaning of political units. These issues are being debated within the NWT at the present time. The political first principle of aboriginal peoples is the attachment to land and resources, the nourishment of their societies throughout history. This implies one sort of approach to questions of boundaries. But to many new northerners and their kin in southern Canada, this is an unfamiliar principle, and they seek to draw straight lines which diminish the "ethnic" character of jurisdictions. How much should depend on past traditions? How much on ideals for a different sort of future?

The answers one chooses to these problems are to some extent matters of individual temperament, but they are more complex than that. Canada boasts itself a country respectful of regions and cultures, so why should anyone try to deny regional character by drawing lines which ignore it? And Canada extends its social services and basic rights to all, so why worry about defining or "zoning" specific areas at all? Northerners of all ethnic and cultural groups are negotiating the answers among themselves. For the time being the federal government is applying no specific pressure but has shown some noticeable preferences in private. Nevertheless, the federal response this month to the House of Commons Special Committee on Indian Self-government, a report which invites northerners to "benefit from" its contents, states that aboriginal governments should have members with "a common history, language and culture" as a means of ensuring future stability and unity, as well as "a clearly defined territory".

Division of the NWT

The question of dividing the present NWT has taken on a specific political meaning in recent years. Today the question of "division" has become shorthand for the next steps in political change. Inuit as part of their original land claims proposals argued strongly for creation of a new territory to be called Nunavut ("our land" in the Inuit language). This would be a territorial government gradually moving through stages of self-government with the ultimate hope of full provincehood someday within the Canadian federation.

The principal motivations for Nunavut were the feeling of Inuit that existing government structures had failed to do other than submerge and threaten their identity and culture, and that the size and variety of the NWT required more than one territorial administration. In the early 1960s both Conservative and Liberal governments had prepared the way for just such a division, but the legislation was lost during a minority government period in 1963.

Inuit pressed the NWT Legislative Assembly for action on Nunavut and at last a plebiscite was held across the whole NWT in April, 1982. In that plebiscite 56% of the voters favoured division, but the result masks the regional and cultural breakdown. In the eastern half of the NWT, the predominantly Inuit communities voted 4-1 in a record turnout for creation of Nunavut. Dene and Metis in the western NWT where proposals for self-governing structures had not reached the same degree of finality nevertheless voted largely with the Inuit for division because division would speed political change. The large and predominantly white communities of the Mackenzie Valley area voted against division, but voter turnout was very low indicating a relative lack of concern with the issue. The vote among the Inuit of the western arctic coast was ambiguous and today the future of this area is a source of uncertainty.

Following the plebiscite the NWT Legislative Assembly voted 19-0 for division, and so division became the official policy of the NWT government and remains so today.

The Constitutional Forums

The next step was creation in 1982 of two "constitutional forums". Recognising the long years of difficult relations among groups, and between groups and the NWT government,

these unique bodies included elected members of the NWT Legislative Assembly and elected leaders of the major aboriginal peoples organisations. The object was to develop a political and social consensus for the specific changes which might then be incorporated in new constitutions for two new territorial governments, one centred north of the tree-line in Nunavut and the other centred in the south-west in Denendeh, the western or Mackenzie Valley areas of the present NWT.

The Western Constitutional Forum includes the presidents of the Dene and Metis organisations, Messrs. Steve Kakfwi and Larry Tourangeau, a white MLA, Mr. Bob MacQuarrie, who previously chaired the Unity Committee of 1980 mentioned above, and as chairman the Associate Minister for Aboriginal Rights and Constitutional Development, the Hon. Nick Sibbeston, himself a long-time Dene advocate.

As Chairman of the Nunavut Constitutional Forum, much of the discussion in the rest of this paper reflects my experience in that context. The NCF has six members: myself and the North Baffin MLA, Elijah Erkloo; the president of Inuit Tapirisat, the national Inuit organisation, John Amagoalik, who is also a delegation leader at this conference; the chairman of the Nunavut land claims organisation, Bob Kadlun of Coppermine; and from COPE the president, Peter Green, and long-time native rights worker Agnes Semmler of Inuvik.

