GOVERNANCE IN NUNAVUT

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ABORIGINAL GOVERNANCE: THE CASE OF NUNAVUT

by

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(ABSTRACT)

The settlement of aboriginal claims has been on the northern policy forefront for the past two decades. At long last the settlement of these claims may be imminent. This dissertation examines a series of political-administrative strategies designed to assist in establishing a Native form of governance in light of the recent signing of the agreement-in-principle respecting aboriginal claims settlements in Nunavut, the Inuit territory in northeastern Canada.

To date, research directed in the area of Native claims primarily focuses upon the normative and legal foundations for the claims, the unique cultural and environmental dimensions, and the quantification of actual entitlements in the form of cash and land transfers. However, the critical and complex area of post-claims models of governance has largely been ignored.

Drawing upon the public administration literature as a theoretical base, I explore a number of models that provide a means through which the distinctive aspects of aboriginal society, economy, and culture, can be maintained, while at the same time recognizing the need for continued active Native participation in the Canadian federation. In particular, primary research conducted in northern Canada serves as the catalyst for the ensuing discussion. In addition, a comparative methodology is used to highlight the negative experiences of the Alaska claims settlement, the experiences of other Canadian Native groups, and models adopted in other parts of the world.

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I am indebted to a number of individuals for their input and guidance throughout the arduous process of completing doctoral work. Charles Goodsell provided support, both financial and otherwise, during my time in Blacksburg. The members of my committee from CPAP--Gary Wamsley, Jim Wolf, and Tom Roback--patiently gave the much needed direction that improved the finished product. Frances Abele taught me through her advise and written work what scholarship really means. Phil Martin was more than a dissertation chairman. He helped to solidify my own beliefs with respect to the practical applicability of my work, and as his teaching assistant, he taught me a sense of professionalism that I attempt to bring into my own classes.

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My daughters, Darcy and Dana, were raised believing that it was normal for parents to spend seven days a week pursuing graduate education. Their energy, wit, and charm were a constant inspiration during the past five years. My wife, Helen, gave up so much to enable me to undertake my studies. Her support and counsel certainly transcend any marital or familial responsibility. It is to her, with the deepest love and respect, that this dissertation is dedicated.

