

**The Adaptation of Public Governing Institutions in the
Territorial North**

Prepared for the Royal Commission on Aboriginal Peoples

by

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November 1993

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"According to Stanley Isiah of Fort Simpson...the symbol of the three beavers pelts on Bear Rock Mountain (and) the forever burning fire up river from that mountain are signs on the land set there as reminders of the teachings of the legends. Stanley said that if we remember the teachings of the legends and live them...we will never have any trouble surviving as a nation." (Dene Nation and Metis Association of the NWT: 1)

1. Introduction

To what extent and in what ways do the underlying assumptions, structures and processes of the two territorial governments reflect the political traditions of the Aboriginal peoples of the North? How significantly have these governments adapted southern Canadian models of governance to accommodate Aboriginal political cultures and sensibilities?

These are important questions for the futures of the territorial governments and their relations with the First Nations of the North. Traditional Native political values and practices diverge profoundly from those of non-Natives. While Native political cultures have changed and diminished in the face of powerful assimilating forces, they remain vital touchstones of the politics of northern First Nations. Indeed, for most First Nations, they are sufficiently vigorous that the cultural congruence between public and Native political processes has the potential to influence the role and success of the public governments of the North. (Eckstein: 234-62) To the extent that this congruence exists, First Nations governments and public governments will be able to work together more effectively. Native leaders will find it more comfortable to work both with and, to the extent that they wish, within the territorial governments. Their people will find the territorial government processes that affect them (many today; how many in the future, a question mark) more comprehensible and less alienating. The great strain that Native leaders often feel in mediating between the mutually uncomprehending political worlds of the public government and their peoples will be reduced. Other considerations aside, these factors ought to produce government policies which better serve Native people. Moreover, to the extent that northern public governments accommodate traditional practices, they affirm their respect for First Nations and their fundamental and distinctive place in northern society. These process, output and symbolic effects should combine to enhance the legitimacy of the territorial governments among the First Nations of the North.

This legitimacy in turn is important for several reasons. Most important is that First

Nations have the right to establish their own governments and to decide how these governments will relate to public governments. Their view of the legitimacy of public government will influence how they exercise this right of self-determination. For example, territorial government legitimacy will influence how broad a range of jurisdiction the First Nations will wish to assume. To the extent that they view the territorial governments and their policies as legitimate, First Nations are likely to place less emphasis on self-determination and more emphasis on the cost effectiveness of the larger scale of the territorial government programming than they would if they viewed the territorial governments as illegitimate. Assuming a view of the territorial government as relatively legitimate, this calculation is likely to encourage First Nations to assume a relatively modest range of powers. In this way, cultural congruence may affect the future role, that is the span of powers, of the territorial governments. Moreover, when First Nations governments exercise their authority in ways that bring them into contact with the territorial governments, the success of the interaction for both sides will depend significantly on the First Nation's view of the legitimacy of the territorial government. Conversely, to the extent that Native people do not see their political traditions reflected in public government institutions, an opportunity for building bridges is lost.

Legitimacy generally encourages acceptance of policies that governments reach, which in turn enhances the success of these policies. For example, hunting restrictions are more likely to be respected if they are viewed as having been reached by a legitimate process. The legitimacy of the territorial governments among Native people will also influence the extent to which they feel the need for their own governments. Of course, there are obvious limits to this line of argument. The territorial governments must reflect the political traditions of non-Native as well as Native northerners. They must also operate within Canadian legal norms, such as the Charter of Rights and Freedoms. If they wish to be taken seriously in federal-provincial processes, they cannot deviate too far from Canadian norms of governance lest other governments lose faith in their reasonableness and perhaps in their ability to deliver on commitments. Also, it may be that the interests of some First Nations and a territorial government are very similar or, if different, are complementary. Such a situation, enduring over a period of time, may well produce highly satisfactory relations and cause Native people to view the territorial government as quite legitimate, regardless of the degree to which it embodies their political traditions.

While these are possibilities, they do not deny the focal premise of this study, which is that, all other considerations aside, the more territorial governments adapt conventional Canadian modes of governance to allow for the expression of Aboriginal political traditions, the more Native people will find them and their policies legitimate. Conversely, to the extent that the territorial governments do not adapt in this fashion, First Nations will be motivated to pursue self-determination outside public government.

2. Methodological Considerations

To discuss the adaptation of the territorial governments requires three steps. The first is to describe the political traditions of the First Nations of the territorial North. The second is to consider the cultural and material forces which are challenging these traditions, and to attempt to assess the impact of these forces on the vitality and contemporary content of First Nations' political cultures. The third step is to describe the territorial governments, concentrating on points of convergence or divergence with present day Native political traditions. A great many aspects of the governments could feature in this comparison. This study will focus on the following: basic philosophical issues such as the source of political authority and the relative significance of the individual and the community; approaches to leadership, representation and accountability; the nature of the political process, the geographical focus of politics; and the significance of traditional knowledge and Aboriginal languages in the territorial governments.

The politics and governments of the two territories differ profoundly. They also share much in common. Accordingly, this study will consider them first together and then as individual cases. The study will also recognize that both territorial governments, and most particularly the Government of the Northwest Territories, will change as First Nations develop. It is very difficult to anticipate how the territorial governments will evolve because it is very difficult to anticipate what the First Nations governments of the North will look like, particularly after the First Nations have had time to experience self-government and to adjust their institutions to best meet their needs. Not only do northern First Nations government not have a track record, they have not yet come into existence. Indeed, detailed planning concerning their nature and span of powers is at a relatively early stage. It will be important not to confine the discussion to the present; however, the assessment of the future must be qualified by the lack of hard information

which is available at this time.

Another methodological problem that confronts this analysis is the relative lack of research on the political traditions and practices of Canada's northern First Nations. Considerable information is available on which to base the observations and comparisons of this paper, but considerably less than for non-Aboriginal politics. A number of factors may explain this relative dearth of information. As will be argued below, traditional Aboriginal political processes do not occur in functionally specific, hence highly visible, institutions of the kind--be it a parliament, bureaucracy or royal court--in which the politics of many other societies have historically played themselves out. As a result, early European visitors to Canada's North tended not to recognize and to comment upon the politics of the Native peoples they encountered. Undoubtedly, their colonial attitudes in many instances led them to ignore the politics of the Aboriginal peoples. More recently, while some anthropologists have done excellent work on this subject (Helm, Brody, Asch, Stevenson), most have concentrated on the meat and potatoes of anthropology, such as kinship, material culture and symbolic systems. Many who have pursued political anthropology have studied issues of Aboriginal-non-Aboriginal relations. This is a very important topic, but clearly distinct from the question of the internal political norms and practices of Native peoples. Political scientists might be expected to study First Nations' political systems. However, the questions that they would have to ask are among the most sensitive that an outsider can ask members of small, closely knit communities. The best way to put these questions is to live with the people long enough to gain their trust. While some political scientists have applied this approach to colonized peoples in other countries, few have done so in Canada.

Were they to attempt such a study, they would first have to grapple with the problem that traditional politics may well be obscured or distorted by the imposition of alien forms of governance. These may be band councils under the Indian Act or local public governments, as in the case of settlement councils in the NWT. It will be necessary to assess the extent to which traditional norms are practiced within the non-traditional forms of these governments. Another important piece of information is the extent to which decisions that we consider to be political are taken outside these governments, during the daily life of northern Native communities.

The successful completion of such studies would greatly help both Natives and non-Natives to anticipate the future of Aboriginal governance in northern Canada. However, and

this is the final methodological obstacle confronting the present study, the First Nations of the territorial North vary greatly in their political traditions. It is difficult to do justice in describing this diversity. Moreover, it is a complex question to assess the degree of "fit" or congruence between this diversity of Native traditions on the one hand and, on the other, the pattern of public government. Indeed, all other considerations aside, it may be unreasonable to expect public institutions to conform to what may be contrasting Native political cultures within a given territory.

The relative lack of information on Native political traditions and the diversity of these norms and practices pose methodological challenges. Enough is known to enable the construction of a useful argument. However, given its methodological limitations, it should be read as more speculative than definitive.

3. Oil and Water: Northern Aboriginal Political Cultures and the Logic of Public Governance in the Territories.

3.1 Northern Aboriginal Political Cultures

While the political cultures of the First Nations of the North differ significantly, they also share important common features, which reflect the similarities among the social circumstances out of which they have arisen. The same trait of significant variations on a common theme characterizes the two territorial governments. It therefore makes sense to compare the broad patterns of northern Aboriginal political cultures and territorial governments in order to clear the way for a consideration of the comparisons of features that are unique to each territory.