Although the two forums began work at the same time, the NCF had the advantage of a long political campaign behind its effort and a clear social and political consensus in the eastern arctic for Nunavut. The work of the WCF, bringing together the more disparate groups in the Mackenzie Valley with their differing interests and ambitions, has been necessarily slower and more complex. The WCF has, however, contracted out research studies on how aboriginal rights issues might be squared with the structures of public government - which both Dene and Metis support in principle - and other topics like guaranteed political representation, regional government, etc. The WCF has also done some educational background pieces to assist with a round of community visits and workshops where the nature and needs of government are discussed with the people of the Mackenzie in their villages. The WCF work promises to be most exciting and challenging.

The NCF first met in August, 1982, in Frobisher Bay and established a work plan and a tentative agenda. What is

remarkable is that we have followed that plan with only minor changes to take political timetables into account. First we hired a research coordinator to get our studies produced and to prepare an outline history of the Nunavut idea. That first profusely illustrated booklet, simply called Nunavut, provided an outline political history of the Canadian arctic, the first ever written. Following quickly were major background studies on The division of powers between Nunavut and Ottawa, and Financial perspectives, examining the nature, flexibilities and possibilities of the Canadian federal system in accommodating the needs of Nunavut and its overwhelmingly Inuit population. The studies showed that Canadian federalism is so varied and adaptable in practice that there was not the slightest difficulty in providing for special circumstances in Nunavut (or any other region), and that the Canadian experience virtually invited such flexibility.

Nevertheless, the Nunavut concept has always been one for public government - that is, for government open to persons of all ethnic and cultural groups who live in the Nunavut area. It was specifically tailored to the norms and conventions of Canadian political culture. Inuit and other residents of Nunavut believe that we can work effectively within that framework to achieve good government in the arctic. (For more detailed discussion of the powers proposed for Nunavut, see the sections below on Powers.)

The work of the Nunavut Constitutional Forum³ has been entirely open. For the first time in Canadian history a constitution has been developed, in the open, from scratch. The radio, TV and print media have followed our meetings and given northerners a considerable experience of constitution making. Our publications have been sent to all communities and followed by well known Inuit acting as animators using the media and community meetings to encourage discussion. This has then been followed later by a visit by the NCF leaders for a community consultation meeting. Further studies on Inuit customary law, statutory language guarantees, a preamble to a Nunavut constitution, a Nunavut bill of rights and the offshore are near completion. Ultimately we will hold a Nunavut constitutional convention to finalise proposals for what we hope will be quick passage by Parliament.

When the Government of Canada accepted the principle of division on November 26, 1982, several conditions were attached. Most importantly, the agreement on a boundary

between the new territories, the settlement of northern native claims, agreement on a division of powers among jurisdictions and continued consensus on division were required. The members of both constitutional forums, Nunavut and Western, flew to Ottawa and spent a week meeting with government and opposition Parliamentarians to express their concern that no mention had been made of a role for the territories in the management, decisions or benefits relating to non-renewable resources. At the same time they made clear their satisfaction at the acceptance of division and of a block funding scheme for the territorial governments announced simultaneously. It was a notable occasion because it demonstrated the close working relationship possible when the common interests of the Dene, Metis, Inuit and white leaders were at issue. It is that relationship, begun with the territorial elections of October, 1979, which has made possible so much movement towards government reform and responsible government in the NWT.

Some of the considerations and concrete suggestions which have been involved in this process are discussed in the following pages.

The Circumpolar Experience

Sometimes we tend to become so wrapped up in our own problems and our own ways of seeing things that we overlook relevant data from elsewhere. In Canada our political tradition leads us into many assumptions, for instance, about the division of powers between governments, and the way things should be done. At other times it is assumed that the north is a novel and unique world ripe for experiment, without imperatives of its own. It may therefore be helpful to consider other northern experience.

Far from being in a unique situation, Dene and Inuit share the circumpolar world with many other small societies. Leaving aside the numerous small populations of the northern USSR, about which relatively little is reliably known, there are the Inuit, including Aleuts, and Indians of Alaska; the Greenlanders, an Inuit population; the Samis (Lapps) of Norway, Sweden and Finland; as well as ancient white European societies in Shetland, the Faroe Islands and Iceland.

These northern peoples have a great deal in common even though it is only very recently that they have begun to realise this themselves. They are all distinct peoples with

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and distinct cultures built on renewable resource economies. They are dominated politically and economically by large industrial societies farther south, societies which contest their proprietary rights to resources, as well as the management and benefit of them, and with whom disputes over styles of development seem endless. Such disputes often centre on conflicting resource uses and development philosophies, and involve environmental questions. The northern peoples, be they aboriginal or European, feel that they are being exploited for the riches of their waters, rocks and lands, while receiving too little in return in opportunities for self-government and economic development. They feel their cultures and languages are being eroded or denigrated by the mammoth societies to the south. And they seek greater political rights and legal title to their traditional areas and resources bases.

