

Political and Constitutional Development in the Yukon and Northwest Territories: The Influence of Devolution

GURSTON DACKS

Constitutionally, the territorial North is a new land. While its governments are increasingly resembling their provincial counterparts in their powers, the services they provide to territorial residents and their organization, debates about the constitutional future of the North are a mainstay of northern politics. Some of these debates focus on the status of the territories in Confederation. Others involve northerners, particularly in the Northwest Territories, debating the appropriate form of government for the territories.

These debates are intertwined. Full provincehood will not come to the North until it has developed forms of government which represent a consensus among the members of territorial society about how they should be represented and governed. In other words, constitutional development may unfold, but to achieve its final form, the territories must achieve a relatively high level of political development. The legitimate and stable government which will result will not guarantee provincial status, but it is a prerequisite for it. This paper will examine how the devolution of jurisdiction from the government of Canada to the governments of the territories is affecting the linked processes of constitutional and political development in the North. It will consider the ways in which devolution is influencing the quite different paths which the two territories are travelling as they pursue constitutional development. These paths involve aboriginal claims, aboriginal self-government and the approach to provincial status in both territories, and proposals for regional government, territorial division and change in the structure of government in the Northwest Territories. In examining the complex patterns these processes form, the paper will argue the need to adjust the pace of devolution so that it does not jeopardize the other processes by foreclosing options or threatening their progress. If devolution is prudently managed, it can strengthen northern government and unify northern society. Insensitively handled, it can impede long-term north-

ern political development even as it enhances constitutional development in the short run.

Constitutional Development and Political Development

Constitutional development is government-building. Constitutional development occurs when government broadens its span of authority, becomes more independent of a senior government or develops more sophisticated or effective institutions or ways of operating. For example, the formal granting of responsible government to the Yukon in 1979 represented constitutional development in that it increased the independence of the territorial government from Ottawa. It also promoted the territorial government's effectiveness by making the accountability of the cabinet for government policy clearer than it had been.

Political development, in contrast, is a broader concept. It refers to the ability of the members of a society to make politics work for them, to their ability to make legitimate, binding decisions concerning their affairs. For politics, and the government through which it operates, to be legitimate and effective, society must share a consensus about certain fundamental issues. These include the question of what are the appropriate boundaries for the political system. The question of independence for Quebec is an example for this type of question and the threat to the legitimacy of government — in this case the government of Canada — which it poses. Politically developed societies also tend to have answered the fundamental question, "What are the basic units of society which must be represented in government and protected from it?", and the related question of how they should be represented and protected. The Canadian consensus is that the individual is the primary unit of society. Canada's election laws attempt to ensure that as many adult citizens as possible enjoy the vote and that — with some variation because of regional factors — their votes count approximately equally in the election of members of parliament. The principle of majority rule which governs parliament ensures that the choices the individual voters make determine, however indirectly, the legislative activities of the government. At the same time, the Canadian consensus also recognizes that the regions and founding linguistic groups of Canada are fundamental building blocks of Canadian society. The conflicts over the Meech Lake Accord and Senate reform indicate that Canadians have not reached a consensus on how these basic elements ought to fit together in the Canadian constitutional picture. However, the very existence of federalism and the patterns of provincial representation in the Senate and

cabinet demonstrate the historic consensus that the provinces must be accommodated.

Political development also requires that these social groupings be sufficiently organized and motivated and that they have the resources to communicate their needs to government. If government is to govern in a relevant and responsive fashion, it needs the information and the support which the basic social groupings can supply.

Constitutional and political development are linked in that government is likely to be more stable and effective to the extent that it rests on the strong political consensus and the effective political communication which are the hallmarks of a politically developed society. If significant groups in society feel alienated from government, they are unlikely to involve themselves in it. This will deprive government of much information about their needs and will tend to reduce the ability of government to respond to their concerns and to attract their support. The result will be a vicious circle of growing estrangement and declining responsiveness. This may lead to efforts to restructure the government or, where relevant, to redraw the boundaries of the political system to enable the alienated group to escape from the jurisdiction of the government it views as unsympathetic. In this way, a government may experience constitutional development by gaining new powers or more autonomy. However, until the major groups in society communicate effectively with government and feel confident of its responsiveness to them, its legitimacy is in doubt. Taking the final step of constitutionally entrenching a government which does not rest on a well-functioning political process and a consensus about basic political values and the legitimacy of government is only likely to make it more difficult to resolve the problems of unresponsiveness and alienation which are likely to appear.

The Basic Social Units in Northern Politics

The North shares the Canadian consensus that the individual is the basic political unit and that the individual must be both effectively protected and represented in the governmental process. For example, in presenting their constitutional proposals for the North, aboriginal groups clearly accept that the rights and freedoms of the individual which are supported by Canadians and set out in the *Charter of Rights and Freedoms* will apply to the governments which they propose.¹ At the same time, the aboriginal groups define themselves as social collectivities. They see themselves as peoples who are more than just the sum of the individuals who comprise them. As peoples they have collective interests. Two of the

most basic of these are their interests in enduring throughout the generations and retaining their cultural integrity. Their identity as aboriginal people is a fundamental part of their self-definition and spirituality and one which they want to preserve for themselves and their descendants. The concept of aboriginal rights strengthens their traditional views of themselves as social collectivities because aboriginal rights are seen in law as collective rights. For example, an aboriginal person cannot sell or mortgage his or her aboriginal right as this right belongs to all of the members of the aboriginal unit as a group, rather than to separate individuals. The fact that these rights are entrenched in the Canadian constitution adds another layer of validity to them in the minds of aboriginal people. The failure of the first ministers process at the national level to define aboriginal rights and to accept an aboriginal right to self-government reinforces their determination that future northern structures of government be designed in ways which protect and promote these rights.²

In addition, the claims settlement will convey benefits which are held collectively rather than, as in the case of Alaska, parcelled out to individuals. These collective benefits will have to be managed by aboriginal organizations in the way that the Inuvialuit Regional Corporation and other agencies established by the Inuvialuit settlement administer the benefits and safeguard the rights established in the settlement. The activities of such agencies and the ongoing impact of the settlements on their lives will constantly remind aboriginal people of their collective interests.

Non-Native northerners tend to hold a more individualistic view of society. Reflecting the values which tend to dominate North America, they see themselves more as individuals with individual rights and privileges than they see themselves as members of some collective subgroup in northern society which needs to be represented in a direct or formal way as an ethnic group. To the extent that some feel a particular collective interest, they hold this feeling as a reaction to the fact that they do not enjoy benefits which aboriginal people enjoy or will gain as a result of special government programs or the claims settlements. However, this reaction to the collectivity-based advantages others enjoy does not mean that these non-Natives see themselves as an ethnic collectivity.