Northern Aboriginal political traditions flow logically from the traditional social organization of northern First Nations. While Native people did gather periodically in large well-organized groups, they lived the bulk of the year in small, kinship-based groups whose economy revolved around the harvesting of wildlife. These groups were too small to need or be able to develop technologies to dominate the natural world. To the contrary, the power of such forces as climate and the migration of the animals they hunted was so great that they required northern Native people to accommodate themselves to these forces rather than attempt to manipulate them. This circumstance in large part explains one of the most fundamental

perspectives of northern political culture, the view that Native people are a part of the natural world and that they are bound by the laws of nature which were given by the Creator. This perspective establishes the role of Native people as one of carrying out an obligation, the obligation to respect the laws of nature. These laws are recognized to exist objectively and to be authoritative. Therefore, the task of politics is not to make laws but rather to understand the laws of nature and to determine how to apply them to particular circumstances and decisions. It follows that Native politics derives its authority directly from the authority of the laws of nature and the obligation of Native people to guide their lives by these laws. As these laws derive from the Creator, spirituality and politics occupy the same realm in Native culture. (Malloch:11-15)

Life on the land also shaped Aboriginal views of the respective roles of the individual and the community:

"Living on the land, young Dene learned to be self-reliant individuals, and at the same time to respect and care for all the members of their group.... Awareness, initiative and individuality all contributed to the Dene's ability to live well on the land. At the same time, the survival and well-being of all members of the family and the community required that individuals live together in a co-operative and interdependent way. In turn, co-operation and harmony within the group were made possible because of the genuine respect for the unique individuality of each member of the group" (*Ibid*: 10)

In this balance between the individual and the group, northern Aboriginal political cultures tend to view the well-being of the group as the pre-eminent good. For example, One of the principles of governance recommended by a Dene elders' conference expresses the importance for the Dene of social collectivities as was noted above:

"Individual rights and freedoms should be recognized within the larger context of collective responsibility for the welfare of the community in which the individual lives, and the collective responsibility for the welfare of generations yet unborn."
(Malloch: 36)

However, as one Yukon Aboriginal respondent for this study explained, while communal integration remains the primary goal in interpersonal relations, individuals enjoy many opportunities to determine their own personal behavior and to take part in the political process.

This respect for the individual underlies several fundamental features of Native politics.

The first is the consensus approach to decision-making. Respect for the autonomy of the individual means that every effort should be made to avoid the taking of decisions with which particular individuals disagree. Consensus was a practical approach for Aboriginal politics. The groups involved were sufficiently small to be able to conduct extended discussions of issues. Moreover, the links of extended kinship and general agreement on values, goals and conventional practices within them fostered a commitment to communal well-being and a unity of purpose that facilitated the reaching of consensus. Finally, the decisional load, what in modern terms might be called the "volume of business" was low compared to the agendas of contemporary governments. Second, dispersal is a legitimate option in dealing with ongoing dissent. Should an individual disagree profoundly with a decision taken by the group, it is legitimate for that individual simply to leave the group. While the difficulties of surviving alone in a difficult environment could make this a bleak prospect, in the past it was usually possible to join another group and thus provide for one's ongoing security. Third, norms tended to be viewed as adaptable to meet particular circumstances and the needs of specific individuals. This made traditional aboriginal society the antithesis of the "formal rationality" of codified regulations intended for uniform application that, at least in theory, characterizes public government in Canada.

Fourth, the Aboriginal respect for the individual contributed to a particular orientation toward leadership. Among the Dene, "...the power of a strong or 'great' leaders lay in his influence, rather than his 'legal' authority. Ordinarily, he had neither the moral or physical resources to impose his will." (MacNeish: 151) Leadership was not a prerogative of formal office determined by formal processes. Rather, leaders were recognized for their skill and understanding of the issue that the group had to resolve at any particular point in time and of how the laws of nature governed that issue. (Malloch: 13) Leadership could be exercised by different individuals when different questions came to the fore. Both the recognition of leaders and the reaching of decisions occurred in very small face to face groups. Other than in instances of negotiating relations with other groups, northern Native people did not conceive of leadership as involving representation of the group in some distant institution or acting on behalf of or in some executive capacity for the group. It follows that there is no Native tradition of holding leaders accountable for the quality of their representation of the group in any political process outside

the group or for how well they implemented group decisions. To the extent that it operated in traditional Native politics, accountability was expressed in the degree of respect that members of the group paid to their leaders and their willingness to be influenced or in some cases directed by them.

The above comments represent a very broad generalization across a large number of First Nations. They probably reflect most closely the traditions of the Athapaskan First Nations of both territories. Individual First Nations will present exceptions. For example, in some instances, leadership was more directive than has been suggested. (Lac La Martre Band Council, et. al.: 119-121, Stevenson) Also, in some areas, such as the Yukon, socialization appears to derive more from stories that convey cultural norms than from reference to a great law. Still, the sketch offered does identify broadly shared traits of Native traditional politics that contrasts with contemporary public government norms in Canada.

3.2 The Contemporary Vitality of Traditional Native Political Cultures

However, before drawing the contrasts, it is important to determine the contemporary importance of traditional political culture among the First Nations of northern Canada. Any judgment of the congruence between First Nations and public government norms must view them both in the present tense if any conclusions are to be drawn about how this degree of congruence will affect the legitimacy and effectiveness of public governments today and their likely relationship with First Nations governments in the future.

There is good reason to question the durability of the traditional politics of the First Nations of Canada's North. Politics everywhere is rooted in the pattern of social life. It make sense that the politics of Canada's northern Aboriginal peoples have changed as their societies and cultures have been changed by the powerful non-Aboriginal influences that have been imposed upon them and that proved beyond their power to control:

"As long as people lived in small groups spread out over vast territories, they controlled their own lives. Once non-Dene began coming into the traditional Dogrib territories, things began to change. These changes came slowly at first; some were barely noticed. Many changes were countered by strong yabahtis (leaders). As time went on, however, the changes took place more quickly and the

leaders were unable to stop the process." (Lac La Martre, et. al.: 125)

A number of forces assaulted Native spirituality and consequently, given the linkage between spirituality and politics, the authority of the shared world view that underlies the Native political consensus. The work of the missionaries played a significant role here:

"The Dogrib holistic view of the world as a balance between the natural, human, spiritual and animal worlds changed to one in which human were at the mercy of the supernatural world as portrayed in Catholic beliefs. As a result, the Dogrib world became unbalanced." (Lac La Martre, et. al.: 126)

As non-Natives came to govern and use the land in ways that were foreign, Aboriginal people found the link to the land that had been such a fundamental part of their spirituality broken, or at least severely strained. Communicable diseases not only killed many Native people, but added to their spiritual distress. Illness both carried off many elders, denying their traditional wisdom to their people, and called that wisdom into question because it proved unable to protect the people from the calamity of disease. Schools separated young people from the sources of their peoples' traditional wisdom, often made them ashamed of their heritage and language and produced a deep cultural gulf between generations. In all of these ways, the education system fundamentally attacked traditional Aboriginal cultures. Most recently, television has introduced role models and values that are as incompatible with Aboriginal tradition as they are compelling, particularly to the young.

Traditional leadership also suffered after contact. As it grew, the authority of the missionaries limited the role of traditional Native leaders. The authority of the RCMP worked to the same effect. So too did the treaty process by recognizing for the purpose of managing Native-government relations chiefs who were not necessarily leaders on traditional grounds and who had not been selected by traditional processes.(personal communication, Joanne Barnaby) Moreover, the Canadian legal system replaced methods of dispute resolution that had contributed greatly to the cohesion of Aboriginal society. Stevenson has observed that "...with the imposition of government structures which emphasized the nuclear family at the expense of the extended family, traditional leadership and authority patterns found fewer and fewer opportunities for expression." While Stevenson reported this pattern among the Inuit, other northern First Nations are likely to have experienced it as well.

The transition from subsistence harvesting to the fur trade ended the former economic equality between the genders. It also created a dependence on trade goods that led Native wildlife harvesters to become impoverished when the price of furs crashed. People found it more difficult to act out the culturally important role of self-reliant individual and to carry out the sharing ethic that was such an important source of integration in traditional society. When many Native people moved from the land into communities, these difficulties intensified.

Such an accumulation of profound spiritual, social and economic changes has inevitably transformed northern Native cultures. The relevant question for this study is how much these cultures have changed. How much do they or contemporary derivations of them live in the hearts of northern Native people? Do they retain sufficient vitality that the fit between them and the territorial governments has any impact on how native people view the territorial governments? If the answer to this question is that Aboriginal political cultures in the North are virtually dead, then they will neither add to nor detract from Native peoples' support for the public governments of the North. The most that can be said is that the potential political culture might have presented for supporting either the territorial or First Nations governments will not figure in future constitutional planning. However, to the extent that they remain potent, the congruence between them and the ethos of the territorial governments will influence Aboriginal attitudes towards those governments in the ways suggested above.