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SUMMARY AND CONCLUSIONS

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ACRONYMS

Alaska Native Claims Settlement Act-ANCSA

Canadian Arctic Co-op Federation-CACFL

Canada Employment and Immigration Commission-CEIC

Canada Job Strategy-CJS

Committee for Original People's Entitlements-COPE

Critical Path Method-CPM

Dep't of Indian Affairs and Northern Development-DIAND

Distant Early Warning Site-DEW

Federal Deposit Insurance Corporation-FDIC

Free Trade Agreement-FTA

Government of the Northwest Territories-GNWT

Industy, Science and Technology Commission-ISTC

Inuit Community Corporation-ICC

Inuit Committee on National Issues-ICNI

Inuit Landholding Corporation-ILC

Inuit Tapirsat of Canada-ITC

Kativik Regional Government-KRG

Northwest Territories-NWT

Nunavut Constitutional Forum-NCF

Performance Evaluation and Review Technique-PERT

Return on Owner's Equity-ROE

Royal Canadian Mounted Police-RCMP

Tungavik Federation of Nunavut-TFN

Western Arctic Regional Municipality-WARM

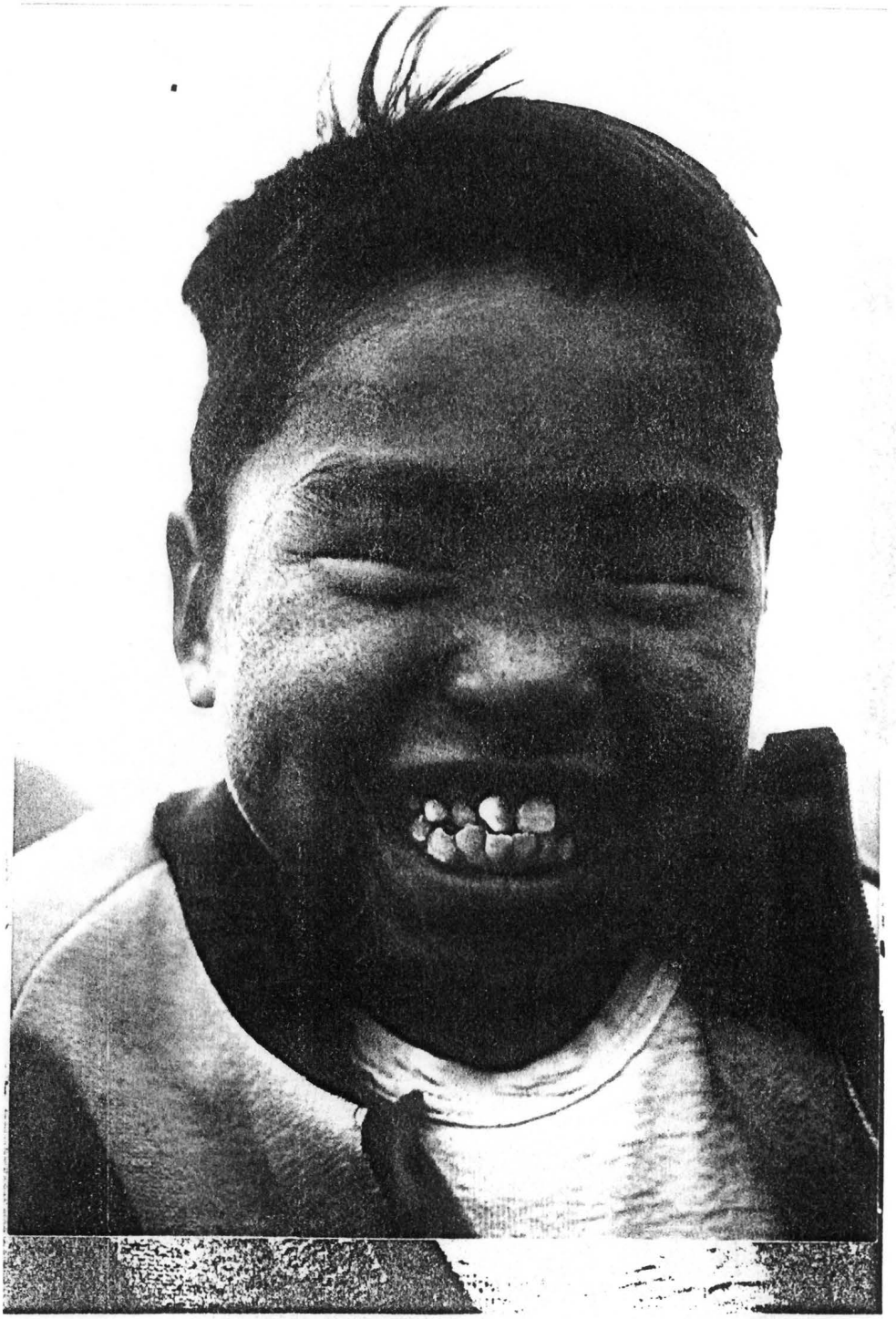
Western Constitutional Forum-WCF

DONNA - PANGNIRTUNG - SUMMER 1983

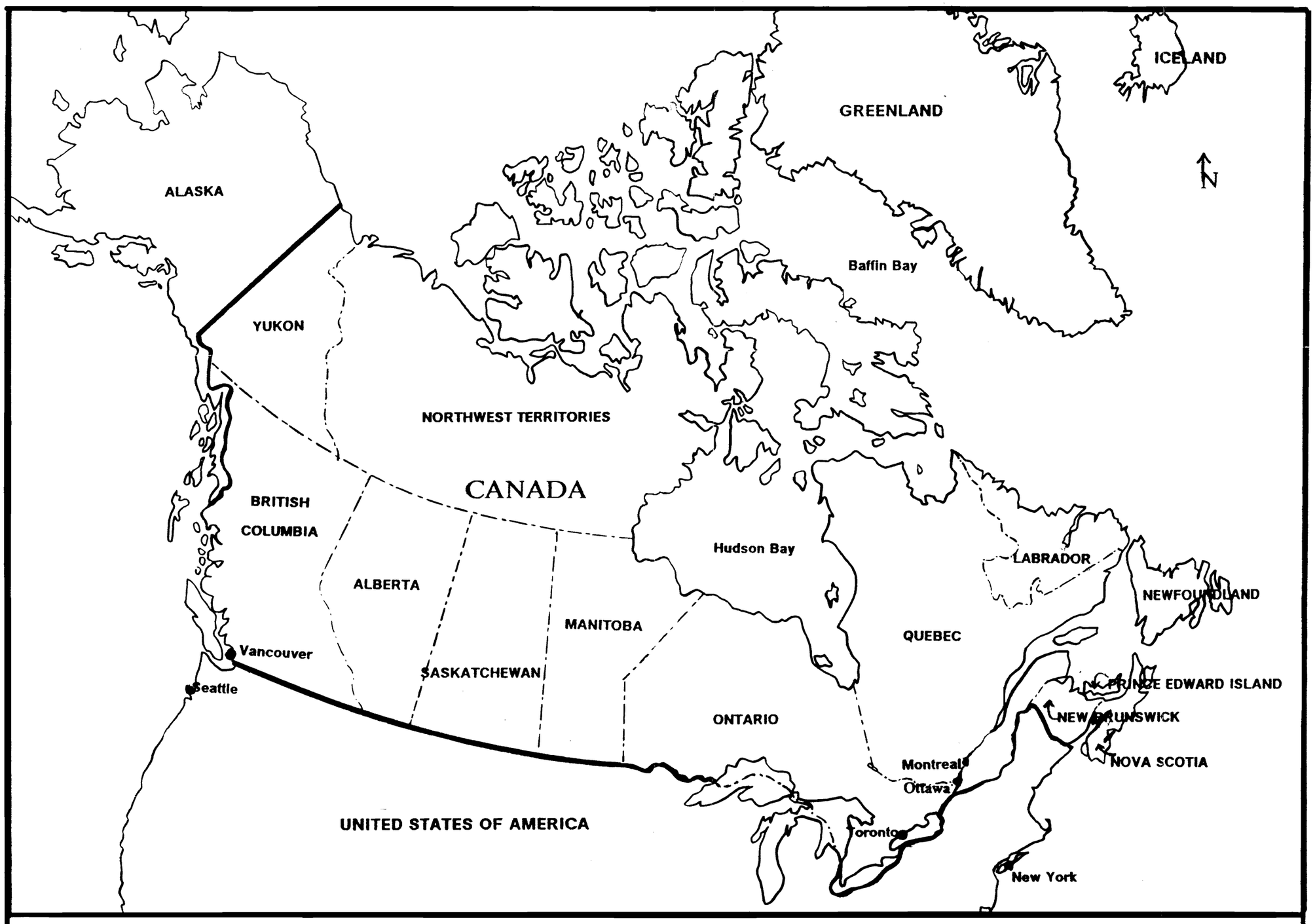