Most non-Native northerners recognize the validity of aboriginal rights but feel that these would be best recognized through the settlement of claims and perhaps self-government. They tend not to identify with the argument that aboriginal northerners should be represented in the public governments of the territories as aboriginal peoples, in order

to be able to protect the benefits of their claims settlements. Instead, in large part because they have not experienced collective identity in the way that aboriginal people have, non-aboriginal people are likely to see such prospects as unnecessary, as denials of the basic principle of one person one vote and as likely to divide northern society.

The constitutional futures of the territories are interesting for a great many reasons. One of the foremost is that they represent important opportunities to find ways to express the collective identity of aboriginal peoples within the institutions of government. Aside from the recognition of undefined aboriginal rights in the *Constitution Act, 1982*, Canada's constitutional history has failed to accommodate the principle of aboriginal collectivity. The structure of public governments does not reflect it, nor have powerful aboriginal governments been created. While this is far from the only cause, the absence of collective self determination in their own governments or special recognition within public governments has undoubtedly played a role in the historic problems which aboriginal people have suffered in Canadian society. Will the North develop new ways of relating aboriginal peoples to the state? Will it be able to modify the evolution toward the parliamentary system of government which is largely complete in the Yukon and gradually unfolding in the NWT? Will other forms of government develop which reduce the need to represent aboriginal collectivity in the territorial governments? What factors affect the ability and the inclination of aboriginal people actually to push for new forms of government? The devolution process deserves study for the way in which it can influence and illuminate the answers to these questions. However, before it can be examined, the different situations of the two territories must be identified.

The Yukon

Yukoners share a significant degree of consensus about the future shape of government in their territory. The parliamentary model of responsible government based on the equality of individuals and recognition of their rights is well established. Canada's three national parties contest territorial elections and take part in government just as they do elsewhere in the country. The Indians of the Yukon account for about a quarter of eligible Yukon voters, hence have no prospect of using the ballot box to force a change in the territory's form of government. In addition, they are scattered throughout the territory. There is no portion of the territory in which the bulk of them live and in which few non-Indians

reside, no region which they could separate from the existing Yukon and establish as a new Indian-dominated territory. In other words, the device of federalism which is so much a part of Canadian politics is not the answer to their desire for self-determination.

In any case, Yukon Indians are not trying to change the government of the Yukon for several reasons. The first is that they find politics at the local level more relevant than at the territorial level. For example, the agreement-in-principle for the settlement of their claims anticipates the establishment of thirteen local first nation self-governments, one for each Yukon Indian community, but does not clearly provide for a territory-wide Indian government.³ This emphasis of Yukon Indian culture on the local level means that they feel little motivation to try to change the shape of the territorial government. They would likely continue to feel this way even if they formed a larger portion of the territorial population and had a better prospect of success. A second factor is that the political party system effectively links Yukon Indians with their territorial government. The existence of disciplined parties makes it possible to hold the governing party accountable for its actions and for Yukon Indians to work within parties to promote their objectives, as many do. The third factor is that the New Democratic government, which has held office since 1984, has given a higher priority to the settlement of the aboriginal claim than it has to devolution. As a result, devolution has not jeopardized the negotiation of the claim. It has not alienated Yukon Indians or led them to seek changes in the structure of the Yukon government or forms of self-government that they would not otherwise have sought.

To the contrary, devolution has had little impact on Yukoners' expectations about their future form of government because they see that form as already established. Because it does not formally represent Yukon Indians as peoples, they are pursuing their own forms of self-government. However this pursuit is based on their minority status and political culture, not their experience with devolution.

The Northwest Territories

The Northwest Territories differs significantly from the Yukon. Its government enjoys an even broader span of jurisdiction than the Yukon in that responsibility for the delivery of health care and hospital services has been devolved to it, but not yet to the Yukon. The structure of the GNWT is much like that of the Government of the Yukon in that its cabinet is comprised entirely of elected members of the Assembly who

can be removed from office by it. However, it is not quite a full system of responsible government because it is not based on political parties. Instead, the "consensus" government practised in the assembly involves the MLAs at the first session after a territorial election choosing eight of their number to serve as ministers. The eight then choose the government leader who then assigns cabinet responsibilities to the other ministers. One problem with this system is that, because ministers are chosen by the Assembly, the government leader has less ability to keep the cabinet united and to rein in independent ministers than other government leaders in Canada enjoy. In other words, the collective responsibility of the cabinet, which is an essential part of responsible government, is not fully established.

Moreover, when the next territorial election is called, the government does not run as a group, because it will be up to the new group of MLAs, not the government leader, to choose the cabinet. Since the government does not run in elections as a party, the voters have no way of holding it accountable.

Because the present system lacks the accountability which responsible government brings, many territorial residents support the creation of political parties at the territorial level. However, many aboriginal people resist this innovation because they feel that it will move the territorial government further along the path toward the parliamentary model which does not allow for the formal representation of aboriginal collectivities. Their great fear is that party discipline will stifle aboriginal MLAs seeking to express aboriginal concerns. However, in opposing parties, they are rejecting the discipline and accountability which have made party politics an effective vehicle for Yukon Indians and a useful link between them and the territorial government.

Perhaps the aboriginal peoples in the NWT persist in their resistance to party politics in the territorial government because many have not accepted the government as legitimate or inevitable. A 1988 submission by the Dene and Métis to the territorial assembly asserts that "for aboriginal peoples, the existing GNWT is still an interim government, because it has yet to represent them directly or directly incorporate their values or priorities . . . Aboriginal self-government has not been achieved in the Northwest Territories by the participation of aboriginal people in the public government."⁴ At the 1989 Assembly of the Dene Nation, the Dene chiefs passed a motion expressing their view that the government of the NWT is just a transitional body.⁵ For their part, Inuit leaders view the territorial government as being incapable of representing their people effectively.⁶ Moreover, the population balance in the NWT

offers aboriginal people some prospect of changing the structure of public government in the territories. A 1988 estimate puts the aboriginal population of the NWT at almost sixty percent of the total.⁷ This does not guarantee aboriginal domination of the ballot box because aboriginal people do not vote as a bloc. Also, the lack of party politics makes it difficult for them to relate their vote for a specific candidate to the formation of the cabinet because that decision is in the hands of the MLAs, not a party leader whose party can be supported at the polls. Moreover, aboriginal voters face the same problem as most voters in parliamentary systems. The legislators they select have relatively little ability to shape government policy as compared to cabinet ministers and senior public servants. It is true that a majority of the MLAs in the NWT are aboriginal people. However, they operate in a system which gives them little leverage on policy. Still, their numbers do give aboriginal people a great deal of potential power. Their high birth rate promises to continue to make them an important electoral force, particularly if a two-year residence requirement for voting comes into effect.