The methodological problems identified above very much complicate any judgment on this question. So too does the reality that Aboriginal culture focuses on the small communities that are the closest contemporary equivalents to the small groups in which northern Native people traditionally lived. The status of traditional culture varies considerably among these communities, confounding efforts at generalization. These caveats having been offered, there can be no doubt that Aboriginal political cultures in the North have to a degree suffered from and been diminished by the assaults they have endured. However, these cultures have survived. Recent decades have seen a resurgence, in part reflecting political developments. For example, the influence in the 1960s and 1970s of the civil rights and community development movements reinforced Aboriginal cultural pride. The appearance of a generation of educated young Native leaders and of issues such as the Mackenzie Valley pipeline and comprehensive land claims

reinforced the growing interest in traditional culture. The death of elders reminded northern First Nations that the number of holders of traditional wisdom was becoming so small as to threaten the future availability of that wisdom. These and other factors have led to a searching for cultural revival that found its expression, for example, in the Dene Cultural Institute and the Inuit Cultural Institute and in pressure for more Native language training in the school system.

However, at least three factors have impeded the revival of traditional culture. The first is simply that its social basis, the traditional subsistence harvesting life spent mostly on the land, is very largely a thing of the past. Important aspects of it remain, but many of the patterns of social organization that informed traditional culture no longer do so, or do so in only a partial fashion. This pattern does not doom traditional culture, but it does add to the challenge of returning it to its former vigor. Second, the social malaise of many northern Native communities makes it all the harder to strengthen traditional culture and to adapt it to contemporary circumstances. Alcoholism, violence and antisocial behavior create a context hostile to the spirituality, respect for elders, consensus and commitment to the community that are the essence of traditional northern Native political cultures. The focus that many Native communities are placing on healing themselves is heartening for the progress it promises. It is also, however, evidence of how far the path is that has yet to be traveled. A third problem in reviving traditional culture is that many Aboriginal practices and influences are being introduced in the North from other parts of Canada and, indeed, beyond. Again, this is not necessarily a problem if it invigorates the cultures of Canada's northern First Nations. After all, healthy cultures change and adapt to a variety of factors, including outside influences. At the same time, these influences may obscure traditional patterns and confuse the process of cultural revival at an important formative stage.

The bottom line to this welter of considerations is, as a very broad generalization, that Aboriginal political cultures do endure sufficiently to provide a standard by which northern First Nations judge governments and seek to structure their own politics. For example, it is noteworthy that in the Yukon all four of the First Nations constitutions that have been ratified to date provide special mechanisms for representing elders in government. In some instances, special roles have been provided for them, particularly in the area of dispute resolution. All express their respect for the political status of the individual by providing that general assemblies composed of all members of the Nation will decide the basic legislative framework within which

the First Nations government will operate. The government of the Tlingit will feature a form of senate comprised of the leaders of the five clans.

In the Northwest Territories, First Nations have not reached the point of designing their governments, hence it is not possible to point to structural evidence of the ongoing strength of traditional political culture. However, particularly among the Dene in the southern regions of the western NWT, the feeling remains strong that traditional government based on the great law still exists (Francois Paulette, personal communication). The situation among the Inuit is less clear. Having emphasized the creation of a public government, it has obviously not been prudent for them to dwell publicly on how its structure will reflect Inuit culture. Also, the Inuit strategy has been to defer the actual design of the Nunavut government until a body with substantial Inuit participation will be created for this purpose (personal interview, Ottawa, June, 1993). This body, the Nunavut Implementation Commission, will only come into operation early in 1994. Ultimately, it will be the Nunavut government through its own Assembly that will take the final decision concerning the pattern of governance in Nunavut and the extent to which Inuit political culture will inform this pattern. Even given that Aboriginal people will dominate the government, the difficulty of this task must be recognized. Stevenson reports the existence of three very contrasting traditional patterns of decision-making among the Copper, Netsilingmiut of the eastern Kitikmeot and the Iglulingmiut of the Baffin region. The Copper Inuit tradition emphasizes egalitarianism and individual self-determination, while the Iglulingmiut features strong leadership and an emphasis on the group. Netsilingmiut culture lies between these two extremes. Compounding the complexity is Stevenson's finding that contrasts exist within regions as well as among regions. (Stevenson: 40) This variation may preclude the development of a territorial government that conforms with political traditions across the Nunavut area. Congruence with traditional political culture may only be possible if significant powers--including the power to design their own political institution--are vested in the communities. It is far too soon to predict how the designers of Nunavut will balance this concern with the cost-effectiveness of more centralized governing structures.

It should be acknowledged that political culture is only one of a number of factors affecting the relations between First Nations and the territorial governments. Other factors, such

as access to funding programs and the desire to benefit from economic development, social welfare and other public government policies, lead many Native people and First Nations to work with the territorial governments. In the Yukon, all of the parties represented in the Assembly have included Aboriginal people. In the Legislative Assembly of the NWT Native MLAs outnumber their non-Aboriginal colleagues by a wide margin. This involvement in public government reflects the pragmatism of Native people and First Nations as they recognize the power of the territorial governments and attempt to harness it to their benefit. Moreover, the attenuation of traditional politics reinforces the impulse to work within the territorial governments. So too does the fact that the lack of Aboriginality in the territorial governments can be accepted when it is explained at least in part by the difficulty of designing public governments to fit the diverse patterns of Aboriginal political traditions.

Still, traditional cultures persist to the extent that they define the territorial governments as alien. Also, to the extent that First Nations want to foster their cultural development, territorial governments are emphatically not the places where this will happen. The reason is inherent in the nature of the liberal-democratic model that patterns these governments.

3.3 The Spirit and Practices of Liberal Democratic Government

Liberal democratic government as practiced in Canada and the political cultures of the northern Aboriginal peoples share very little in common. At the most fundamental level, they spring from radically different world views. The laws of nature provide the focus of Aboriginal decision-making and infuse Aboriginal politics with a spiritual quality. The historical derivation of Crown sovereignty from the will of God notwithstanding, government in Canada today is a secular business. Liberal democratic theory locates the source of governmental authority in the consent of the governed, however implicitly expressed. Francois Paulette of Fort Fitzgerald may have overstated the case, but expressed a strongly held view on this question: "My spiritual identity is the basis of my politics; for the Government of the Northwest Territories, spirituality is what happens on Sunday."(personal communication)

Canadian public government thus confronts Aboriginal political culture in that it ignores the laws of nature upon which Aboriginal politics rests. Moreover, the laws governing relations

between the Crown and Aboriginal people have subordinated the latter to the absolute sovereignty of the former, thus denying First Nations any constitutional room within which to govern themselves accordingly to their traditional values.(Macklem: 393)

Among Aboriginal peoples, the value attributed to the community and its unity and the faith in laws of nature provided by the Creator have defined the task of traditional Native politics as working together to understand how the laws of nature apply to a particular question. It is assumed that an answer to a question already exists and can be found if all participants in the decision to be taken work collectively to discern that correct answer. Whereas laws of nature inform Aboriginal politics, liberal democracy rests on a basis of moral relativism, a belief that human beings cannot with certainty know the truth or identify the correct course of action. In place of knowledge, all we have to guide ourselves is belief or opinion. In contrast to the Aboriginal assumption of unity of purpose, liberal democracy assumes that opinions will vary because of the different interests and socialization of the members of a large and differentiated society. It therefore views politics as a competition among the preferences of a number of interests. The respective amounts of power wielded by the various groups decide the outcome of the struggle. Thus the basic logic of liberal democracy is competition for political dominance. In stressing conflict and disunity, this competition contrasts with the Aboriginal emphasis on consensus and pursuing the support or at least acquiescence of all for a decision the group has taken. It is a telling usage that votes in the House of Commons are referred to as "divisions". The laws that result enjoy the legitimacy of democratic process, but not, as in Aboriginal societies, the sense of ownership that a consensus process produces or the authority of deriving from eternally true laws of nature provided by the Creator.

The Canadian Constitution also contrasts with northern Aboriginal political cultures in that it is driven by the individualism of Canadian society. Canada does recognize some collective rights, such as those of Quebec and, however ill defined, those of First Nations. However, it gives pride of place to the rights of the individual. For example, the rhetoric of the Charter of Rights and Freedoms is resolutely individualistic. The Charter even guarantees minority official language education rights, crucial to the survival of communities of language speakers, as the rights of individual parents, not of cultural collectivities. In contrast, Aboriginal tradition values the community and its unity. Moreover, while lip service is paid to the concept of a national

interest, it is invariably a struggle among particular groups that identifies this interest in specific cases. There is, of course, a logical link between the elevation of the individual over the community and a politics of competition rather than consensus; where politics lacks a sense of unity, particularism and competition flourish. In these regards, the Canadian political paradigm stands in marked contrast to the approach that northern Native people traditionally bring to their politics.