PHOTO BY WILLIAM LANGFORD

ETOOLOOK - CAPE DORSET - SUMMER 1980

PHOTO BY WILLIAM LANGFORD



ABORIGINAL GOVERNANCE: THE CASE OF NUNAVUT



MAP OF CANADA

CHAPTER ONE

INTRODUCTION

Chapter One

Introduction

Most urban Canadians live within two hundred miles of the United States border. For them, the North is a distant land of permafrost, twenty-four hour darkness, and the land of the midnight sun. However, for the indigenous peoples who inhabit this vast territory, it is a complex and fragile homeland blessed with bountiful natural resources.

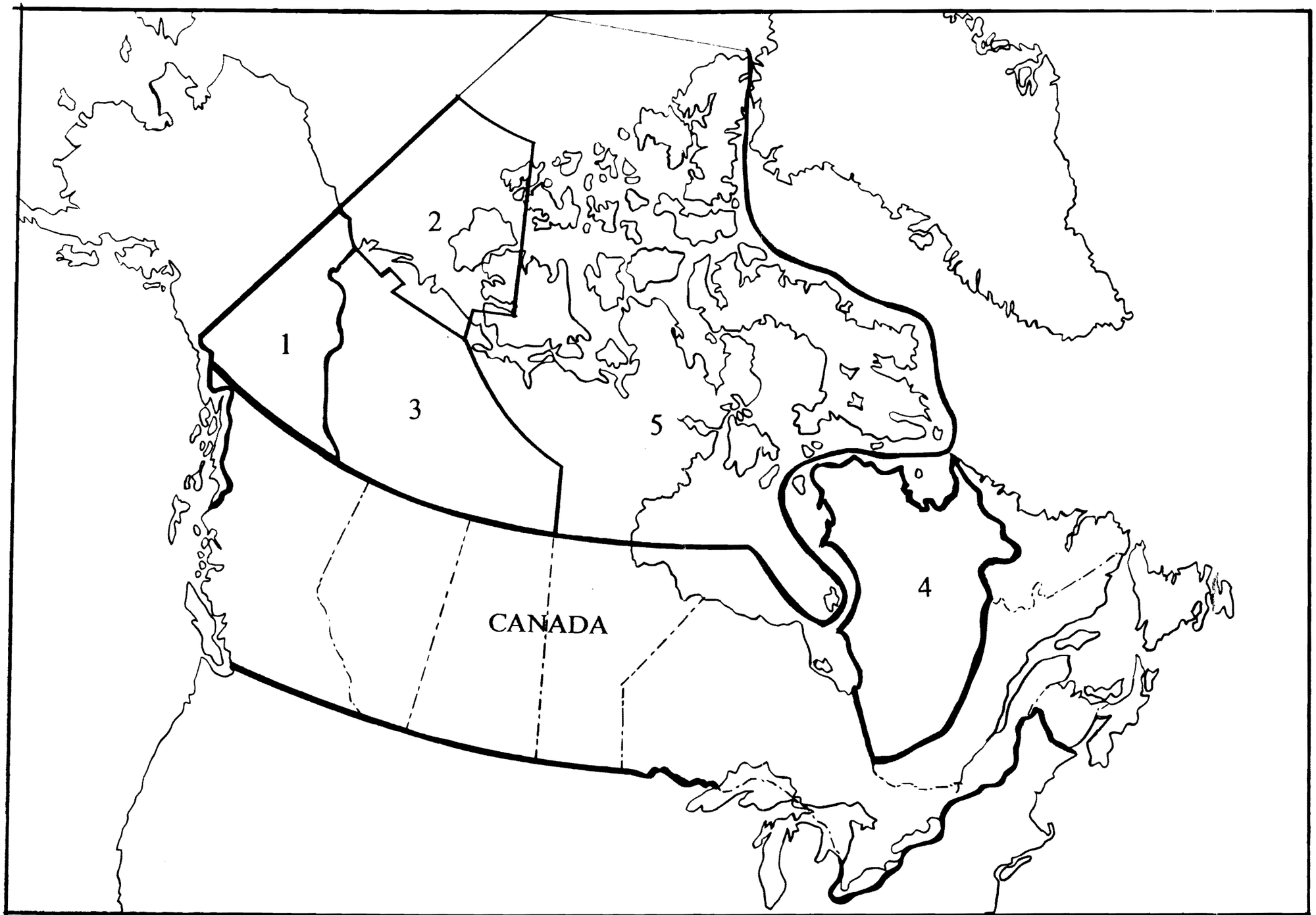
In this introductory chapter, the reader will be introduced to a number of issues that directly impact one's understanding of aboriginal claims in general, and the proposed Nunavut settlement in particular. The discussion will include a geographic and demographic analysis of the Northwest Territories, a brief look at the Native people who occupy the region, the historical and normative foundations of the claims, the treaty period, and a general overview of the claims. In addition, several key terms such as "governance", "aboriginal", "culture", "self-government", and "self-determination" are defined.