The different aboriginal groups of the NWT are seeking a variety of constitutional changes which they feel would better protect their collective interest than does the present set of arrangements. The circumstances of the Inuit have allowed them to pursue a project which fits most closely with Canadian constitutional tradition, division of the territories roughly along the treeline. This division would create Nunavut to the north of the boundary, a jurisdiction whose population would be more than eighty percent Inuit. This preponderance would enable the Inuit to create a government based on the one person-one vote norm of Canadian practice, which would also be sensitive to their collective interests. In particular, the legislation and administration of a Nunavut government would support and enhance their land claim settlement rather than compete with it. Ottawa could not challenge such a government as violating Charter guarantees or as involving untried innovations. The failure of the Inuit and the Dene/Metis to negotiate the boundary between their claims, which all have agreed would also be the boundary of Nunavut, robbed division of much of its momentum during the 1980s. However, the continuing commitment of the Inuit to division is a measure of the alienation which they feel from the territorial government. The achievement in late 1989 of a tentative agreement-in-principle for the Inuit claim, albeit without agreement on a boundary for the claim area, will revive the division debate and perhaps enable the Inuit ultimately to act on this alienation.

For their part, the Dene and Métis have committed themselves to establishing an aboriginal self-government for themselves. While the claim agreement in principle which they signed in 1988 provides them with many benefits and protection, they feel that their rights and interests are not adequately protected by the AIP or by the existing territorial government. Dene and Métis continue to take part in the territorial government, but their strong interest in aboriginal self-government suggests that they view it as not adequately representing their collective interests. Hedging their bets, they have also participated in the discussions of the Western Constitutional Forum from 1982 to 1988 and, until 1990, the Constitutional Alliance of the NWT. These advisory bodies, comprised of MLAs and representatives of the aboriginal groups, were mandated, among other things, to develop proposals for the form of government which would operate in the western portion of the present NWT once division has occurred. The attraction of this forum for the Dene and the Métis was its recognition that this new government should involve "an appropriate balance between individual and collective rights."⁸

While the leaders of the NWT's aboriginal groups feel estranged from the territorial government, authorities can muster an impressive array of arguments in reply. After all, a majority of the MLAs and half the cabinet ministers are aboriginal people. Many policies of the territorial government support aboriginal goals. In the 1980s, the government of the NWT supported the settlement of the aboriginal claims in the territories and the definition of aboriginal rights which the aboriginal peoples of Canada tried to persuade the first ministers to write into the Canadian Constitution.⁹ It also subsidized the important court case by which the people of Baker Lake, arguing on the basis of their aboriginal rights, tried to stop uranium development near their community.¹⁰ In an effort to make the justice system more accessible to aboriginal people and more responsive to their values, the GNWT now permits aboriginal people who only speak an aboriginal language to serve on the juries and provides interpreter services for these jurors.¹¹ In addition, the territorial government has co-operated with some constitutional projects which reflect aboriginal goals. For example, the Legislative Assembly unanimously in 1982 and with only one abstention in 1989 endorsed the principle of division of the NWT. In 1990, the GNWT launched a joint campaign with the Inuit to persuade Ottawa to approve division. In addition the GNWT took part in the activities of the two constitutional forums of the NWT and the Constitutional Alliance.

The aboriginal groups of the NWT have failed to make any real progress on their constitutional agendas in part because the territorial government can appeal to aboriginal people in terms of its policies and the prominent role that aboriginal politicians play in it. Also, the dependence of aboriginal people on the many services and employment opportunities it provides gives them some incentive to support the *status quo*. In a sense, the territorial government and the aboriginal groups are competing for the loyalty of the same people. Aboriginal people feel their collective ethnic identity. They support the political pursuit of their collective interest. However, their personal and immediate economic self-interest may conflict with their collective goals. For example, many want jobs which may only become available through projects which aboriginal groups oppose primarily for political reasons. A case is the Dene Nation's opposition to the granting of an export license for Beaufort natural gas before the Dene/Metis claim is finally settled. A Dene individual who is both politically self-conscious and eager for highly paid, if only short-term, employment will feel significant cross-pressure about supporting the Dene Nation position. For its part, the government will know that, to a degree, support for the Dene Nation's position on the issue among the Dene people is ambivalent.

In any case, the territorial government can resist the aboriginal groups' agendas in that, as noted above, the government does not need to stand for re-election as a government. It knows that it will not face the judgement of the ballot box because the outcome of a territorial general election does not decide who will form the government, as it does everywhere else in Canada. It also does not reject the previous government, because the previous government will automatically be replaced by a new government at the start of the first legislative session following the election. Individual ministers must assure that they are re-elected in their constituencies, many of which have aboriginal majorities. However, if they have been good advocates for their constituencies, they may find it easy to escape aboriginal judgements about the commitments of the cabinet to aboriginal constitutional goals.

Other handicaps hamper the aboriginal organizations in their pursuit of constitutional change. An obvious problem is that the aboriginal groups' resources are too modest to meet all of the challenges which confront them. They have to pursue their land claims, respond to government policy initiatives ranging from funding decisions to low-level military aircraft flights to mega-project assessments, and to manage their often complex internal politics. They cannot lavish resources on constitutional strategies when these more immediate concerns clamour

for their attention. When they do attempt to develop constitutional policies, they often find that the cultural expectation that they consult thoroughly with their people and defer to strongly held views slows down their decision-making and may prevent them from pursuing a consistent path over a period of time. Aboriginal political culture has the advantages of enhancing the likelihood of support for what the leadership ultimately does because this policy grows out of a meaningful consultation with the grass roots. At the same time, aboriginal political culture disperses power in a way which makes it difficult for aboriginal groups to press their claims against governments in which power is more focused.

Finally, the aboriginal groups have accomplished relatively little constitutional change because they have not pursued it in a united fashion. The Inuit have chosen to emphasize Nunavut and division of the NWT. The Dene and Métis first focused on changing the form of public government in the territory and more recently have begun to develop their thinking on aboriginal self-government. For their part, the Inuvialuit have tended to emphasize the development of a strong regional government. This divergence of constitutional strategies has meant that the aboriginal groups have been unable to use their collective strength to compel the federal and territorial governments to seriously consider alternatives to the parliamentary model of government. Perhaps because of this disunity or perhaps because of the alienation they feel about the territorial government, the aboriginal groups have had little success at organizing aboriginal members of the legislative assembly to vote as a bloc in support of an aboriginal constitutional agenda. Even if they could, there are limits in any parliamentary system to the impact which backbenchers can have on government policy, because it tends to be developed primarily by the cabinet and public service. Aboriginal people do serve on the territorial cabinet, but the degree to which they work to further the constitutional goals of the aboriginal organizations varies greatly. Overall, while they have created services which have assisted aboriginal people, they do not seem to have advanced aboriginal constitutional goals, with the exception of the 1990 pro-division campaign, the future unfolding of which deserves close attention.