This pattern should teach us something.⁴ It should remind us that the demands of northern Canadians are not isolated or capricious protests, but part and parcel of a legitimate need for political reform rooted in real issues and felt grievances. Also, we can see that the specific issues of unsettled land and resources rights and "claims", resources jurisdiction, protection of the living environment on which the northern societies depend, language and culture are at the heart of the problem. The fact is that northern societies seeing big industry accompanied by big government coming into their homelands and making plans without adequately recognising the prerogatives of the established population inevitably leads to conflict. Why, then, in Canada do we continue to be surprised when this occurs?

Whether oil development pressing on NWT Inuit or Shetlanders, hydro development on Quebec Inuit and Scandinavian Samis, or insensitive relocation policies as in Danish Greenland or the Labrador coast, the powerlessness of northern peoples in key areas of jurisdiction and an underdevelopment of political institutions generate problems. As Canadians we should learn from this experience and start understanding the north on its own terms, not merely as an extension of southern assumptions into northern areas.

The National Interest

Sometimes identifying the national interest seems like the work of Humpty Dumpty in the famous book about Alice in the Looking-Glass world: "A word means whatever I say it means,

neither more nor less." Different political parties in power, changing times and the usual rapid changes in national policy mean an apparent whirl of pronouncements, although these often come packaged in assurances that they are definite and final. Northerners have become rather jaded, the more so because so many national interests seem designed to delay or deny the day when northerners can share in the range of self-governing political structures which other Canadians can take for granted.

Clearly there are important national interests in the north. These include the effective exercise of sovereignty such as the ability of Canada as a country to manage and safeguard the arctic seas. At a time when oil company promoters would lower standards to speed tanker traffic, and when the United States is rumoured to be preparing another Manhattan-style adventure in the arctic, these issues are not academic.

The assurance of peace and stability, managing the national economy, a coherent foreign policy (in which Canada's governments deserve high praise in the world for opening up national constitutional processes to aboriginal minorities in keeping with our vigorous support for minority political rights around the world), the maintenance of national standards in public services, and the primary role in protecting aboriginal peoples' interests, are all matters important to northerners as to other Canadians.

It is unfortunate that in Canada the division of powers between federal and provincial governments provided in the Constitution has become the framework for all thinking on jurisdictional questions. Whether the sorting out of responsibilities in the farmlands of south-eastern Canada in the mid 19th century is the best guide to arctic areas in the 1980s is doubtful.

It is our belief that national and territorial interests converge in the important area of political development. For many years the NWT has been administered by Ottawa. Courageous and often far-sighted officials obtained a degree of flexibility in that administration which allowed policies unknown or even suspect in the south to be implemented in the north. But the basic fact is that an area administered by outsiders does not have a genuine political life. This is unacceptable in a liberal democracy such as Canada. Nothing has so united northerners as Ottawa's delay in recognising their economic rights and in granting

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responsible government. We do not see how it can be in the national interest to keep the 40% of Canada's area "north of 60" in constitutional limbo nor to lecture to the world on minority rights while the one area of Canada which non-European peoples can still call a homeland lacks self-government. We believe that it is in the national interest to establish new self-governing territories within the Canadian federation.

Powers: The Essential Identity

Northern political development, like this constitutional conference, is built around the unique needs and identities of aboriginal peoples. Until a few years ago governments tried in the north to apply straightforwardly the institutions of southern Canada, institutions which left the native peoples largely powerless. This did not work because there were serious imbalances in economic power and in familiarity with legal and public institutions between native and non-native northerners. Happily there was no conflict or stand-off as had occurred in the Red River area in 1869, but rather a new political accommodation between the different cultural groups making up the NWT. The focus of this accommodation has been the NWT Legislative Assembly where we have Metis, Dene, Inuit and white members and ministers, and a good working relationship with the aboriginal associations which had previously boycotted Assembly politics. Indeed, former leaders of the various native associations are now ministers and senior officials in the NWT.