At present, eighty aboriginal claims or "land claims" are in various stages of negotiation in Canada(Morse,

1989). Nunavut, meaning "our land", is one of these claims. Nunavut is the territory located in the eastern and high Arctic regions of northern Canada. The map on the following page shows the geographic location of Nunavut as depicted by number 5. Nunavut borders the provinces of Manitoba, Ontario, and Quebec to the south, and the Dene Nation(# 3&4 on the map) and the Inuvialuit Settlement Region(2a on the map) to the west. The Inuvialuit settled their land claim in 1984, and the Dene are currently negotiating their claim with the federal government.

Approximately eighty percent of the 18,000 inhabitants of Nunavut are Inuit. Inuit is an Inuktitut word meaning "people." Most southerners refer to these people as Eskimos meaning eaters of raw flesh. However, in northern Canada, the term Eskimo is considered pejorative.

The Inuit also inhabit parts of northern Quebec and the Inuvialuit region referred to above. These people have negotiated separate claims and are not part of the Nunavut claim. Their claims are discussed in detail in Chapter Four.



NATIVE CLAIMS IN CANADA

LEGEND

1. COUNCIL OF YUKON INDIANS (CYI)
2. INUVIALUIT SETTLEMENT REGION
3. DENE / METIS
4. NUNAVUT
5. JAMES BAY TERRITORY

What the Inuit expect from federalism is at considerable variance with the rationale inherent in most federal systems. They do not want to become one more developed and industrialized unit of a federal system in which the primary concern is sharing power with a central government. Nor do they want to become a unit in a developed federal system primarily devoted to preserving ethnic identity. Instead, the Inuit want to protect their language, but they wish to go beyond ethnic preservation. They wish to preserve a traditional way of life, one in which they have a spiritual association with traditional lands and the animals that co-inhabit the northern territories.

One could argue that there are three different types of federalism.1 The first, or pure federalist model, is concerned with the division of powers between a central government and a series of regional governments. This type of federalism attempts to accomodate regional political and economic diversity, while at the same time provide for citizenship training. Examples of this federalist system include West Germany and the United States.2

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1 I thank Dr. Gary Wamsley for this point that the Inuit vision for Nunavut, in fact, involves a new model of federalism.

2 A number additional sources on different perspectives on federalism that may be of interest include: Valerie Earle(ed.), Federalism: Infinite Variety

A second kind of federalism incorporates ethnicity. The assumption is that various ethnic groups seek to preserve their language and some aspects of their culture but at the same time participate equally in a mobilized, industrialized society. Examples include the various ethnic groups in the USSR and Yugoslavia. Much of the current unrest being experienced in these regions(Armenia for example) relates to the fact that these ethnic groups feel that they have failed to share in the economic, political, and regional benefits that are the critical component of this model of federalism.

The third model of federalism is one in which an assimilation-averse aboriginal population seeks to share in constitutional division of powers. This is what Native people in Canada demand. They argue that the Canadian federation can only be complete once their aboriginal rights are constitutionally protected. Examples include the Inuit and Dene/Metis.

The Inuit of Nunavut are different than most other aboriginal or indigenous peoples because they are

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in Theory and Practice, Masca: ILL: FE Peacock Publishers, Inc., 1968; Aaron Wildavsky, American Federalism in Perspective, Boston: Little, Brown and Co., 1967; Harry N. Scheiber(ed.), Perspectives on Federalism: Papers on the First Berkeley Seminar on Federalism, Berkeley: University of California, Berkeley, 1987.

assimilation-averse or assimilation-resistant. They strive to protect their traditional culture, language, and lands and the Canadian government is prepared to negotiate a mutually acceptable settlement that accomodates some of the wishes of the Inuit. This distinction is important because not all indigenous peoples have the means or the desire to protect traditional culture. The Ainu in Japan are an example of an aboriginal group that has been assimilated. The vehicle through which the Inuit seek to accomplish the protection of their traditional way of life is the aboriginal claims settlement and the ultimate establishment of a model of governance unique to the Inuit.