Canadian leadership practices also contrast with their traditional northern Aboriginal counterparts. The chief and council model imposed on Indians by the Canadian government has confused and obscured traditional practices. However, historically northern Natives did not push themselves forward as candidates for leadership by seeking formally designated offices in a competitive process. Leadership selection was usually a natural part of the everyday flow of decision making; the skills of individuals brought them respect that made them the focus of the group's decision making, influential but not usually authoritative in themselves. In contrast, public government leaders emerge from a competitive process. Particularly where the norms of responsible government and party discipline prevail, they exercise authority at the top of hierarchical institutions that contrast with the collegiality of traditional Aboriginal politics. Public government politicians must represent their constituents in a fashion largely unknown in traditional Aboriginal practice. Being much more distant from their people, they face questions of accountability that simply do not arise in the face to face egalitarian process of traditional Native politics.

These questions and, indeed, many features of Canadian politics inevitably result from the greater scale and complexity of contemporary Canadian compared to traditional northern Aboriginal society. A society of 28 million people spread out over 10 million square kilometers necessarily must operate on a representative system. To the diversity of interests that characterize modern, highly differentiated societies and economies, Canada has added the competing interests of different regions and ethnic groups. Such a society spawns an abundance of political issues that is amplified as technological innovation and external forces rapidly change society and the relationships of the groups that comprise it. Whereas the decisional load of traditional northern Native politics was relatively low, contemporary governments in Canada face an overwhelming number of challenges. This burden would make it impossible to involve all Canadians in any

form of decision making, let alone a time consuming consensual process, even if they were many fewer in number than they are. Added to these obstacles to consensus is the absence of the ties of kinship and the shared basic values that fostered the sense of unity that nurtured the traditional Aboriginal pursuit of consensus.

In summary, traditional northern Aboriginal societies and contemporary Canadian society differ in almost every respect: spiritualism; social philosophy; complexity; scale; mode of production. It should come as no surprise that their respective politics diverge equally thoroughly. Leaving aside the question of the contemporary vitality of northern Aboriginal political tradition, the territorial governments cannot hope that cultural congruence will assist them to accommodate northern First Nations. The differences that set the two political paradigms apart are simply too great. Both territories display this divergence. However, each contains certain unique elements that affect the fit between its present and likely future form of government and traditional Aboriginal political culture in it.

4. The Yukon

4520 Indians, comprising 16.3% of the total population live in the Yukon.(Statistics Canada. 1993 (b)) 19.4% of the Indian population over the age of 14 report speaking an Aboriginal language. The comparable language use figures for Canada (35.8%) and for the Northwest Territories (74.3%) suggest that Yukon Native languages have weakened particularly severely in the face of assimilative pressures.(Statistics Canada. 1993 (a)) A study of these languages concludes that

"The languages are in great danger of passing out of existence. There are some pockets of strength, mainly through the few surviving elders, but most Yukon Indian people do not have the ability to speak their native language." (Yukon, Executive Council Office, Aboriginal Language Services: 47)

In contrast, 71.4% of Yukon Indians over the age of 14 report participating in traditional aboriginal activities, compared to 50.6% throughout Canada and 78.2% in the Northwest Territories. (Statistics Canada)

Any assessment of the vitality of Aboriginal political tradition in today's Yukon is necessarily tentative and subjective in view of the diversity of experiences among the 14 First Nations of the Yukon, the subtlety of the processes involved and the sensitivity of the topic.

Respondents to this study reported that the political traditions of Yukon First Nations have attenuated considerably as a result of assimilative forces and dysfunctions within Yukon communities that have diminished the relations of respect among elders, chiefs and First Nations members. At the same time, they observed that respect for elders does persist in significant forms. Also, Yukon First Nations rely on elders at present and want to involve them in the governments they are creating, governments that they hope will embody and strengthen traditional political values. For example, the preamble of the Champagne and Aishihik First Nations Self-Government Agreement asserts that "the Champagne and Aishihik First Nations has traditional decision-making structures based on a moiety system and are desirous of maintaining these structures;". The Teslin Tlingit have already developed a form of government based on their five clans. The Umbrella Final Agreement of 1992 has set in motion a process by which the 14 Yukon First Nations will negotiate their own forms of government. The first four of these to be ratified all contain such traditional elements as guaranteed representation of elders and of the moieties in their legislative councils. It can be expected that the remaining governments will, to varying degrees, feature traditional elements as well.

The fact that Umbrella Final Agreement provides for 14 separate Indian governments rather than the one that might be expected to govern so few people demonstrates a basic cultural fact about Yukon First Nations. This is that Yukon Indians identify most closely with their own First Nation than with the pan-territorial group. It follows that the geographic and social span of the territorial government is out of keeping with the traditional political culture of Yukon Indians. Indeed, the Yukon Indian and public government paradigms diverge at most points of comparison. They diverge in the general senses described above. They also diverge because Yukon Indians only comprise one sixth of the territorial population. It should be noted here that the number of Indians and the proportion of the Yukon population they comprise may be higher than reported by the Aboriginal Peoples Survey because some Aboriginal persons may have refused to participate in it. However, even if they constitute a quarter of the Yukon's population, this would not cause Yukon Indians to reconsider their apparent acceptance of the certainty that the territorial government will not embody traditional Aboriginal norms. Indeed, they do not appear to view their traditional politics as a measure of the legitimacy or determinant of their acceptance of the territorial government. Far from being alienated on cultural grounds, the

Indians take the path of pragmatism. They and the government may disagree on various points of policy and on the status to be accorded the Council for Yukon Indians. Nonetheless, the Indians accept the territorial government as a given in their political environment and attempt to work with it in order to gain access to the programs and other benefits it can provide. Also, because the claims Agreements require cooperation between the First Nations and the Territorial government, this practice of engagement with rather than isolation from the territorial government can be expected to continue.

Still, it is a culturally foreign government with which they interact. In the words of the Clerk of the Legislative Assembly,

"...the territory has a long and powerful attachment to the parliamentary model as received from Britain and adapted in the Canadian context....The theme which emerges in a study of (the past) seventy years is that of a legislature significant not for its differences but, instead, remarkable in its similarity to all other Canadian parliamentary bodies."

The most significant of these similarities is the partisan organization of the Assembly. The presence of political parties operating under the rigid discipline required by the government's need to maintain the confidence of the House defines the Assembly as a place of conflict, rather than one whose purpose is the building of consensus. Moreover, the division of members into government and opposition and the institution of a cabinet whose members occupy positions of particular authority infuses the government with an atmosphere of power and hierarchy inconsistent with the norm of respect that lies at the heart of traditional Yukon Indian political practice. While the concept of representation is largely foreign to Aboriginal political cultures, party discipline increases the dissonance between the role of the MLA and traditional concepts of leadership. Whereas Aboriginal political traditions connect leaders and others very closely, party discipline places greater emphasis on supporting party positions than it does on permitting members to speak publicly on behalf of their constituents' concerns. Aboriginal MLAs have not tended to be the force publicly representing Aboriginal concerns that Aboriginal MLAs have tended to be in the Assembly of the Northwest Territories. This pattern undoubtedly owes something to the fact that, with the exception of the MLA for Old Crow, Aboriginal MLAs generally represent more ethnically diverse constituencies in the Yukon than is the case in the

NWT, hence cannot as forcefully promote the specifically aboriginal interests of their Aboriginal constituents. However, party discipline clearly also plays a role in diminishing the Assembly as a focus for the representation of Aboriginal interests and Aboriginal MLAs as voices in the Assembly for their people.

Outside the Assembly, the Yukon Territorial Government is organized along lines that would be familiar to any student of provincial public administration. Indeed, largely because of the excellent highway network and the diseconomies of scale associated with the very small size of many Yukon communities, the operations of the government are centralized in Whitehorse. The government's employment equity plan looks forward to Yukon Indians being represented in the public service in the same proportion that they are represented in the general Yukon population. At present they hold 12.9% of government positions. While the proportion of Aboriginal workers in the territorial government is gradually increasing, they tend to cluster at the less skilled and less well paid end of the scale. (Yukon Government Public Service Commission. n.d.: 15) It is noteworthy that Chapter 22.4 of the Umbrella Final Agreement commits the territorial government to facilitate training and professional development of Yukon Indians to prepare them to take up employment with the government. While increasing the number of Indian public servants may not significantly change the tone of the territorial government, it may make it more accessible and culturally sensitive for Yukon Indians. At the same time, the personnel requirements of establishing the 14 First Nations governments and the many joint boards established as a result of the 14 Agreements may drain many of the pools of Indian talent that the territorial government might draw upon in the future, thus limiting its ability to increase the proportion of Indians in its public service.