The essence of accommodation is that native northerners accept and guarantee the full rights of resident non-natives and work with them in shared public institutions, while the right of native peoples to protect their collective cultures, languages and ways of life by means of public bodies has been accepted by the others. The combined Inuit, Metis and Dene population is significantly larger than the more recent settler population, although the latter is the largest individual group in the NWT. The differing groups, and groups within groups, will of course continue to have differing perceptions, and nobody is suggesting that NWT political life is not full of difficulties. But a consensus on the need to work together and a willingness to do so in a practical way has been generally accepted.

The character of Nunavut as a territory where Inuit and Inuit culture are part of the fabric of life should be

unexceptional. It certainly is so to the many people, white and Inuit, living there. It would seem unthinkable to try and reverse thousands of years of history and deny that the Inuit language, Inuktitut, may be spoken anywhere. Equally, Inuit have no desire to force outsiders to stop using French or English in the area. The guaranteeing of the teaching and use of Inuktitut is an important element, perhaps the most important element, in the creation of Nunavut. It is an element which makes Inuit feel secure after many years of assault by other languages, by new technologies, by being uprooted from their old camp life and relocated into alien communities. It is a way of saying that Inuit are accepted in Canada as Inuit, and an assurance that they may continue to develop as they see fit within a Canadian federation which respects them.

During the Nunavut Constitutional Forum tours in autumn, 1983, the people in the arctic villages brought forward many concerns. These were often familiar, but the context - the establishment of a new territorial government - was new. There was an underlying concern because governments in the north had been vehicles of assimilation, destroying the Inuit way of life and pushing people into an unwanted industrialisation where all was confusion and landmarks were lacking. Would Nunavut really be different? Would Inuit have a future as a people? At the same time, people were appreciative and enthusiastic about much that was new, from schools to Honda three-wheelers, and much vitality was evident. The activity of community and adult education groups, committees for every purpose imaginable and individuals lobbying for one specific project or other was almost frenetic.

Perhaps it is better to describe the feeling we encountered in Nunavut as "healthy scepticism" rather than "concern". At any rate, the people were very clear everywhere we went: they fully support Nunavut, but they want to see a Nunavut which deals with the things that count. They complained that they had heard too many visions and promises over the years, and this time they wanted results.

Inuit argued that resident whites should share in all local benefits and opportunities, and non-Inuit argued that the schools must preserve and protect local values. The social harmony and ease of cross-cultural relations in Nunavut is one of our greatest assets, happily, and it was noteworthy in the Nunavut plebiscite that support held up among the white as well as Inuit residents. There was a feeling

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shared by Inuit and non-Inuit that reasonably long residency requirements for voting were desirable so that transient workers would not overturn the whole society overnight,⁵ and a desire for social continuity in the communities. The Inuit of the last three decades have experienced an almost intolerable burden of change generated from outside. It is time to consolidate in northern hands.

Another issue raised by Inuit in the communities was the role of the elders, those who transmit the values and culture of the people by means of oral traditions. This leadership structure of Inuit society, often invisible to outsiders, may have a particular role in relation to customary law. At present Inuit use the justice system little because it is unfamiliar, operated by outsiders and based on an adversary mode repugnant to Inuit traditions. The settlement of disputes by conciliation and arbitration in the traditional manner, along with various aspects of Inuit custom, are being studied by the Nunavut Constitutional Forum for their possible inclusion in the Nunavut administration of justice. Customary law is accommodated in many countries and we are studying this.

An essential element of the Nunavut proposal is the entrenchment of a bill of rights in order to protect, and protect visibly, the rights of minorities. We wish to ensure that individuals of all cultures and races are free to fulfill themselves in Nunavut, and are provided all opportunities to do so. In the meantime, we are also reassuring public employees that the establishment of a new government will not jeopardise their jobs and that provisions to that effect are part of the transitional arrangements of the new Nunavut government.

There are ways of doing things in the Inuit world which work well for Inuit, even if unfamiliar to others. It is important to accommodate these techniques in the institutional structure of Nunavut. If small northern villages have found ways of solving local alcohol abuse problems or their own reasons to reject television, this must be respected. Such flexibility rather than imposed solutions is an essential aspect of social policy.