Americans and Canadians have a difficult time comprehending the importance of traditional aboriginal culture. As Robert Bellah and his associates(1985) clearly point out, Americans are individualistic and care little about the collective good or sense of community. They are commited to personal gain, industrial growth, profits, and the possession of the power that goes hand in hand once these are achieved. This individualism is the core of American life. The Inuit, on the other hand, rely upon a sense of community. No one person or group of people is dominant. The land and its resources are communal--they are not commodities that one owns. An example from my personal experinces in the Arctic serves to highlight the

difference between the aboriginal and the US cultures. In the community of Arctic Bay on northern Baffin Island, a local Inuk(singular for Inuit) was a manager trainee at the Hudson Bay store. The Bay sells food products, snowmobiles, firearms, clothing, and so forth. One winter the weather was unusally harsh and the Caribou migration pattern was drastically altered. As a result, the Inuit of Arctic Bay were short of food and had no funds to purchase needed commodities from the Bay. The manager trainee responded by opening the store to anyone who needed food and clothing. When the word reached the Bay's southern corporate headquarters, the trainee was immediately dismissed. When I discussed this experience with him he still could not comprehend why he had been fired. This example exemplifies the Inuit culture as the antithesis of the American value system portrayed by Bellah.

The concepts and processes related to aboriginal claims that unfold in the remainder of this study are very complex. Despite these complexities, the overarching premise behind claims negotiations is clear and concise. What the reader needs to keep in mind is that aboriginal people across Canada in general, and the Inuit of Nunavut in particular, explicitly state that their culture, language, and heritage are being destroyed. In other words, they feel that the dominant non-native society and the

federal government are attempting to assimilate them into the mainstream of Canadian life.

The Inuit do not accept non-native political and administrative institutions, language, and education. In fact, they reject the premise that the Canadian parliament is sovereign. The Inuit argue that they have occupied their ancestral lands since time immemorial, and because this occupancy pre-dates the arrival of Europeans in North America, the Inuit possess inalienable rights endowed by the creator. Therefore, it is critical to note the distinction between the aboriginal and the European(American and Canadian) perspectives. This distinction is clarified later on in this chapter under the section titled "History and Normative Foundation of Land Claims."

All Native people in Canada view the land claims process as the only vehicle through which the pattern of assimilation can be halted and their Native lands, language, and culture can be preserved. In the case of Nunavut, negotiations with the federal government began in the mid 1970's. Representatives from both sides attempted to reach an agreement on cash compensation and land transfers. As mentioned earlier, an agreement-in-principle was finally reached some fifteen years after negotiations

commenced. Once a final agreement is signed, the Inuit will have to develop a model of governance that allows them to effectively exercise political autonomy, and at the same time to administer the new program responsibilities that will be transferred to them(ie: education, health care, environment, and so forth). I posit that the selection of a model of governance is the quintessential component impacting whether or not Nunavut will succeed in protecting the Inuit way of life. In the remaining chapters I propose a series of strategies designed to assist the Inuit in their most difficult task of governance.

The remainder of this chapter sets the stage for what will follow. First, geographic and demographic indicators are presented. Nunavut is an area within the Northwest Territories(NWT) region of Canada. The map on page 2 shows the relationship of the NWT to the provinces and to the United States. It is important to note that the NWT is geographically located above the sixtieth parallel, and as a result, the remote location of many of the communities coupled with a severe climate, make transportation, construction, and resource development difficult and costly. These factors impact the discussion on the northern economy in Chapter Three.

Second, an overview of the other aboriginal peoples who live in the NWT is presented. The Dene are a federation of Indian tribes who are currently negotiating an aboriginal claim settlement. The Metis are a mixture of Native and non-native blood and are negotiating a settlement in conjunction with the Dene. The Inuit are the third aboriginal group that inhabit the NWT. It is important to note that the claims of these groups are not mutually exclusive in the sense that they will be required to jointly administer programs that impact cross territorially(An example might be a large oil or natural gas development). An anthropological overview is presented to acquaint the reader with these Native groups.

Third, I present an overview of the history and normative foundations for the claims. Many individuals ask questions such as: Why are the Inuit entitled to special rights? and, Why can't they act like other Canadians? Answers to these questions emerge once one understands the Native perspective on rights, the pertinent European common law and case law, and the constitutional definition of aboriginal rights.

Fourth, most people assume that all Native people, at one time or another, signed away any rights they may have had through a series of treaties. The discussion of the

treaty period points out that the Inuit have never entered into a treaty with any government. They therefore argue that this even further solidifies their claim to special rights.

Having examined the geography, demographics, foundation of aboriginal rights, and the treaty period, the fifth component of this chapter introduces the specifics related to aboriginal claims. The reader is introduced to five separate claims that have either been negotiated or are currently under negotiation in Canada. Again, the importance of protection of aboriginal culture and lands through the successful negotiation of claims is emphasized.

The sixth section distinguishes between self-government and self-determination. It is incorrect to use these terms interchangeably and in fact, in Canada great debates have taken place over their respective meanings. Self-determination is a macro level concept that ensures that Native people control their own destiny through the protection of their languages, culture, land, and traditional family structures. Self-government is a single component that contributes to the goal of attaining self-determination. It allows for political and fiscal autonomy and an administrative structure compatible with Native aspirations.