The language policy of the territorial government focuses on programs that promote the learning of Yukon Indian languages rather than on providing government services and publications in Indian languages. The government does maintain Aboriginal language speaking officers in a half dozen communities to assist people to gain access to government services. This language policy is consistent with the social realities that most Yukon Indians can deal effectively with the government in English and that few expect the territorial government to adapt its operations to their linguistic or cultural needs.

All of this evidence points to a government that operates in a highly conventional

fashion. A number of its policies, in such areas as heritage programming, community justice and health care delivery, draw to varying degrees upon traditional Yukon Indian knowledge. However the processes by which these policies have been developed owe very little to Aboriginal political traditions.

At the same time, these processes are not what they once were. While its internal structure endures largely untouched, two new developments have already begun to change the way in which the territorial government operates. The first of these innovations has been a trend toward co-management. Increasingly, the territorial government and First Nations are collaborating on projects or programs and sharing authority over the decisions that shape them. For example, since 1989 the territorial government and the Selkirk First Nation have jointly directed the development of the Fort Selkirk fur trade historic site near Pelly Crossing. Co-management is attractive to the territorial government for a number of reasons. Co-management tends to increase client satisfaction and cause programs to work better because it is more responsive to client wishes than traditional top-down policy processes have tended to be. Also, clients feel a greater sense of ownership of and commitment to programs managed in this way. From the perspective of individual ministers and their public servants, co-management fosters Indian support for programs and for their continued funding by the government. Finally, the territorial government will prefer to retain a significant role in delivering certain functions. Co-management makes it less likely that Yukon First Nations will take advantage of the "exit option" of assuming full responsibility for these functions that their claims Agreements provides them.

The Yukon also deviates from the conventional model of public government by not only providing for Indian membership on a large number of public government boards and agencies, but also stipulating that the Council for Yukon Indians nominate or in a few instances actually appoint the guaranteed Indian representation. For example, the CYI appoints three of the 9 members of the Yukon Water Board and nominates half of the members of the Yukon Fish and Wildlife Management Board. Particularly in the case of direct appointment, this ensures representatives who are responsive to the views of the CYI and who enjoy its confidence. It also brings to bear on the deliberations of these boards views that are the products of Aboriginal political processes. The extent to which these processes reflect Aboriginal traditions may vary

considerably. However, it is Yukon Indians who have the power to decide the character of these processes and how they should integrate traditional politics and contemporary political needs. What is important is that there will be Indian voices on these boards and commissions who will be directly linked to the Indian political processes which are the venues in which traditional Aboriginal processes will operate, if they are to operate anywhere. This arrangement to a degree insulates Indian politics by balancing the assimilative pressure of participation in multiracial political institutions with the protection of a realm of decision making that is completely Aboriginal.

These innovations are merely harbingers of future developments that will largely be driven by the implementation of the claims Agreements. The Agreements will have three major impacts. The first will be to create a set of joint government-Indian boards and commissions. Examples of such boards include a Surface Rights Board, Heritage Resources Board, Water Board, Fish and Wildlife Management Board and Development Assessment Board. Some of these boards are new while others represent transformed versions of already existing bodies with the important additional status of being constitutionally entrenched. This protects them from unilateral action on the part of a future government and should enhance their ability to deal successfully with government. This in turn will reinforce the growing tendency of government departments to integrate board and commission views and Indian interests into their policy processes.

Undoubtedly the major impact that the Agreement will have on the territorial government is the provisions concerning the creation of Yukon First Nations governments. In addition to managing settlement lands each of these governments will be able to select from a very wide range of territorial government programs and services those it will deliver independently or share jurisdiction over with the territorial government. These governments will also be able to levy taxes on settlement lands. With the potential to deliver such programs as health, education, justice, employment and economic development, these governments are likely to come to exercise more control over the programs that affect the daily lives of Yukon Indians than will any other order of government. The processes by which this control will be exercised will be determined, within the bounds of the Constitution of Canada, by the First Nations themselves.

The experiences the First Nations have with these processes will lead them to decide the balance that their institutions will strike between political tradition and modernity. The degree to which the balance struck will be traditional cannot be predicted. However, because the choices will evolve within completely Aboriginal institutions, although not in a completely Aboriginal world, they will be the products of the self-determination of Yukon Indians. While they may not be highly traditional, they will be authentic, having developed out of Native processes. In order to respect the need of all vital cultures to evolve and to respond to the circumstances to which they must be applied, no fuller guarantee of traditional process would be appropriate.

The third impact of the Agreements will be to create, if not actually a third order of government in the Yukon, at least a very substantial set of interactions and relationships between the territorial government and Yukon First Nations. This activity will be analogous to the machinery of federal-provincial/territorial relations that operates Canadian federalism. This machinery can greatly affect the success of the governments involved. In particular it can help avoid costly duplication and promote complementary policy making. These benefits are significant in any setting in which a number of governments must interact. In the Yukon, the inefficiencies of allocating responsibility for one program area to a total of 15 governments can be enormous and the funds needed to sustain the resulting inefficiency are likely to prove greater than government can provide. The effectiveness of the territorial-First Nations relationship will be critical in minimizing these inefficiencies. In managing this relationship and in relating to the Agreement-based boards with their guaranteed Aboriginal participation, the territorial government will be highly motivated to respond to aboriginal concerns rather than risk the high costs of difficult relations. The territorial government will particularly want to avoid relations becoming so difficult that frustrated First Nations decide to turn their backs on the usually more cost-effective joint activities and develop their own programs. It can be anticipated that this intergovernmental machinery will reinforce the impact of participation in the joint agencies and boards set up under the Agreements. Both will forcefully bring Aboriginal views developed in First Nations contexts to bear on the process, although not the structure of the territorial government.

A pattern is taking shape in the Yukon. While the structure of the territorial government itself is not changing, the larger patterns of governmental institutions, that is, the venues of

politics, are being transformed. Both within First Nations Governments and through their contributions to joint agencies, much more of the politics of the Yukon will be informed by Yukon Indian values than has been the case in the past. While the relatively small proportion of the population that they comprise has generally acted to weaken the political position of Yukon Indians, it works to their advantage in this instance. Being only one sixth of the population, Yukon Indians can design their own governments without fearing that their actions might destroy the territorial government, as could happen in a more heavily Aboriginal region, such as the NWT. Whatever jurisdiction Yukon Indians decide to assume, there will still remain a substantial role for the territorial government in serving the non-Native population. Non-Natives may feel concerns about the cost effectiveness of the new multiplicity of governments or about how Indian governments may exercise powers that may affect non-Natives. However, they ought not to attempt to block the development of First Nations government out of fear for the viability of the territorial government. In the end, in the words of a senior territorial official, the hallmark of politics in the Yukon will be "more empowered units working collaboratively". This system will represent an adaptation of conventional norms of governance in Canada. Public government will not change, but its smaller scope will "make room" for the First Nations governments. It is in them that Aboriginal political traditions will flourish or wither depending on the needs and circumstances of the First Nations.

5. The Northwest Territories

Many of the elements of the Yukon's pattern of political evolution also appear in the Northwest Territories. At the same time, demographic and political differences produce important points of contrast. The most prominent of these differences is the larger proportion of the territorial population that the Aboriginal people of the NWT comprise. The NWT figure of 60.2% in 1991 compares to 16.3% for the Yukon. In 1991 the Aboriginal population of the NWT included 21,035 Inuit (36.5% of the territorial population), 9,805 Indians (17% of all territorial residents) and 3,895 Metis (6.7% of the total). (Statistics Canada. 1993 (b)) These numbers make the question of the adoption of Aboriginal political forms by the territorial government both plausible and threatening to the territorial government. As a majority of the territorial population, the Native people of the NWT can reasonably expect that the structure and process of the

territorial government will embody significant elements of Aboriginal political culture or at least be organized in a fashion within which Aboriginal people find it culturally comfortable to work. Equally, the numbers of Aboriginal people in the territories raise the stakes in this issue far above what they are in the Yukon. There, Native people are too few to be able to transform the territorial government in a fundamental way, although much would change if they opted for fully empowered First Nations governments. In the NWT, the territorial government's approach to representation and decision-making may be transformed to satisfy Aboriginal desires or it may be reduced to a shadow of its former self as First Nations establish their own governments to limit the frustration of working within a culturally incompatible set of institutions. Even after division of the present NWT makes Aboriginal people a minority in the new western territory, they will be sufficiently numerous that their opting for First Nations governments will fundamentally alter the territorial government. It could face the challenges of working with a much smaller client base and of managing a very complex set of intergovernmental relations with the various First Nations.