However, whereas a few years ago we heard much in Canada about the flexibility and openness of federalism, today - and even in the context of this conference - we seem to be hearing many muttered cautions about how this and that cannot be done. We in the Northwest Territories have a

simple answer to that. Recognition of the prerogatives of peoples must occur if there is to be social peace and prosperity. In the north we have been working out our own accommodations. Everything we propose is preceded in the political culture of Canada. We have a unique cultural situation in the north and this requires unique solutions. But our intention is clear. The people of the north - native and non-native - wish to participate fully in Canadian life. To do this they need not be asked to shed their languages or skin colours, the values of communities often much older than European settlement in Canada or the right to hunt their food as they have always done.

Powers: The Economy and Decision-making

The aboriginal peoples of the NWT have to this day an economy which centres largely on the wildlife of land and sea. Visitors to our small communities are always surprised by the extent to which this ancient livelihood is intact, albeit modernised in many particulars through the use of new equipment, transportation means, etc. Dependent on ranging widely over large areas, and on species migrating far and wide, it is easy to see why the renewable resource economy clashes with other industrial uses and processes from shipping to road-building, aircraft noise to chemical wastes.

The jurisdiction over much wildlife in the NWT lies with the NWT government, while sea mammals continue to be a federal responsibility. Most development activities, however, are within federal jurisdiction. Land use and ownership, mining, oil and gas development, shipping and icebreaking are federal responsibilities. The people of the NWT have very little say, and virtually no responsibility. The federal government has adopted vigorous development policies. Often the remoteness of federal officials from the sensitivities of the people of the north is truly amazing. The resulting conflicts are easy to understand, with so many factors conspiring to create them, but less easy to resolve in the absence of jurisdiction in the hands of territorial residents.

A major concern of aboriginal peoples in the NWT is that Ottawa-based policies, unresponsive to northern preferences, are shaping the north irrevocably. The native people, and other northerners, are powerless while all around them decisions are taken and industrialisation advanced in ways which pre-empt their own future. A current case in point is

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the Bent Horn oil development in the high arctic. Without getting into the merits or demerits of that project, it is billed as a "pilot" project and will pioneer the handling of oil development in the arctic. While saying it is only a small project, the project proponents, Panarctic, say breathlessly that it is just a precursor of much bigger things to come. Either way, it deserves the involvement of the people who will have to live with the effects of oil production and tanker traffic for many decades to come. The project raises many political and environmental questions for the people of the north. But there is foot-dragging in Ottawa about allowing public review and assessment processes, and no consideration at all for serious Inuit or territorial participation in the design, control or benefits of the project. As one well-placed federal official put it, "This project is a Trojan horse for arctic oil development."

It is small wonder that northerners feel frustrated. The inability of territorial governments to cope with the impact of Ottawa development policies was an important factor in the disaffection preceding provincehood in what is now Saskatchewan and Alberta. History seems to repeat itself, with too few lessons learned. Northerners do not like being placed in a situation where conflict seems so predictable, so inevitable. A better and sounder way to develop the north would be to involve northern territorial governments, be they the present NWT government or a future Nunavut government, in policymaking.

In some matters, such as marine management, aboriginal peoples, in this case the Inuit, are deeply concerned that the Canadian federal authorities are not managing affairs as actively as they should. Inuit organisations have begun to set up their own ocean programs and are developing means of exchanging information internationally in order to get a grip on the problems as quickly as possible.

Another point concerns us greatly while our constitutional forums in the NWT work to create new governments. If the major source of development activity - the non-renewable resource sector - is inaccessible to territorial-level decision-making, how significant is territorial decision-making going to be? If the people of the territories cannot make some real choices among varying development issues and scenarios, and competing environmental uses, what sense of political responsibility can prevail? A welcome step in the right direction has been the federal move to a formula funding approach rather than

item by item funding of the territorial governments. But a relationship between development activities and local revenues is required.

The Nunavut Constitutional Forum has accepted that Ottawa will continue to play the predominant role in most forms of development, but proposes that a Nunavut government share in the effort. In relation to the offshore, critical to Inuit, we have proposed that something like the Canada-Nova Scotia offshore agreement be explored.

Powers: The Critical Mass

The old District of Franklin in the NWT looked fine on maps, had boundaries and a large area. But it had no actual significance at all. We do not want a pretty colour with the name "Nunavut" on it on future maps; we want practical power in the hands of our people to do things important for our daily lives.