Seventh, a brief overview is presented concerning the evolution of Nunavut, and finally, a series of questions are raised that directly impact the development of a model of governance for the Inuit people of Nunavut.

The Northwest Territories

The Northwest Territories (NWT) occupies an area of 3.3 million square kilometers (2 million square miles)[3] or approximately one-third of the entire land mass of Canada. For the most part, the Territory is located north of the sixtieth parallel and a major portion is above the Arctic Circle. There are five administrative regions and fifty-seven communities within the NWT. The territory of Nunavut is located in the eastern portion of the NWT(see map p.6).

The population of the NWT in 1987 was 51,700. Native people comprise 58% of the total population broken down as follows: Inuit-35%, Dene-16%, and Metis-7%. Interestingly, the Inuit represent 80% of the total population of Nunavut(non-natives are in the minority). The Dene, Metis,

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3 The geographic, demographic, and economic indicators presented in this section were obtained from Statistics Canada, the Government of the Northwest Territories(GNWT) Bureau of Statistics publication 1989 NWT Labor Force Survey:Overall Results and Community Detail and the GNWT Department of Economic Development and Tourism publication titled 1988 NWT Economic Review and Outlook.

and Western Inuit (Inuvialuit) of the NWT form a minority in the Western Regions(non-natives form the majority). This is primarily because major centers such as Yellowknife, Fort Smith, Hay River, and Inuvik are predominately non-native. The non-native population migrated to the North in search of employment in the non-renewable resource sector, the small business sector, and most importantly, the public administration sector once the territorial government moved to Yellowknife in 1967. There are two reasons why this latter point is extremely important for aboriginal people seeking to develop their own models of governance. First, almost all important administrative positions in both the capital and in the regions are occupied by non-natives. Second, this exposure to the unique dimensions of northern administration has created a pool of skilled administrators that for the most part excludes Native people.

The Territory's population is young by national standards, with 45% being under the age of twenty and only 2% over the age of sixty-five (Appendix A). The unemployment rate in the NWT is very high. The average rate is 16%, yet the rate among Native people is as follows: Metis-19%; Inuvialuit-27%; Inuit-31%; and Dene-35%. The unemployment rate in the non-native population is 5% (Appendix B). The Inuit jobless rate is a staggering six

times that of non-natives. The youth (ages 15-24) unemployment rate is 27%. Further, although this group accounts for 28% of the population cohort, it accounts for 38% of the unemployed (Labor Force Survey, 1989). When one removes the Yellowknife statistics from the average the unemployment rate in the communities is even more devastating (Appendix B).

There are two major factors associated with this extraordinary high rate of unemployment. First, the remote location of many of the communities makes conventional economic development very costly. It may come as a surprise to many Americans that no roads exist in Nunavut! Without a sophisticated rail, port, and interstate highway system American commerce would come to standstill. How then does one transport commodities such as fuel, food, construction materials, medical supplies, and so on from the port of Montreal to Arctic Bay located 2,500 miles to the North? Bulk materials are transported via sealift during the short summer months, and all intermediate transportation is by air. Large ships accompanied by icebreaker support from the Canadian Coast Guard bring in millions of tons of supplies during July and August. For example, the annual supply of heating fuel and aviation fuel are brought in by ship and stored in massive tank farms. All electric power is provided by diesel generators

because no hydro-electric opportunities exist because of the severity of the climate(in other words the water is frozen ten months a year). This makes electricity very expensive. The average kilowatt hour cost to the consumer is $.34 compared to $.07 in Blacksburg, Virginia. This lack of a well developed transportation system, and the high cost of doing business in Nunavut has an obvious affect on employment opportunities in the wage economy.

Second, the level of education among NWT residents is low. Nationally, 17% of Canadians have education levels below grade nine. The aggregate figure is 33% in the NWT and 63% for Native people. With low education levels and few training opportunities the aboriginal people have a difficult time securing meaningful, long-term employment in the wage economy.

The Native People

Throughout this dissertation we will refer to "Native" people and "aboriginal" people. Yet, it is important to realize that these broad terms not only require definition, but that they also aggregate many different and diverse groups of people. The map on page 20 depicts the various aboriginal groups according to geographic location.

Native inhabitants of northern Canada are a diverse group. Anthropologists divide the aboriginal people of this region into three major groups. The criterion for categorization is language. The Athapaskans occupy the western Subarctic, the Algonquians occupy the eastern Subarctic, and the Eskimoans[4] inhabit the Arctic. Obviously, each group is further divided into nations, tribes, or bands. Included in the Athapaskan category are tribes such as the Dogrib, Beaver, Hare, Slavey, and Kutchin. The Cree, Naskapi, and Montagnais belong to the Algonquian group. The Eskimoan group includes the Copper, Caribou, Inuvialuit, Dorset, Thule, Agurmiut, Sallirmiut, Aivilingmiut, Iglulikmiut, and so forth. Today, most Athapaskans refer to themselves as Dene or people. The Algonquians also use their equivalent for people-Innu. The Eskimoans of the eastern Arctic refer to themselves as Inuit-also meaning people. The Metis of the NWT represent a mixture between the Dene or Cree and non-natives (Brody, 1987).