All of these difficulties add up to a problem of political development. The aboriginal peoples of the territories share a strong collective identity and a determination to protect their collective rights and interests. They have ample political resources in terms of numbers of voters and political sophistication. However, they have not been able to reshape the constitution of the NWT to reflect their understanding of themselves as social

collectivities. The result is to perpetuate the lack of consensus about basic political issues in the territories, about the basic units of society which ought to be represented in the institutions of government and about the relationship of aboriginal collectivities to the state. Without this consensus and with two major land claims not yet finalized, the territories have not been able to generate a successful process of constitutional planning involving the government and the aboriginal groups. Instead, each has chosen to pursue its own agenda. To date the most successful of these approaches to constitutional change has been the territorial government's pursuit of devolution. In expanding the range of its powers, the territorial government has expanded its ability to serve its people and its ability to claim legitimacy in the face of challenges from aboriginal groups. However, this constitutional growth cannot be assumed to represent political development in the absence of an underlying social consensus about basic political values.

Devolution

Devolution of authority northward has a long history. Early in this century, the Yukon received its own institutions with many of the powers of provincial governments, albeit closely supervised by the federal government. The Government of the Northwest Territories was created in 1967 and given power over such matters as local government, education, social assistance, public works and development of small industries. Modest transfers of jurisdiction occurred during the 1970s. However, it was not until the Conservatives took office nationally in 1984 that the pace of devolution picked up. During their first term of office, the Conservatives transferred management of forests, forest fire suppression and electrical power generation to the two territories and negotiated a preliminary agreement on the transfer of jurisdiction over oil and gas. They also transferred control over hospitals and health care to the NWT, a transfer they began to discuss with the Yukon in 1989. With the completion of these steps, the territorial governments will very closely resemble the provincial governments in their powers. However, the powers which they do not yet possess, in particular authority over oil, gas and most of the land, are politically very important powers because they touch aboriginal interests so intimately. The speed and the manner in which the territories gain these powers will profoundly affect other processes of northern constitutional development and the extent to which these processes accommodate the collective identity and interests of aboriginal northerners. The remainder of this paper will examine the

impact of devolution of these processes and the prospects they offer of representing aboriginal collectivities.

Devolution and the Structure of the Territorial Governments

Devolution is unlikely to affect the structure of government in the Yukon. As noted above, the parliamentary system is well established and accepted there. The only way in which devolution might lead to change relates, not to the form, but to the span of powers of government. If it exercises its devolved powers in a fashion which is sensitive to Yukon Indian needs, the Indians are likely to feel less need to seek a very broad span of powers for the band governments which they are working to enhance through self-government. This will mean that the territorial government will continue to govern all Yukoners in a great many policy areas. It will be able to employ and coordinate a broad range of policies to pursue important goals such as reducing unemployment and diversifying the territorial economy. Conversely, if the use the territorial government makes of its devolved powers alienates Yukon Indians, they may seek broader powers than they otherwise would. This would weaken the ability of the territorial government to lead and serve the Yukon, but would not affect its basic structure.

In contrast, the real possibility remains of creating some new form of territorial government in the NWT. For example, the Western Constitutional Forum gained considerable support for the idea of a government by "partnership" among the ethnic groups of the western NWT should division of the territories take place.¹² Devolution undercuts this prospect by appearing to put Ottawa's stamp of approval on the vision of those who see the present government and its evolution in the direction of the standard parliamentary model as right and inevitable. Each stage of devolution appears to symbolize Ottawa's support for the present government and its indifference to the concerns about the general principle of devolution which the aboriginal groups express.

In the competition between the aboriginal groups and the government for aboriginal support for their different constitutional visions, devolution works to the advantage of the territorial government. It enables the government to employ more aboriginal people, to let more contracts and to provide more services. To the extent that its contracting, personnel practices, policies and service delivery satisfy the aboriginal people, they are likely to feel committed to it and reluctant to experiment with any untried alternatives. This will be particularly true as devolution has made the government seem all the more imposing. In

contrast, the aboriginal organizations, which tend to be small, understaffed and financially constrained, seem less and less credible as proponents of alternative constitutional ideas. It becomes harder to imagine them as alternative governments. Each time that an area of jurisdiction is transferred to the territorial government without the structure of government being altered to accommodate the principle of collectivity, the credibility of the aboriginal groups suffers further. In this way, devolution adds to the momentum of the evolution of the territorial government. If Ottawa refused to devolve further powers until the form of the future government of the NWT had been established, the aboriginal groups would have some leverage over the government to make it seriously consider reshaping itself. However, in the absence of such a lever, it is easy for the status quo to become further entrenched and the aboriginal agenda concerning the form of the public government to be passed over.

Devolution and Aboriginal Claims

In pursuing their claims, the aboriginal peoples of the North are seeking two broad goals. The first is to gain land and money which will enable them to participate in the non-renewable resource and wage economy of the North. The second and, for most of the groups, more important is to protect the land and wildlife which underpin their traditional economy and culture. The aboriginal people see the benefits of economic activities brought from the South. However, for a great many of them, true security lies in having assured access to wildlife harvesting, which they view as a more stable and enduring basis of their survival.

Aboriginal peoples will control development on their lands. However, they are worried that, once authority over land and resource development is transferred to the territories, their governments will approve undesirable mines, oil and gas exploration and pipelines on non-aboriginal lands. These developments might pollute aboriginal lands or reduce the populations of the animals the aboriginal people harvest on both their own and crown lands. Trying to prevent such problems, the aboriginal groups have negotiated as part as their claims settlements the creation of boards which will manage the land surface. For example, the Inuit and Ottawa have agreed that a Nunavut Impact Review Board will assess the impact of proposed non-renewable resource projects. On this board, government and the Inuit will be equally represented, giving the Inuit a substantial voice in deciding on land use in the eastern and central Arctic. However, the decisions of this board can be overturned by

the minister. It can be expected that the Board's credibility as part of the land claims settlement will lead the minister to defer to it in most cases. However, where the government's interests are most strongly affected by the decision, the temptation to overrule the board may be irresistible.