Aboriginal languages appear more secure in the NWT than in the Yukon; 74.3% of Aboriginal people in the NWT who responded to the 1991 Aboriginal Peoples Survey reported that they speak an Aboriginal language, compared to 19.4 in the Yukon. (Statistics Canada. 1993 (b)) The two territories displayed more similar levels of participation in traditional activities: 78.2% of NWT respondents aged 15 years and older compared to 71.4% for the Yukon. Wildlife harvesting and other traditional activities on the land continue to form important elements of the economies of many Native families in the NWT. Native people produced an estimated \$55 million of country food in 1989, between \$10,000 and \$15,000 for each hunter.(Bone: 214) This economic dependence as well as the spiritual importance of their relationship to the land has made protecting the land and traditional activities on it one of the primary political goals for the First Nations of the NWT.

Other political goals that they share include self-determination and reaching definitions of their relationship with the Canadian state that they feel correctly reflect their identities and histories. Their pursuit of these goals has created an exceedingly complex situation. The failure of the Dene/Metis land claim process in 1990 has led to the negotiation of five regional Dene claims as well as a separate pursuit of its rights by the Metis Nation. The number of First Nations

engaged in claims or settlement implementation and constitutional development now stands at 8: the Inuit; Inuvialuit; Metis and the five Dene claimant groups. Their strategies vary depending upon such factors as the proportion of the population of their region they comprise, the pressure they are experiencing from non-Aboriginal resource development and their own political cultures. While this is true of Yukon First Nations, the range of variation in the NWT surpasses that of the Yukon. At the conservative end of the spectrum of approaches to self-determination, the Inuit demographic dominance above the tree line has enabled them to find a satisfactory degree of self-determination in a public government model. The Inuvialuit of the western Arctic have long pursued such a goal, but more recently have expressed an interest in developing their own Aboriginal government. The radical end of the spectrum is influenced by the existence of treaties in the western portion of the NWT. Particularly south of Great Slave Lake, the Dene view these as fundamental to defining their relationship with the Canadian state as one between sovereign equals that in no way denied or terminated their right to govern themselves. Given this view, they wish to base their relationship with Canada on a renewal of the treaty and to deal on policy matters directly with the federal government, with which they signed the treaty.(Grand Council Treaty #8 NWT) They reject the Government of the Northwest Territories as a colonial imposition that has no legitimate authority over them. Further, they believe that by devolving powers to the territorial government, the federal government is abdicating its fiduciary responsibility to them and empowering a government that is not sensitive to their cultural needs. (personal communication, Bill Erasmus) Between these two extreme positions, a number of First Nations are pursuing approaches to self-determination that resemble those of most Yukon First Nations. They have accepted, with varying degrees of reluctance, a process that will produce First Nations governments that will not be constitutionally entrenched. Claims-based joint boards and agencies will also be created with substantial, but in the end not ultimate, authority over a range of natural resource-related questions. As in the Yukon, First Nations will enjoy a degree of flexibility to determine the span of powers that their governments will assume and, by implication, the role that the government of the Northwest Territories will assume.

For its part, the territorial government confronts the prospect of fundamental changes arising certainly from the creation of Nunavut and possibly from the development of First

Nations governments in the new western territory. Programming in the West after division will be most cost effective if it continues to be designed and delivered in as centralized a fashion as possible. However, the First Nations will not view this as acceptable if it comes at the cost of the continued lack of responsiveness that many believe now characterizes the policies of the territorial government.(Devine: 12) One aspect of this responsiveness is the extent to which the structure and process of the territorial government reflect Aboriginal political traditions.

How the Legislative Assembly scores on this issue has been the subject of some disagreement (Dacks 1986, White 1991). The Assembly operates on a non-partisan basis. Candidates contest elections as individuals rather than on the basis of party affiliation. At the Legislative Assembly's first session, it decides which of its members shall be ministers and of these who will serve as Government Leader. The Legislative Assembly operates on the basis of a loose form of responsible government. If bills introduced by members of the cabinet are defeated in the Assembly, the questions of want of confidence and the continuation of the government do not arise. While it has the power to do so and while it has removed individual cabinet ministers, the Assembly has never voted to dismiss the cabinet as a whole. As a consequence of this situation, party discipline does not govern the activities of the Assembly. This frees individual MLAs to represent the views of their constituents very directly. In this way they are able to act as representatives in a fashion much closer to the aboriginal view of leaders as speakers who express the community's consensus rather than as politicians acting on the basis of their personal discretion. (Arnott) The operations of the Assembly also differ from its counterparts elsewhere in Canada in the opportunities provided for citizens to express their views on matters before the Assembly. It is common practice for Assembly committees to tour communities in the NWT seeking views on bills that have been tabled in the Assembly. Similarly, public meetings are called in communities to provide public reaction to capital spending plans, green papers and in some instances draft legislation before it is tabled in the Assembly.

While the operation of the Assembly is congruent with Aboriginal traditions in these ways, it has been argued that it also resembles Aboriginal politics in that it operates on a consensual basis. The major evidence for this assertion is simply the nonpartisan process of the

Assembly. However, there is a great distance between non-partisanship and consensus. The Assembly has not bridged this gap, indeed cannot be expected to do so. (Dacks 1986:353-355) The diverse, far-flung and relatively numerous population of the Northwest Territories is the antithesis of the intimate communal group of Aboriginal tradition, tightly knit together by bonds of kinship, spirituality, shared purpose and the dictates of a wildlife harvesting economy. The volume of business that the government must address makes traditional consensual approaches to decision-making too burdensome to be practical. Moreover, the actual conduct of members in the House in recent years has displayed much more conflict than consensus, with the most prominent pattern being increasing friction between members of the cabinet and the other members of the Assembly.(O'Keefe: 209-213) While there are indisputably aspects of the Assembly that speak to Aboriginal political sensibilities, consensus is not one of them.

As in the Yukon, the territorial public service operates very much on a southern Canadian model. This reflects the circumstances of its establishment in 1967 when the founding contingent of public administrators was airlifted *en masse* to Yellowknife from Ottawa. The organization they created has continued to be shaped by such considerations as accountability, public service staff relations and administrative law. Even if it were deemed desirable to integrate traditional Aboriginal values into territorial public administration, this would be a difficult task. In addition to the fundamental contrasts between these two paradigms is the reality that Aboriginal political culture varies considerably among the First Nations of the NWT. An adaptation designed to conform to the political traditions of several First Nations might seem culturally dissonant to others.

Any effort to adapt the operations of the public service to conform to Aboriginal political cultures would confront the problem that the public service has little personal experience of Aboriginal traditions to draw on; in 1992, only about one eighth of territorial employees in the management category were aboriginal persons. (Government of the Northwest Territories. 1992 (b): Report 367). All told, Aboriginal people make up 34.1% of the public service. The public service does have an affirmative action policy in which the emphasis is shifting from hiring to retention of Aboriginal staff. One reason for this is that the government has found it easier to hire Aboriginal workers than to keep them on staff. It is currently undertaking research to learn

more about the causes of the high turnover of aboriginal staff. Another reason to emphasize retention of staff is that the increasing fiscal stringency that the territorial government faces will decrease the number of positions that it will be filling in the foreseeable future, thus decreasing the contribution that recruitment can make to accomplishing a more ethnically representative public service.

However, two developments will assist in this regard. The first is that large numbers of staff are being appointed by regional health boards and education boards. While these staff remain employees of the territorial government, the participation of community representatives, who are very often Aboriginal persons, on interviewing committees should very effectively inject the needs of their communities into the hiring process, encourage aboriginal applications and lead to the selection of the candidates who are most sensitive to community needs. To the extent that it is implemented, the Community Transfer Initiative discussed below will move more hirings into the hands of the communities, thus reinforcing the tendency toward a more culturally sensitive recruitment process. A second factor is that, to a degree, Yellowknife itself is a structural barrier to Aboriginal employment. Taking up government employment in Yellowknife requires financial and social sacrifices for Aboriginal people who live in the small communities of the NWT. The territorial government has recently initiated a program of administrative decentralization, primarily in order to spread the benefits of government hiring and spending more widely. Because the communities to which government activities will be relocated are predominantly Aboriginal, administrative decentralization promises to have an affirmative action impact on employment as well as to expose government administration more directly to Aboriginal concerns than has been the case in the past.