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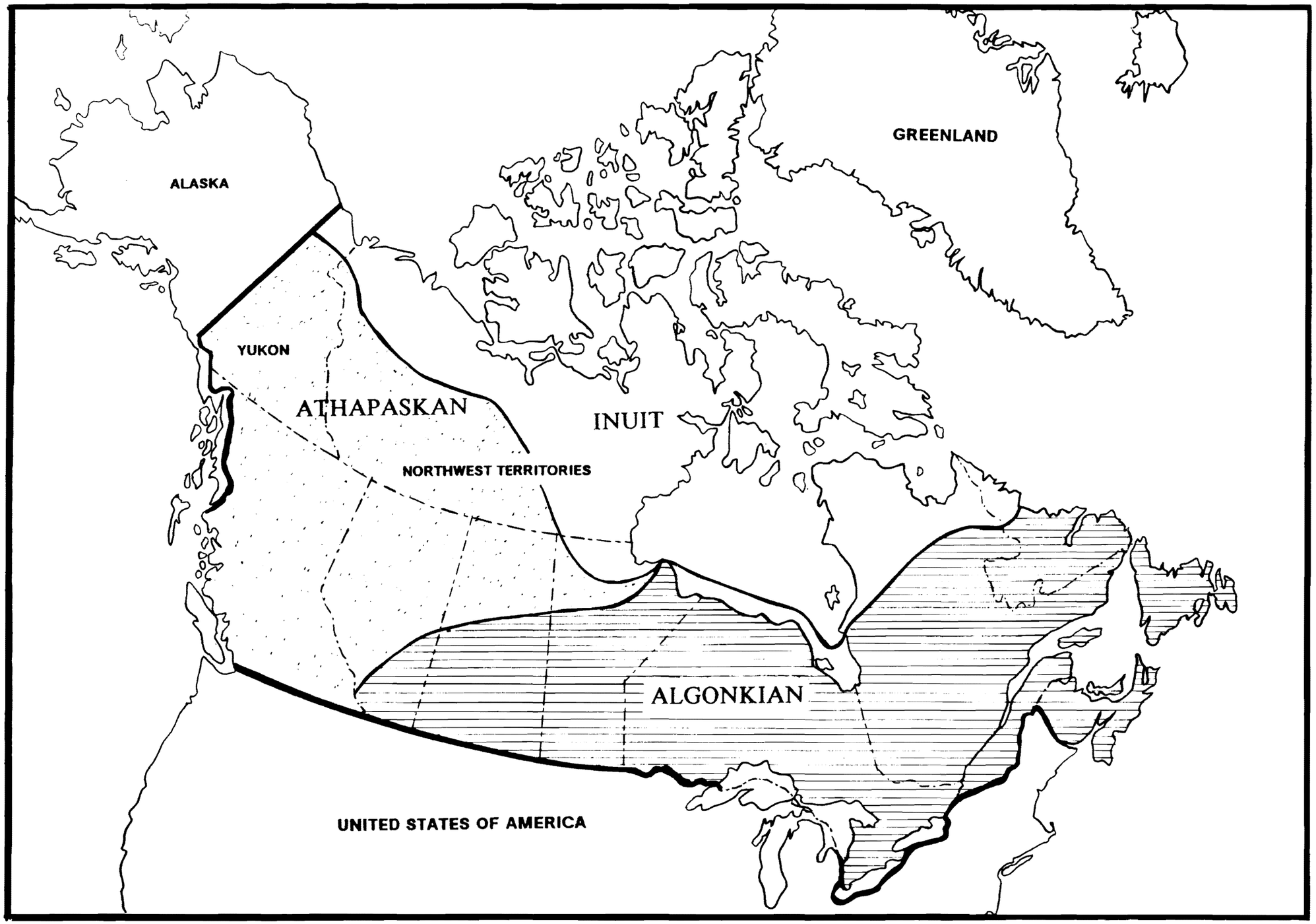
4 This is the term used by anthropologists-I prefer to use the term Inuit.



ABORIGINAL REGIONS OF CANADA

In defining "aboriginal people" Michael Asch (1984) states that the term has three interrelated meanings.

> First, it refers to those contemporary societies that trace their historical ancestry, at least in part, to those societies that existed in Canada prior to European contact and settlement. Second, it means members of such societies. Finally, it refers to persons who, although not currently members of such societies, can trace their biological ancestry through at least one line to individuals who belonged to them (p.5).

Anthropologists estimate that the first visitors to northern Canada came across the Bering Strait from what is now the Soviet Union between 10,000 and 25,000 years ago. In contrast, aboriginal people claim that they have occupied these lands "since time immemorial." It is important that one understand the distinction between the non-native interpretations of various events and the Native versions and meanings of these same events. The two are often very different. By the time whites arrived from Europe, Native people throughout North and South America were well established social, political, cultural, and linguistic entities. The Iroquoian tribes of Ontario relied upon a highly sophisticated agricultural economy and a differentiated government based upon democratic principles. In a similar vein, the Huron nation was governed by a three-tiered political system (Department of Indian Affairs and Northern Development-DIAND, 1986).