How does devolution relate to this future arrangement? At present, the "minister" who makes energy exploration decisions in the North is the federal minister of Indian Affairs and Northern Development for the land areas and the Minister of Energy for exploration and production under the waters of the Arctic Ocean and the Arctic islands. In September of 1988, Ottawa and the territorial governments signed "enabling agreements" anticipating the negotiation of Northern Accords which would gradually hand over control of oil and gas to the territorial governments. After this happens — and the slow pace of negotiations suggests that this will take a long time — the minister will be a territorial official. On the one hand, contrary to the present situation, this minister will tend to respond more to regional than to national needs. As aboriginal people comprise a much larger proportion of the populations of the territories than of Canada as a whole, the calculation of the regional need is likely to be more responsive to their interests than Ottawa's national judgement is likely to be. On the other hand, however, the territorial governments need to increase the income which they generate on their own. More constitutional recognition requires, among other things, that they be able to pay more of their way than they presently do.¹³ Also, financial restraint at the federal level may mean that Ottawa is not willing to fund as much of the territories' spending as it has in the past. In such circumstances, the territorial ministers may feel very strongly pressured to approve non-renewable resource development, even in the face of aboriginal opposition. Here, as elsewhere, the impact of devolution depends on how the territories use their new powers. If they respond to aboriginal concerns, they will reinforce the claims settlements and enhance their own legitimacy among aboriginal people. The other side of this coin is that the more the territorial governments subordinate the interests of aboriginal people and try to undermine claims-based agencies the more they will encourage aboriginal people, to seek their own self-governments or broader powers of self-government than they otherwise would have sought.

A broader issue which the enabling agreements anticipate is that the accords will establish the laws by which the territorial governments will manage oil and gas development. They will also establish agencies to administer these laws. These agencies will implement the incentive system — the royalty rates and incentive payments — for encouraging oil

and gas development, will set conditions for hiring northerners and giving contracts to northern firms and will actually grant permits for exploration and development. This prospect creates an additional agenda for the aboriginal peoples. Those of the Northwest Territories feel this most strongly at present as the likelihood of significant oil and gas development there is much greater than in the Yukon.¹⁴ These groups will probably want to be directly represented as collectivities on these agencies and they will want these boards, rather than government departments over which they would have much less control, to make the bulk of oil and gas decisions. In other words, they are not likely to be satisfied with the suggestion that because the territorial government is the government of all northerners, including aboriginal people, it should make these decisions internally or enjoy sole power to appoint all the members of these boards from the territorial population at large, leaving the aboriginal groups with no representatives whom they appoint and control.

Moreover, they want to be assured that the bodies dealing with land use be established under the claim rather than as a result of a northern accord. The advantage in this arrangement is that a surface rights board established as part of a claim settlement will be constitutionally entrenched. As a result, it could not be changed if they objected. In contrast, one established under that accord would have a merely legislated basis and could be altered by either Parliament or the territorial legislature, possibly in ways that harm the aboriginal people. For example, their representation on the boards could be dramatically reduced or much of the power of the boards could be transferred to the territorial bureaucracy. In a sense, the aboriginal groups are in a race with the government of the Northwest Territories to finalize their claims settlements before a northern accord is implemented. The slow start to accord negotiations since the enabling agreements were signed and the resistance to the accord on the part of some federal government departments which want the resources of the North to remain under Ottawa's control may enable the claims, or at least the Inuit claim, to reach the finish line first. However as there are not guarantees in politics the issue of timing remains important, particularly if any claim bogs down, as the Dene/Metis claim has.

Northern energy accords pose very complex issues which affect the fundamental interests of the aboriginal groups of the North. The best way to protect these interests would be for these groups to share in the entire process by which the accords will be negotiated. This sharing would include being at the negotiating table itself when the territorial

government faces the federal government and being fully informed of the many less formal contacts by telephone and letter which form an important part of any intergovernmental negotiation in Canada. It appears that both territorial governments will consult the aboriginal groups in their territories on the bargaining positions which they will present to Ottawa, but not include the groups on their negotiating teams. In this way, the aboriginal peoples have some collective role in the approach to this important devolution, but not as full a role as they would like. This means that they will have to be particularly vigilant and the territorial governments particularly sensitive if the accords which are negotiated are to mesh with and support rather than undercut the claims settlements.

Aboriginal Self-Government

Devolution is important to Yukon Indians, but it has not significantly influenced their thinking about aboriginal self-government. The general acceptance of the existing form of the Yukon Government and their own focus on local-level institutions have persuaded the Yukon Indians not to try to alter the territorial government. Instead they have focused on establishing governments for each of the thirteen Yukon Indian nations. Because the Yukon government has devoted its personnel and other resources to following developments regarding the Yukon Indian claim, it has not pursued devolution aggressively. As a result, devolution has not threatened the Yukon Indian claim. In this way it has neither spawned nor intensified the Indians' desire to gain aboriginal self-government. This desire derives from their reading of the general political situation in the Yukon, not from the impact of devolution.

The political situation in the Northwest Territories leads its aboriginal peoples to a very different set of conclusions. They approach the territorial government with ambivalent feelings. As noted above, many see the GNWT as transitional and only marginally legitimate. They feel that the GNWT has failed to live up to its promises regarding devolution. For example, they supported the 1988 devolution of responsibility for health care to the territorial government because they believed that it would transfer power over many of the important decisions to strong regional health boards. In the minds of many, Yellowknife did not live up to their expectations.¹⁵ The territorial government replies that a fuller transfer of power will come with time, but that it must move carefully to ensure that the delivery of health care is not jeopardized.¹⁶ It is true, as Geoffrey Weller argues, that the health care system is now

more responsive to people's needs because it operates out of Yellowknife rather than Ottawa. However, as John O'Neil notes, it is not yet as responsive as people had hoped it would be.

The extent to which control of health care actually passes to the regions will be another influence on the fate of the aboriginal self-government. The more the territorial government disperses power, the less need will aboriginal people feel to establish governments which stand apart from the public government and compete with it. However, if the territorial government retains for itself the bulk of the powers it has already gained as a result of devolution it will reinforce the belief of many aboriginal leaders that devolution is a strategy to aggrandize the territorial government and to deny power to aboriginal groups. This belief will prompt aboriginal leaders to seek alternatives to an all-powerful territorial government. The Dene and the Métis do not enjoy the option of creating a territory in which they are numerically dominant. Because they live interspersed among non-natives, it is not possible to draw boundaries which would encompass a largely Dene and Métis population. They are also unlikely to turn to regional government as the answer. Regional government has not been strong in the western NWT, perhaps because of the ethnically mixed composition of the population or because the Dene and Métis have viewed the Dene Nation and the Métis Association as more promising vehicles of political representation and have focused their energies on them at the expense of regional councils. In this context, the Dene and Métis have already begun research and community consultation to develop a model of their future self-government. However, they may find that devolution can impede the creation or at least limit the powers of this government. Once powers are devolved to the territorial government, it may resist transferring any of them to the aboriginal self-government. This possibility appears all the more likely if the Dene and Métis will be required to negotiate solely with the Government of the Northwest Territories for the transfer of powers which it has received as a result of devolution.¹⁷