The same results may--or may not--flow from the territorial government's Community Transfer Initiative. This policy reflects two growing realizations. First, partly for cultural reasons, Aboriginal people in the territories want to be governed by institutions that are nearer and more accessible to them than at present. Second, local governments are likely to develop programs that are more responsive to local needs than the policies of the territorial government have been. The transfer policy anticipates that agreements will be negotiated between individual communities and the territorial government concerning the scope of responsibilities to be transferred, standards and funding.(Northwest Territories. 1992 (a):14-18) This process is too recent for it

to be possible to report on the experience to date. Moreover, the failure of similar initiatives in the past and the cumbersome and colonial tone of the transfer process provide grounds for skepticism. To the extent that responsibilities are transferred to the smaller, predominantly Aboriginal communities these powers will be exercised through processes that Aboriginal people dominate. This pattern should foster solutions that respond to Native needs. It should also provide an occasion for the Aboriginal people of the various communities to decide how they will integrate the norms of their traditional political cultures with the exigencies of reaching timely and responsive solutions to contemporary issues. The *caveat* that must be stipulated, however, is that it is still uncertain how much power will be transferred to the communities. The Transfer Initiative anticipates the devolution of legislative authority, not merely the ability to administer policies developed by the territorial government in Yellowknife. However, the conditions of transfers may be so confining and the funding so meager that transfers will not significantly empower the communities or the communities will not find it in their best interests to take up many powers through this mechanism.

The Aboriginal language policy of the territorial government reflects the relatively greater strength of these languages in the NWT than in the Yukon. It places less emphasis on programs of language development because there is less need for them and more emphasis on actually delivering in Aboriginal languages a wide range of programs and services, including government documents and simultaneous translation of Assembly proceedings.

The territorial government draws upon traditional Aboriginal knowledge to a degree. For example, it anticipates that Aboriginal biological knowledge will figure prominently in the data bases that will inform the decisions concerning land and water use that it and claims settlement-based agencies will make in the future. To varying degrees, schools teach traditional skills to their students. Aboriginal elders may advise judges concerning the sentencing of Native individuals convicted of crimes. Still, the territorial government could make much fuller use of traditional knowledge in designing and delivering its programs. For example, while not without its problems, the circle sentencing practiced in some cases involving Aboriginal people in the Yukon judicial system more comprehensively integrates traditional approaches into the system than is the case in the NWT. It is noteworthy that the Government of the Northwest Territories created a Traditional Knowledge Working Group but took three years to respond to the Group's

recommendations concerning how traditional knowledge could figure more prominently in the programs of the territorial government.

In contrast to the Yukon, First Nations make almost no appointments or nominations to public boards and agencies established by the territorial government. Many Aboriginal people serve on these agencies, but their service does not formally acknowledge the status and interests of First Nations as collectivities in the work of the agencies. It also fails to ensure that the Aboriginal approaches to decision making as they function within First Nations will actively inform the work of these public agencies. In contrast, the Government of the NWT outdoes the Yukon Territorial Government in the extent to which it enters into contracts with First Nations or their economic development corporations for the delivery of government programming. To the extent that it does so and depending on the amount of discretion given to the contracting Aboriginal organization by the terms of the contract, there will be room for Native people to use their own processes to make decisions concerning program delivery.

The present picture in the Northwest Territories is of a government whose internal operation reflects Aboriginal political traditions slightly more fully than is the case in the Yukon, but that remains fundamentally a southern Canadian model. The transfer of administrative powers to the predominantly Aboriginal small communities of the territories will enhance their ability to use their own political practices, which will embody traditional elements to varying degrees, to make decisions that affect the lives of their people. However, it is too soon to discern how significantly the processes initiated by the territorial government of administrative decentralization, transfer of powers to community governments and contracting out will bring decision-making into contexts defined by Aboriginal political traditions.

In contrast, processes set in motion outside the territorial government may well fundamentally alter the pattern of governance in the NWT. The first set of these processes concerns the growing self-determination of the First Nations of the NWT. Division will give the Inuit the opportunity to design a government that embodies their traditional approaches to politics to the extent that they wish it to reflect these traditions. It is noteworthy that the Nunavut Act is highly permissive in this regard. It prescribes only a minimum set of structural features for the new Nunavut Government. The Inuit are largely free to design their government as they wish and to revise its design on the basis of their experience with it, without having to obtain

parliamentary approval for any changes. In the western portion of the NWT, the Inuvialuit and the Gwich'in, Sahtu and Dogrib Dene are at different stages of pursuing First Nations governments that are likely to share the broad characteristics of those being created in the Yukon.

So long as the new federal government retains the policy of its predecessor against recognizing an inherent aboriginal right to self-government, these First Nations will develop governments that are contingent on federal legislation. Still, they should provide more promising opportunities for the adoption of traditional political practices than does the Government of the Northwest Territories. The Dene of the South Slave region and the Deh Cho (the southwest corner of the NWT) take the more radical position described above. In their view, their traditional constitution and politics endure and only need the overburden of imposed EuroCanadian structures removed in order to resume functioning fully. While the Inuvialuit have historically favored a public government for the region they inhabit, at present it is only the Metis Nation that has endorsed a vision of the political future based on its participation in a public government. Other First Nations have indicated that they are willing to allow a new territorial public government to deliver certain programs and services and that they will continue to take part in such a government in order to influence the policies of the public government. However, they have identified self-government as crucial to regaining their self-determination and, with it, their health as communities. Part of this healing process is likely to involve calling upon traditional practices in politics as well as more widely.

Division and the development of First Nations governments throw the future role and structure of the Government of the Northwest Territories very much into doubt.(Devine, Northwest Territories 1993) If the First Nations choose to develop fully empowered governments of their own, the territorial government will find that it no longer delivers many programs to half of the people to whom it formally delivered them. Its direct program delivery could be reduced to just two elements. The first would be providing only to the larger, ethnically mixed communities of the western NWT the services it now provides throughout the territory. The second would be providing to First Nations those programs over which they decline to assume jurisdiction. The result will be a smaller Government of the Northwest Territories with a more complex set of tasks. In addition to maintaining the full span of its program delivery capacity, although on a smaller scale, it will have to devote substantial resources to the development and

maintenance of co-operative relations with First Nations for jointly managing some programs and for co-ordinating the impacts on one another of programs they independently deliver.

The territorial government will naturally wish to avoid these complexities by encouraging First Nations to permit it to retain the bulk of its current jurisdiction. Its success in this regard will largely be determined by the outcome of the process of constitutional planning that is currently under way. A basic concern of First Nations will be the likely responsiveness of the new government in delivering programs sensitive to Aboriginal needs and in respecting their status as First Nations. However, another important concern will be the extent to which the new constitution produces a form of government that is more compatible with Aboriginal political culture than is the current Government of the Northwest Territories. The balance of political forces at present in the NWT seems to be inclining in the direction of transferring more power to the local level, a development very much in keeping with Aboriginal political cultures. If the constitution of the new western territory extends this principle, then it may go a considerable distance toward satisfying Aboriginal desires for culturally congenial government, not by changing its basic structure, but by transferring power to the locus of traditional Aboriginal politics.

As in the Yukon, the settlements of Aboriginal claims have created boards and agencies that will regulate the use of land, water and resources. The role of Aboriginal knowledge and political traditions in these agencies will be limited by the fact that equal numbers of representatives of government and First Nations will sit on them. Also the decisions or recommendations of most of these agencies require ministerial approval. To the extent that ministers reject the views of these agencies, any traditional elements in them will be rendered moot. However, the settlements do put in place mechanisms that discourage, although not prevent, ministers from rejecting the views of claims-based agencies. What is important, as in the Yukon, is that the Aboriginal members of these agencies will bring to them the view of First Nations that have been emerged from the political processes that the First Nations develop.

6. Conclusion: A Consociational Day Dawns

Assimilative pressures and social problems have weakened the political traditions of the First Nations of the territorial North. However, while it is difficult to generalize, these traditions

do endure enough that most First Nations want them to figure significantly in their future politics. This paper has demonstrated that the existing territorial governments cannot satisfy this desire. Neither represents a significant adaptation of Euro-Canadian forms to accommodate the political traditions of the First Nations of the territories. In neither of the territories do the present structures and organizational culture of government provide contexts within which Aboriginal people can experience a culturally relevant political process. In neither public government can First Nations hope to adapt their political traditions to their present circumstances and future needs. The political traditions of southern Canada and of the First Nations of the territorial North diverge too fundamentally to coexist comfortably within a single unified set of governmental institutions.