At times it seems that the extension of public administration and political institutions to northerners proceeds as slowly as an Ice Age. An almost infinite number of steps and structures are set up "for practice", but without real substance, to the point that people have become cynical about public affairs and about political activity generally. It is important that in establishing new territorial governments, these not be prevented from dealing with the very problems they were meant to solve: disaffection, powerlessness and administrative unresponsiveness to local conditions. To do that they need a "critical mass" of powers in order to have credibility, let alone effectiveness.

Land Claims

The term "land claims" has entered the Canadian political vocabulary but has come to mean several different things. In the NWT "land claims" may be said to be the beginning of our story in that the political strivings of the northern aboriginal peoples grew logically out of their concern with the land, inland waters and seas. These people had always thought of their life and culture, their very identity, as being bound up with the lands and waters, and when the future of these seemed threatened by development, it was logical to formulate political responses in terms of "land". This unified world view of aboriginal people is perhaps the most basic difference between their view and that of most

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governments sitting around the constitutional table. Understanding the implications may be the key to solving many of our difficulties.

The seas are as important for Inuit claims as land.⁶ Inuit use the land-fast ice as much as land at most times of the year. The point is that "land claims" is a highly inexact term today. It represents a basic political approach on the part of aboriginal people, just as in the NWT the term "provincehood" for many people who have settled there from southern Canada wraps up in a package the notions they have of political development and equality.

Claims settlements have much significance for the future of the north. While they, like the national constitutional process, provide an opportunity for aboriginal peoples to recover much that had been lost in the process of settlement and development, there is a very specific importance in relation to the establishment of new governments.

The wealth of aboriginal people was not in things owned, but in using the shared resources of their homeland. Because European law did not acknowledge this style of use, as opposed to ownership, aboriginal people were effectively left without defenses while the legal system of the colonies and then of Canada provided for the economic acquisitions of the settler peoples. The more and more confined areas in which aboriginal peoples found themselves as settlement and development crowded in, and as the habitat of wildlife was diminished, led inexorably to impoverishment in many areas. The NWT peoples have been relatively lucky in this regard, but only relatively. It is hoped that northern claims settlements will provide aboriginal peoples in perpetuity with a recognised economic base and the means to protect and develop it. By turning over such opportunities for development and use to the people of Nunavut and Denendeh, Ottawa will put in place an essential element of the future northern economy. The expansion and scientific development of the renewable resource economy is certain to be a major item for a Nunavut government.

The development corporations owned collectively by aboriginal peoples as the trustees of their funds negotiated through claims processes, funds in compensation for loss of economic benefits resulting from past settlement policies, are also most important. Able not only to take on projects of a considerable scale, such corporations provide a window for northern peoples on the world of large enterprise,

management and development with all the benefits in skills and personnel development to be gained.

On one level, then, claims settlements are securing the economic base of the northern majority. These settlements may be doing many other things besides, not least contributing to a sense of justice being done at last. They may be providing a kind of security, also, whereby aboriginal people can feel that new opportunities are possible in conjunction with the rest of the community.

International Interests

When North America was divided up into modern political jurisdictions, little notice was taken of the ancient boundaries accepted by the aboriginal peoples living here. In some of the populated southern areas of what is now Canada, some accommodations such as those in the Jay Treaty of 1794 were made. In the north, boundaries were often devised by southern officials with little notion of the areas they were allocating or of the peoples who lived there. The Inuit who occupied the top of the world from eastern Siberia to eastern Greenland, right across northern Alaska and Canada, found themselves in four nation-states, and then in several provinces and territories within that scheme of things. Likewise with the Dene peoples.

The northern aboriginal peoples do not dispute the authority and reality of the present geo-political situation. For instance, the international organisation of Inuit, the Inuit Circumpolar Conference, explicitly recognises and tailors its work to cooperation with circumpolar governments. Nevertheless, there are three general areas of international affairs interest for northern aboriginal peoples. These are shared cultural heritages such as those between Inuit of Canada, Greenland and Alaska, or Dene of Alaska, Yukon and the Mackenzie Valley; shared tangible interests such as management of the arctic coastal zone environment and migrating wildlife species; and common experience of northern and circumpolar conditions be they economic problems or questions of regulating offshore oil activities.

What is evident in the three categories mentioned is that each has a benefit for northern peoples, as well as a benefit for Canadians in general. After all, northerners may have more skill in helping other northerners with renewable resource development than do many southern specialists, but the benefits in northern development flow

back to Canadians generally
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do little.

back to Canadians generally through taxes, lower social costs, etc. Equally, northern peoples can give Canadians a window on the circumpolar world, a world which Canadians from time to time acknowledge but about which they know and do little.