Depending on whether it shares the powers which have been devolved to it and administers sensitively the devolved powers it retains, the Government of the Northwest Territories will influence the span of power which the Dene and Métis seek for their self-government. Their leaders seem to favour a relatively strong form of government. Should an autocratic approach by the territorial government confirm this tendency and build support for it among Dene and Métis, one of two outcomes can be anticipated. The first is that a strong emphasis on self-government will develop. Inevitably it will come into conflict with the

territorial government as they will compete for funding from Ottawa. They are also likely to clash where their jurisdictions overlap. For example, if the territorial government pushes non-renewable resource development, its agency created by a northern accord to issue exploration permits and a land management agency based on the Dene/Métis claim settlement may work at cross purposes. Another possibility is that they will struggle for greater control over such issues as education, aboriginal languages and economic development strategy, among others. Such conflicts promise to waste resources and distract energy from the important business of solving the real problems of the North. The second possibility is that a strong Dene/Métis self-government does not come into existence even in the face of a self-aggrandizing strategy on the part of the territorial government. This failure to create strong self-government could occur because of disunity among the Dene and Métis or because of the intransigence of the territorial government.

Either of these possibilities is likely to prove unattractive to the Dene and Métis. As they come to realize the limitations of these situations, they are likely to revive their efforts to restructure the territorial government so that it allows for the direct representation of their collective interests. Whether they will succeed — and indeed whether the territorial government will be so power-hungry as to prompt the Dene and Métis to seek either strong aboriginal self-government or a reformed government structure—cannot be predicted at present.

Devolution and Division of the Northwest Territories

The Dene and Métis are seeking self-determination through aboriginal self-government, while keeping the option open of reforming the territorial government, should the opportunity present itself. As noted above, the Inuit have taken a more single-minded approach to self-determination. Their goal of establishing Nunavut would bring them many advantages. Viewing the present NWT as too vast to govern from a single capital, they feel that Nunavut would permit more manageable and accessible government. They believe that the GNWT has always been insensitive to Inuit needs and that this insensitivity is growing as the government establishment in Yellowknife expands while services to the Inuit regions remain underfunded.¹⁸ They believe that most areas of government policy involve a cultural overlay and that only an Inuit government can think, act and communicate in ways which support Inuit culture. Moreover, Nunavut would represent a homeland for the Inuit and affirm their view of themselves as a people. Finally, they

recognize that, because they represent about 85% of the population above the treeline, they can expect to dominate the ballot box for decades to come. This means that they do not have to develop novel forms of government, as the Dene and Métis must seek in the western Arctic, in order to protect their economy and culture. They can use institutions which are familiar in southern Canada. In this way, they can avoid anxieties about the workability of their proposed government which undoubtedly would cause Ottawa to hesitate about approving untried constitutional experiments.¹⁹

Division of the Northwest Territories was first proposed in the 1960s as a device to promote the constitutional development of the western NWT by allowing it to jettison the less developed East.²⁰ This proposal lapsed. When the idea of division was revived late in the 1970s, it was the Inuit who sought it, for the reasons suggested above. A plebiscite of territorial voters in 1982 weakly approved the concept.²¹ Later that year, the Legislative Assembly of the NWT and the federal government both endorsed division. However, the Nunavut project came to grief on the issue of the boundary between the Dene/Metis and the Inuit land claims because the settlements of these claims would create land management agencies. It would make no sense for the Dene/Metis agency to operate in a portion of Nunavut and vice versa. The problem has been that the two claims groups have proven unable to agree on a boundary. They achieved tentative agreements in 1985 and 1987, but these failed to receive ratification.²²

At the time of writing, the prospects for Nunavut appear mixed. The division project has made very little headway in recent years. In contrast, as noted below, devolution has given the Government of the NWT the means to appeal to the Inuit and to try to wean them away from division. Ottawa's concern for deficit cutting seems likely to force the North to bear by itself most of the costs of division. Many northerners can be expected to resist the prospect of higher taxes and reduced government services which division seems to promise. On the other hand, division, or at least a definitive decision on it, has been brought closer by recent progress toward resolving the Inuit aboriginal claim and defining the boundaries of the Inuit claim settlement area, and by joint GNWT-Inuit campaign promoting division. Agreement on the boundary will provide the ultimate test of division. With this obstacle removed and the federal and NWT governments formally committed in the draft TFN agreement-in-principle to pursuing division, the various players in the game will have to play their cards. The territorial government holds a strong hand in this regard. If it indicates that it is willing to negotiate a

form of government in the West which will protect and express the collective aboriginal interests of the Dene, Métis and Inuvialuit, or if it promises to assist the development of strong forms of aboriginal self-government, they will be more likely to support division. This is because these innovations will give the Inuvialuit, Dene and Métis significant governmental power. This will reduce their concern that they need the votes of MLAs who come from Inuit-dominated constituencies to protect their aboriginal interests in the legislative assembly.

The Inuit still retain a strong interest in Nunavut; despite many disappointments, the dream remains alive for them. At the same time, it is a dream, although somewhat revived by recent developments. In contrast, devolution has given the territorial government the means to ingratiate itself with them Inuit and to make them dependent upon it. Many Inuit may feel that they have a practical and material self-interest in maintaining the status quo. While it may not be ideal, it may provide better housing and more jobs than a fledgling Inuit government which may be underfunded and which, in any case, will take a number of years to get up and running. The Inuit are a highly pragmatic people. Particularly because they are confident that their claim agreement-in-principle and ultimately the final settlement will protect the land and wildlife on which they depend, they may feel less pressure to pursue Nunavut. In all of this, Yellowknife's handling of the new powers it has received as a result of devolution can influence the Inuit vote in any plebiscite which is held on division. To the extent that it transfers some of the powers which have been devolved to it to the regional councils which are attempting to gain more power in the East, it will further reduce the pragmatic grounds for seeking division, although it is unlikely to undercut the emotional pull of the concept.

Devolution and Regionalism

Regionalism points to an alternative to division. It also provides one measure of the territorial government's intention to share its newly devolved powers. Regionalism is a strong force in the NWT, particularly above the treeline. Its strength reflects the enormous size of the territory and the difficulty and cost of travelling from its more remote corners to Yellowknife. It also reflects the different ethnic composition of the various regions of the North. The creation of regional aboriginal peoples' organizations, such as the Baffin, Kitikmeot and Keewatin Inuit Associations and the establishment of a regional form of territorial

governmental administration in the 1970s have made the regions politically relevant units.