However, the overall pattern of governance in the territories is changing as new institutions--First Nations governments and claims-based regulatory agencies--are being created outside the territorial governments. These new bodies provide opportunities not only for the exercise of power by First Nations but also for the development of culturally relevant and vital Aboriginal political processes. The public governments that will remain, largely unchanged in the Yukon, perhaps significantly altered in the western NWT, will enable Aboriginal and non-Aboriginal northerners to work together within common institutions to resolve shared problems. Such a pattern of governance is not novel. It closely resembles arrangements reached in a number of European and other countries characterized by fundamental differences among ethnic groups that also recognize the desirability of pursuing certain common purposes. These arrangements are termed "consociational", meaning that they incorporate a number of cultural communities within a set of institutions that both protect their collective cultural rights and operate on the basis of liberal-democratic ideals. (Asch and Dacks: 38) Consociational polities display two particularly important features. The first of these is power sharing, the provision of devices that can prevent the principle of majority rule from jeopardizing the basic rights and interests of the minority communities within the polity. Often, power sharing involves the representatives of each cultural community having veto power over governmental actions that affect their basic interests. In the case of the territories, power sharing will occur in the claims-based regulatory agencies on which First Nations and public government are equally represented. As noted above, public government ministers can override the judgment of the

agencies in most instances, but are unlikely to do so frequently. The second hallmark of consociational systems is segmental autonomy, the placing of considerable power, particularly over matters of greatest interest to them, in the hands of the minority communities. This is precisely the impact of the development of First Nations governments.

The consequence of the consociational devices of power sharing and segmental autonomy is to create an overall pattern of governance in the territories that provides considerable opportunity for First Nations to develop contemporary political processes that are rooted in their traditions as applied to their current circumstances. Moreover, the very existence of consociation symbolically validates the First Nations' identities by formally recognizing them as collective political actors and incorporating them as nations within the overall pattern of territorial politics. This recognition transcends participation in the making of policy. It extends to the level of institutional design by giving First Nations the ability to determine the balance of jurisdiction between their own governments and the public governments of the territories that best meets their needs for responsiveness and efficiency.

In this way, by recognizing the political stature of First Nations and by diminishing the role of the territorial governments in a fashion that leaves room for Native politics to develop, the future of the territories promises government much better adapted to and supportive of the meaningful development of traditional political cultures of the First Nations of the North.

Acknowledgment

Many First Nations leaders, officials of the governments of Canada and the two territories and others contributed to the research on which this study is based. The author thanks these individuals for their time, candor and insights and acknowledges the very able research assistance of Joyce Green. Of course, errors or omissions in the study are the responsibility of the author.

Sources

- Arnott, Jennifer, "A Communitarian Approach to Representation in the Northwest Territories" unpublished M.A. thesis, Edmonton: The University of Alberta, Department of Political Science, 1992
- Asch, Michael and Dacks, Gurston. 1985. "The Relevance of Consociation to the Western Northwest Territories" in Western Constitutional Forum. Partners for the Future. Yellowknife: WCF.
- Bone, Robert M. 1992. The Geography of the Canadian North. Toronto: Oxford University Press.
- Canada, 1966. Commission on Development of Government in the Northwest Territories. Ottawa.
- 1993 (a) The Nunavut Act
- 1993 (b). "The Evolution of Public Governments in the North and Their Implications for Aboriginal Peoples" Ottawa: DIAND.
- Department of Indian Affairs and Northern Development. 1984. The Western Arctic Claim: The Inuvialuit Final Agreement. Ottawa: Indian and Northern Affairs.
- Canada, The Council for Yukon Indians and the Government of the Yukon. 1992. Umbrella Framework Agreement.
- Canada, The Champagne and Aishihik First Nations and the Government of the Yukon. 1993. Champagne and Aishihik First Nations Final Agreement. Ottawa: Supply and Services Canada.
- Coates, K.S. 1991. Best Left as Indians: Native White Relations in the Yukon Territory 1840-1973. Montreal and Kingston: McGill-Queen's.
- 1988 "Upsetting the Rhythms: The Federal Government and Native Communities in the Yukon 1945-73" in Dacks, Gurston and Ken Coates, eds. Northern Communities: The Prospects for Empowerment. Edmonton: Boreal Institute for Northern Studies.
- Commission for Constitutional Development of the Northwest Territories. 1992. Phase I Report: Working Toward a Common Future. Yellowknife.
- Council for Yukon Indians. 1973. Together Today for our Children Tomorrow Whitehorse: CYI, 1973.
- Dacks, Gurston. 1986. "Politics on the Last Frontier: Consociationalism in the Northwest Territories", Canadian Journal of Political Science 19: 345-61

---1990. Devolution and Constitutional Development in the Canadian North. Ottawa: Carleton University Press.

Dene Nation and Metis Association of the NWT. 1981. Public Government for the People of the North Yellowknife: Dene Nation and Metis Association.

Devine, Marina. 1993 "The New Western Territory: Balkanization or Federation?" Northern Perspectives. Vol 21, No 1.

Dickerson, Mark O. 1992. Whose North: Political Change, Political Development and Self-Government in the Northwest Territories Vancouver: UBC Press.

Eckstein, Harry. 1966. Division and Cohesion in Democracy Princeton: Princeton University Press.

Grand Council Treaty #8 NWT, "Treaty #8 - Constitutional Reform Framework Position Paper" in Commission for Constitutional Development. 1992. Issue Summary Report. Yellowknife: Commission for Constitutional Development.

Gwich'in Nation and Department of Indian Affairs and Northern Development. 1992. Comprehensive Land Claim Agreement between Her Majesty the Queen in Right of Canada and the Gwich'in As Represented by the Gwich'in Tribal Council. Ottawa: Minister of Indian Affairs and Northern Development.

Helm, June, ed. 1981. Handbook of the North American Indian (Vol. 6, Subarctic) Washington.

Macklem, Patrick. 1991 "First Nations Self-Government and the Borders of the Canadian Legal Imagination" McGill Law Journal Vol. 36 No. 2.

Malloch, L. 1984 Dene Government Past and Future Yellowknife: Western Constitutional Forum.

Merritt, John, et. al. 1989. Nunavut: Political Choices and Manifest Destiny Ottawa: Canadian Arctic Resources Committee.

Michael, Patrick. 1989. "The Yukon: Parliamentary Tradition in a Small Legislature" in Levy, Gary and Graham White. eds., Provincial and Territorial Legislatures in Canada. Toronto: University of Toronto Press.

Northwest Territories. 1991. Strength at Two Levels: Report of the Project to Review the Operations and Structure of Northern Government. Yellowknife: GNWT.

--- 1992 (a). Reshaping Northern Government. Yellowknife: Tabled Document No. 10-12 (2) February 19, 1992.

--- 1992 (b). Government Human Resources Survey Yellowknife: GNWT.

--- 1993. Moving Forward to 1999. Yellowknife: GNWT.

Northwest Territories Traditional Knowledge Working Group. n.d. Report. Yellowknife: GNWT, Culture and Communications.

Nunavut Constitutional Forum. 1985. Building Nunavut: Today and Tomorrow. Ottawa: 1985.

O'Keefe, Kevin. 1989. "Northwest Territories: Accommodating the Future" in Levy, Gary and Graham White. eds., Provincial and Territorial Legislatures in Canada. Toronto: University of Toronto Press.

Purich, Donald. 1992. The Inuit and their Land: The Story of Nunavut. Toronto: Lorimer.

Special Representative for Constitutional Development in the Northwest Territories. 1979. Constitutional Development in the Northwest Territories. Ottawa: Supply and Services Canada.

Statistics Canada. 1993 (a) Aboriginal Peoples Survey. Catalogue No. 89-533 Ottawa: Statistics Canada

--- 1993 (b) Aboriginal Peoples Survey. Catalogue No. 89-327

Stevenson, Marc G. 1993. "Traditional Inuit Decision-Making Structures and the Administration of Nunavut". Edmonton: draft prepared for the Royal Commission on Aboriginal Peoples.

Tungavik and Minister of Indian Affairs and Northern Development. 1993. Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty in Right of Canada. Ottawa: Tungavik and Minister of Indian Affairs and Northern Development.

White, Graham. 1991. "Westminster in the Arctic: The Adaptation of British Parliamentaryism in the Northwest Territories" Canadian Journal of Political Science 24:499-523

Whittington, Michael, ed. 1990. The North Toronto: University of Toronto Press

Yukon. 1990. Green Paper on Constitutional Development, Whitehorse, Government of Yukon.

--- Executive Council Office, Aboriginal Language Services. n.d. A Reader's Guide to a Profile of Aboriginal Languages. Whitehorse: Yukon Territorial Government.

--- Public Service Commission. n.d. Yukon Government 1991/1992 Employment Equity Corporate Report Whitehorse, Government of Yukon