While Greenland has emerged as a new semi-autonomous arctic nation, it has been Canadian Inuit and the NWT government who have developed good relations and brought news of events there to Canadians while national oil companies and some federal departments have alternated between offensiveness and insensitivity. A good working relationship such as is emerging between Inuit and the Department of External Affairs, on the other hand, can be mutually productive. Also, practical cooperation in matters like Inuit language development, teaching and broadcasting has been proceeding. And as Greenland completes its withdrawal from the European Economic Community, Canadian commercial opportunities may appear.

In 1973 the first "arctic peoples' conference" was held, in Copenhagen. Canadian Dene and Inuit representatives took part along with Greenlanders and Samis (Lapps). (Both the Dene and Inuit delegation leaders at that conference have since become cabinet ministers in the NWT, as it happens.) Last summer in Frobisher Bay the Canadian Inuit hosted the international assembly of the Inuit Circumpolar Conference. Events such as these always bring out the many common interests and experiences of the arctic world, but opportunities for follow-up are few. We believe that sharing such experience and encouraging contact is useful and important, for our own interests, for Canada's generally and for participation in a dynamic region in the world's growth. We propose, e.g. in Building Nunavut, that the "constitutions" of new northern territories take this into account and provide for northern peoples' cooperation with the federal government in developing an active "northern foreign policy".

Preparing for Self-Government

One of the valuable lessons we have learned in the NWT is that establishing new governments is not just a question of reorganisation. Once the policy of division was adopted in the NWT as the first step in creating two new territorial governments, specialists began preparing organisation charts, looking at implications for housing and office

space, considering how to dismantle the present Government of the NWT, etc. These are important practical matters. But during the Nunavut tours in autumn, 1983, Inuit in the communities raised another subject.

Inuit wanted to be assured that a Nunavut government would not simply continue the sad tradition of northern government that it is a vehicle of assimilation to southern industrial society. They wanted it to reflect Inuit values. This meant that bringing in plane-loads of southern officials would not be good enough. Inuit and other northern residents knowledgeable in Inuit language, community traditions and values would be required to staff the new public service. But too few Inuit now have the training and administrative experience, we were told in community after community. And furthermore, where was the educational facility which would prepare those people?

If self-government is to be genuine, then the people governed must be well represented in the government service. Indeed, this had been a major failing of the Government of the NWT and its federal predecessor agencies, to the point that people have felt disaffected. Of course this should not be used as an excuse for further delay in providing aboriginal peoples with effective tools for self-government, but it indicates a priority area for work. In the case of Nunavut, we are looking at this and proposing that an integral part of our work plan be the establishment of suitable training facilities.

For instance, it is important that courses on subjects not now taught be developed. These may include studies of northern history and administration; land claims, aboriginal rights and constitutional studies; northern culture and language. Inuit customary law may become an important element of the Nunavut justice system and that will require much work. Integral elements of teaching, especially in new subject areas, will be research and information collection.

Some people think that a college level of facility is too grandiose for an area where there are already enough education problems for young children. That is a fallacy. Adults with more life experience and with new motivations and horizons would be as important a student group for a college as those progressing steadily through the school system. Those older persons have much to offer in the way of leadership, regardless of formal educational background which, in the case of Canada's aboriginal peoples, is often

low. They have more experience with the changes and conditions of a valuable resource for new governments valuable to be ignored.

Conclusions and Recommendations

The development of government in the NWT has not been easy. But despite major problems inter-ethnic tensions, domination by outside economic powerlessness, the peoples of the NWT - have evolved ways of working together which are commendable.

low. They have more experience than the young in coping with the changes and conditions of northern life. They are a valuable resource for new governments, and much too valuable to be ignored.

Conclusions and Recommendations

The development of government in the NWT in recent times has not been easy. But despite major problems, including inter-ethnic tensions, domination by outside governments and economic powerlessness, the peoples of the NWT - all the peoples - have evolved ways of working together towards commonly shared goals and with commonly shared political values. Of course, the most important steps - land claims settlements and creation of new territorial governments - remain to be taken. But these are now within sight, subject only to the cooperation of the Ottawa government. When northerners have come so far on such a difficult journey, we expect that attitudes in Ottawa will be accommodating.