In 1977 the communities of Baffin Island created the first regional council, which was followed by a number of others and the passage of the Regional and Tribal Councils Act of 1987. The powers of these councils have proven to be rather modest, primarily involving coordination among the communities of the regions and advising or urging policies on Yellowknife. While the questions of their authority appears not to be settled at present, recent actions by the territorial government have kept the regional councils weak. Rather than empowering the Baffin Regional Council, the most ambitious of the councils, by giving it responsibility for education, the government created a Baffin Regional School Board. Similarly, when jurisdiction over health care and hospitals was devolved to the territorial government, it passed some of this power, not to the regional councils, but rather to regional health boards. This pattern has the advantage of creating specialist bodies which can be expected to develop more expertise in the areas of their responsibilities than could a more generalist body. However, they prevent the regional councils from gaining the powers they need if they are to develop a integrated set of policies for dealing with regional needs and to become strong voices advocating regional interests to Yellowknife.

The GNWT's 1988 Transfer Policy reinforced the regions' unhappiness with this arrangement.²³ The aboriginal groups in the regions had anticipated that when health care was devolved in the NWT, the bulk of the regional staff would become employees of the regional health boards. Indeed, the transfer of significant power over health care to the regions was one of the reasons why aboriginal groups supported this particular devolution despite their overall opposition to devolution before the settlement of their aboriginal claims. However, under the Transfer Policy, employees engaged in activities such as personnel and maintenance of buildings became employees of the relevant department of the GNWT, not the regional health board, thus limiting the latter's ability to govern all aspects of the delivery of health care.

The territorial government position is that the Transfer Policy is part of an evolving situation rather than a final arrangement and that the future maturation of the boards may well see more responsibilities devolved them. However, its response to a committee reviewing the future of regional councils casts doubt upon this interpretation. The 1988 report of the committee recommended strengthening the program and service delivery roles of the regional councils. The Executive Council of the GNWT rejected the recommendations of the committee,

noting that the committee had failed to take into account the evolution of ministerial authority in the NWT.²⁴ This rationale clearly suggests that the GNWT prefers that ministers rather than regional councils exercise the significant powers which devolution has transferred to the North. This policy direction suggests a great deal of confidence on the part of the GNWT that it can contain the pressure for powerful regional governments in the interest of efficiencies of scale and central administration. Should the resolution of the long-standing boundary conflict revive the question of division, then the government's approach to sharing devolved powers with the regional councils is likely to reinforce the determination of the Inuit to seek Nunavut.

Devolution and Provincial Status

In the vocabulary of Canadian federalism, the issue of provincial status for the North is a "national" as well as a "regional" question. In other words, the first ministers who have the power to decide on northern provincehood will consider how it affects their jurisdictions as well as whether the North is politically and economically mature enough for provincehood. The provinces' concerns about the impact of northern provincehood on the operation of the amending formula and the equalization payments Ottawa gives the poorer provinces are likely to prevent the North from gaining provincial status in the foreseeable future. However, some sort of "near-provincial status" could give the North the vast bulk of what it seeks from provincehood.²⁵ In other words, the territories could gain many of the powers and privileges of provinces, even if they do not receive the same status.

As with the linkages between devolution and other avenues of constitutional development, the two territories see the relationship between devolution and provincial or near-provincial status differently. Perhaps because it has already answered some of the basic questions, such as the future form of the territorial government, or because of the greater predominance of non-aboriginal people in its population, the Yukon has historically been more vigorous in pursuing provincial status than has the NWT. In this spirit, it responded more stridently to the features of the 1987 Meech Lake constitutional accord which would have made it most difficult for the territories to attain this status. With this focus on the status of provincehood, the Yukon government seems not to have viewed devolution, which involves powers rather than status, as a significant element in its strategy.

In contrast, the NWT, which has not yet achieved a consensus on division, the appropriate form of the territorial government or the political roles of the regions, is not ready to seek provincial status which could well freeze further constitutional evolution, leaving these crucial questions unresolved. It also recognizes that the provinces' fundamental concerns about northern provincehood are sufficiently strong that the most productive strategy for the short term is to sacrifice the pursuit of status for the attainment of power. In this way, devolution has been at the heart of Yellowknife's constitutional strategy. Indeed, while opposing it, it has used the Meech Lake Accord as an opportunity rather than an obstacle. It has encouraged Ottawa to view the devolution of power northward as, in part, a way of compensating the North for the sacrifice the Meech Lake Accord would compel it to make in order to serve the larger goal of gaining a national constitutional agreement.

How will devolution affect the progress of the North toward provincehood? As noted above, this is a question which will be answered more in terms of southern concerns than what is good for the North. However, devolution brings these interests together at some points. To the extent that devolution, particularly of jurisdiction over oil, gas and, ultimately, land and other minerals, gives the territorial governments more power to manage their economies and enables them to derive more benefits from their resources than at present, the territorial governments may approach the economic strength which will make them more plausible as candidate provincial governments. Moreover, the broadening of their powers and the consequent growth of their public services makes them appear more like the provincial governments, hence harder to deny when they seek a status closer to that of provinces.

Perhaps most importantly, devolution can fundamentally affect the building of societal consensus on basic constitutional issues, most particularly in the Northwest Territories. Much of the commentary on the prospect of provincehood focuses on the reluctance of the existing provinces to admit newcomers into their club. However, it should be remembered that Ottawa has a veto over northern provincehood and equally strong concerns about it. Ottawa will be loathe to approve provincial status for a government whose expanded powers do not rest on a firm consensus shared by all of the ethnic groups it governs. Ottawa will be concerned that a government which is not responsive to the aboriginal people of the North, for whom Ottawa has a special constitutional responsibility, may take an action or experience some intractable deadlock which will compel Ottawa to intervene. It would be awkward enough to do this at the present advanced stage of territorial constitu-

tional development. It would be most embarrassing to do this to a northern province, particularly as the other provinces would view such an action as violating the principles of equality between the federal and provincial orders of government. For this reason, Ottawa will view a broad social consensus in support of the form of government of any prospective new province as a precondition to its approval. In the Yukon, the role of aboriginal self-governments and their relationship to the territorial government have yet to be decided. However, devolution only affects these issues marginally. In the NWT, devolution plays a much more prominent role. With regard to aboriginal self-government, the form of public government, division and regional government, the GNWT can retain its devolved power in the face of significant pressure for a more decentralized distribution of power or it can contribute to a more complex set of institutions which is likely to be at once more responsive and less efficient than it is. If it acquiesces and indeed nurtures such a government which better reflects the complexity of the NWT's social structure than it does, it is likelier to be seen as legitimate by northern residents of all ethnic backgrounds, hence likelier to satisfy Ottawa's basic condition.