Clearly the negotiation of specific self-government structures in different parts of Canada will require varying approaches. But there are certain points which should be kept in mind and which could, indeed, be adapted as principles or preambles or other guidelines to cover the sort of case we face in the Northwest Territories.

1. The right of aboriginal peoples to protect their collective identities through public government structures which acknowledge and safeguard their particular cultural, linguistic and other rights in perpetuity.

This should not need to be said, but would clearly indicate that for aboriginal peoples to participate in public governments and to have special provisions for, say, minimum political representation or use of their language in public business, was fully acceptable in Canadian federalism. It could also provide for guaranteed political representation in legislative bodies, already a tradition of Canada's Constitution for minority regions and groups. This concept may have uses at national, provincial, regional and even city levels.

2. The right of aboriginal peoples to manage, protect and benefit from traditional economic resources and their environments through collective aboriginal institutions.

This could cover bodies set up under land claims settlements, but also provide that native hunting régimes, for example, could exist alongside but taking precedence over public government structures. Already in the NWT, and for many long years, native people have such priority and even exclusive hunting rights. The NWT government supports the right of aboriginal peoples to decision-making roles in respect of resources such as wildlife through claims settlements, for instance. We recognise that aboriginal peoples have had their ancient economies ignored and unsecured, and that they should not be a group of Canadians deprived by the very legal structures intended to protect legitimate rights. Aboriginal peoples have a large economic stake in this country and it is time to recognise that fact.

3. The right of aboriginal and northern political bodies to share in the assessment, management, design, financial benefit and impact control of resources development projects in their regions.

For societies centred on the use of the living environment for their livelihoods, it is unreasonable to exclude them from the processes of development which reshape the world around them. Canada is littered with examples of the destruction caused by development, and aboriginal communities impoverished in the process. Sharing in development project revenues can serve both as compensation and as revenue for necessary local public services. In northern areas it is remarkable that project planners and the federal government still regularly provoke public fury, unnecessary delays and extra costs by not accepting public processes or even some "rule of the road" for advancing development projects.

4. The right of aboriginal and northern public institutions to receive formula funding adequate to making basic programs possible, enabling them to plan and to decide their own priorities.

Complaints from across the country have been that funding has been too meagre, or too conditional, to allow aboriginal and northern governments to fulfill the roles demanded by their communities. Of course, nobody ever has enough to spend! But there are reasonable norms possible. The federal response to the House of Commons Indian self-government report supports this principle when it talks about how new aboriginal governments "could negotiate funding arrangements" for "multi-year operating costs".

5. The right of aboriginal peoples to conclude comprehensive claims settlements which protect social, cultural, economic and local government rights in perpetuity as an underpinning for their participation in public government structures shared with others.

In many areas of Canada, for historical reasons as much as by choice, aboriginal peoples may wish to have exclusively aboriginal structures in exclusively aboriginal areas. In the north we are trying a different approach. Aboriginal people refused from the first treaty-signing to be confined to defined areas. We believe that the local and family values can indeed be protected and cultivated in a more exclusive manner, but that for broad political power a more open structure has greater opportunities provided that aboriginal interests are adequately guaranteed and minimum standards protected forever. This may provide a balance between cultural security and outward-looking opportunity. We expect aboriginal cultures, like all others, to grow and flourish, and we wish to ensure that they have full and free scope.

Notes

1. See Response of the Government to the Report of the Special Committee on Indian Self-Government, presented by Hon. John Munro, Ottawa, March 5, 1984. Northern references, page 7, and the rest on page 4.
2. WCF information may be obtained directly from the Western Constitutional Forum, Box 1589, Yellowknife, NWT X1A 2P2 (tel. 403-920-2667).
3. NCF documents and other information may be obtained from the Nunavut Constitutional Forum, Box 954, Yellowknife, NWT X1A 2N7 (tel. 403-920-2187).
4. This subject is developed at more length with case studies in "Aboriginal Peoples and Political Change in the North Atlantic Area", Journal of Canadian Studies, Vol.16, No.2, Summer, 1981.
5. A discussion paper and statistical study on the subject of transient work forces are published as a single volume titled Residency Requirements in a series, Constitutional Development in the Western Northwest Territories available from the Western Constitutional Forum (see note 1 above).
6. See "Inuit interests in the arctic offshore" in What future for the Frozen Ocean?, Northern Perspectives, Vol.11, No.5, December, 1983.
7. Response, p.4.