Conclusion

The challenge of northern politics is to advance the processes of political and constitutional development at roughly the same pace. The North needs strong governments if it is to overcome the stresses of rapid social change, high unemployment and economic dependence on the production of natural resources which trade in international markets. To be strong, northern governments need to understand the needs of the major groups in northern society, to respond to them and in this way to be able to appeal successfully to them to support its initiatives. This understanding and responsiveness are much more easily accomplished if northerners — and the initiative clearly lies with them and not Ottawa — can fashion a consensus on the nature of their society. Most relevant to constitutional and political development, they must agree on the basic principles by which the elements of northern society are to be represented in government. This means finding an acceptable accommodation between the aboriginal emphasis on collectivity and the priority which non-aboriginal culture attaches to the individual. In the northern context today, the settlement of aboriginal claims can be anticipated to bolster the cause of collectivity, while devolution is empowering govern-

ments which are based on the liberal democratic principles of individual rights and equality.

Until this accommodation is reached, it will be dangerous for constitutional development to get too far ahead of political development. Constitutional development increases the means available to northern governments to serve their people, but if these instruments are wielded insensitively, in the absence of a social consensus about their legitimacy, they can divide northern society. This prospect seems relatively remote in the Yukon both because a quite detailed agreement in principle has been reached for the Yukon Indian aboriginal claim and because the territorial government has not pursued devolution to the extent that it has appeared to jeopardize the claim process. The agreement in principle provides for the negotiation of aboriginal self-governments as part of the final claim settlement and it may turn out that the Yukon Indian governments are weaker than the Indians had hoped for. If this comes to pass, Indian alienation may result, but this will be an outcome of the claim process, not of devolution.

In contrast, devolution has already proceeded so far in the NWT that it has outdistanced the claims negotiations except, of course, for the Inuvialuit. The need to balance claims and devolution, the principle of collectivity and unalloyed majority-rule public government would seem to lead to two conclusions. The first is that further devolution ought to be delayed until more progress can be made toward settling the outstanding aboriginal claims in the NWT. It would appear that events are naturally following this course. The most important powers involving the largest costs and numbers of public servants have already been devolved. The most important power yet to be devolved, jurisdiction over oil and gas, will involve very complex negotiations which will inevitably take a great deal of time. Second, the government should reconsider its present policy of centralizing power and its drift toward the traditional parliamentary model emphasizing majority rule over minority rights. In doing so, it may lose power in the short term, but it will gain legitimacy in the long run. If it succeeds, it will have created the best possible fit between political and constitutional development in the North, an accomplishment which the rest of Canada— itself struggling to find a new balance between the principles of individualism and social collectivity— can well envy.

NOTES

- ¹ Dene Nation and Metis Association of the Northwest Territories, *Public Government for the People of the North* (Yellowknife: Dene Nation and Metis Association of the NWT, 1981) page 9 and Nunavut Constitutional Forum, *Building Nunavut Today and Tomorrow* (Ottawa: NCF, 1985), page 22.
- ² Canadian Arctic Resources Committee, *Aboriginal Self-Government and Constitutional Reform* (Ottawa: CARC, 1988), page 22.
- ³ *Yukon Indian Land Claim Framework Agreement* (Mimeo, February 1989), pages 131-37.
- ⁴ Dene Nation and Metis Association of the Northwest Territories, *Devolution of Powers to the Government of the Northwest Territories: Provincehood and Aboriginal Self-Government*, 11th Legislative Assembly of the Northwest Territories, Tabled document No. 51-88 (2), tabled November 2, 1988, pages 1 and 3.
- ⁵ *News North*, July 31, 1989, page 9.
- ⁶ See, for example, Canadian Arctic Resources Committee, *op. cit.*, page 68.
- ⁷ "Population Estimates", GNWT Bureau of Statistics.
- ⁸ Bob MacQuarrie, Chairman of the WCF, "Address to the Standing Committee on Indian Affairs by the Western Constitutional Forum, March 21, 1984", reprinted in Western Constitutional Forum, *Partners for the future* (Yellowknife: WCF, 1985) page 11.
- ⁹ Government of the Northwest Territories, *First Ministers Conference on Aboriginal Rights and the Constitution* (Yellowknife: GNWT, 1983) and *Directions for the 1990s* (Yellowknife: GNWT, 1988), page 9.
- ¹⁰ Robert Page, *Northern Development: The Canadian Dilemma* (Toronto: McClelland and Stewart, 1986), pages 247-50.
- ¹¹ Dene Nation and Metis Association of the Northwest Territories, *op. cit.*, 1981.
- ¹² Western Constitutional Forum, *op. cit.*, 1985.
- ¹³ See, for example, Gordon Robertson, *Northern Provinces: A Mistaken Goal* (Montreal: Institute for Research on Public Policy, 1985), pages 25-35.
- ¹⁴ However, it should be remembered that the transfer of oil and gas is a precursor to the future devolution of control over mining and other minerals. Given the large mineral deposits of the Yukon, this devolution is sure to affect the interests of the Indians of the territory.
- ¹⁵ Dene Nation and Metis Association of the Northwest Territories *op. cit.*, 1988, page 5.
- ¹⁶ Interview with Nellie Cournoyea, Minister of Health, September 28, 1989.
- ¹⁷ This possibility was anticipated by Richard Van Loon, Assistant Deputy Minister, Department of Indian Affairs and Northern Development, October 2, 1989.
- ¹⁸ Interviews with Inuit leaders. Rankin Inlet and Ottawa, September 20-October 3, 1989.
- ¹⁹ John Merritt, *et. al.*, *Nunavut: Political Choices and Manifest Destiny*, (Ottawa: Canadian Arctic Resources Committee, 1989).

- ²⁰ Geoffrey R. Weller, "Self-Government for Canada's Inuit: The Nunavut Proposal" *The American Review of Canadian Studies*, Vol. XVIII, No. 3, Autumn 1988, page 345.
- ²¹ Mark Dickerson and Frances Abele, "The Plebiscite on Division of the Northwest Territories: Regional Government and Federal Policy", *Canadian Public Policy-Analyse de Politiques*, March, 1985, XI:1; pages 1-15.
- ²² John Merritt, *et. al., op. cit.*, pages 21-22.
- ²³ Government of the Northwest Territories, *GNWT Transfer Policy*, (Yellowknife: GNWT, 24th February, 1988). See also the articles by John O'Neil, Geoffrey Weller and Katherine Graham in this issue of *The Northern Review*.
- ²⁴ Executive Council for the Northwest Territories, *Government Response to the Report of the Regional and Tribal Councils Review coordinating Committee*, Legislative Assembly of the Northwest Territories, Tabled Document No. 57-88 (2) tabled November 4, 1988.
- ²⁵ Gordon Robertson, *op. cit.*, pages 41-50.