The Dene/Metis

Although this study deals with the Inuit of Nunavut, the reader is provided with a brief overview of two other aboriginal groups in the NWT. It is important to discuss the Dene/Metis because their claim region forms the western border of Nunavut(see map p.6). Any matters of governance that impact cross-territorially will involve cooperation and coordination between the Inuiy and the Dene/Metis(an example might be a joint environmental management board).

Prior to the arrival of the European settlers, the Dene occupied the forested districts of the Yukon and Mackenzie River regions. These people lived a nomadic existence harvesting moose and caribou, small game, fishing, and gathering. As Coates (1985) points out, this nomadic existence dictated a rather simple social organization compared to the more complex, hierarchical societies of the Haida and Tlingit. Approximately 8,300 Dene live in the Northwest Territories today (GNWT).

The 8,300 Dene occupy an enormous geographic region comprising some 460,000 square miles. Initially, their economy was comprised of small self-sufficient entities

referred to by anthropologists as "local groups." Within each local group the division of labor was based upon sex and age. Men hunted big game and the women and children pursued fish and small game. In the winter months the mode of transportation was by foot, while in the summer canoes were utilized to transport people and their possessions. However, this traditional subsistence economy was drastically altered with the coming of the fur trade (Asch, 1977; Asch, 1984; Helm, 1981; Jenness, 1977; Purich, 1986). The implications of this economic shift are discussed under the section on political economy.

The Metis occupy the same territory as the Dene. In fact, the two groups have filed a joint aboriginal claim. Metis are referred to as "non status Indians" because they are a hybrid resulting from inter-marriage between an Indian and a non-native. For decades the Metis received no special recognition from the Canadian government and were not party to treaty rights afforded status Indians. Since 1982, the Metis have been recognized as a legitimate aboriginal group.

The Inuit

The first Inuit or Denbigh began migrating from Alaska to Canada approximately 5000 years ago. In pursuit

of more abundant wildlife sources, they slowly made their way across northern Canada to the eastern Arctic eventually reaching as far east as Greenland (McMillan, 1988). Although anthropologists are uncertain, the first Eskimos probably used skin-covered boats and dog teams (Burch, 1988). They were a nomadic people comprised mostly of small groups as a means of optimizing available wildlife resources. Due to unusually severe climatic conditions, the Denbigh moved farther south and west abandoning the higher Arctic regions (Crowe, 1974 and McGhee, 1988).

Around 1000 BC, however, the Eskimos returned to the area now called Cape Dorset. Hence, the second Eskimo culture is appropriately named the "Dorset Culture". As Crowe points out, the "Denbigh culture changed at this time. New styles of houses, lamps, and weapons developed, and a new culture grew out of the old one somewhere in the central Arctic" (Crowe, p.15). The Dorset Eskimos occupied the eastern Arctic and parts of northern Labrador for approximately 2000 years. Somewhere between 800 and 1300 AD a warming trend resulted in the migration of other groups into this area which were better equipped to compete for scarce resources. As a result, the Dorset Eskimos disappeared. One of the conquering groups, the Thule Inuit, are the ancestors of the modern Inuit of the eastern Arctic

(Crowe Ibid; Brody, 1987). Today's Inuit in the NWT number approximately 18,000.

The Inuit are distinct from all other aboriginal people in Canada. They belong to the linguistic group "Eskaleut" comprising the branches of Eskimo and Aleut (McMillan, 1988). Although a number of dialects exist, the Inuit speak Inuktitut and their written form of communication is syllabics.

Governance

The term "governance", like all other public administration concepts, has multiple definitions.5 I have developed a definition for governance that is directly applicable to aboriginal people. Paquette(1987) and Abele and Graham(1988) recognize that enormous challenges and obstacles are presented to Native peoples in Canada as they seek to govern themselves. I build upon their work and define governance as the political, administrative, and financial authority and responsibility commensurate with

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5 Refer to Ulrich, Quinn, and Cameron's, "Designing Effective Organizational Systems" in Charles Perdy(ed.), The Handbook of Public Administration and Scott, Mitchell, and Peery's "Organizational Governance" in Andrew H. Van De Ven and William F. Joyce(eds.), Perspectives on Organizational Design and Behavior as representative of the literature.

the capacity to attain self-determination through the claims process.

Self-Determination versus Self-Government

The definition, and indeed the ramifications of self-determination and self-government, have been the subject of great debate between government and Native groups, as well as between Natives and non-natives living in the North. Many heated exchanges have taken place over these concepts, and some have argued that aboriginal groups seek to seriously weaken the Canadian federation through the claims process. I attempt to define these terms and to dispel the notion that Natives are somehow anti-Canadian.

Self-determination directly relates to the concepts of nationhood and sovereignty. Native people desire a political and administrative system, a land base, and a resource base in order that their culture and society remain an integral part of their lives. They believe that their rights are derived from the Creator and pre-date any Canadian form of government. Native people want forms of governance that are premised upon traditional principles and customs, based upon a spiritual connection, and emphasize group rights over individual rights. They want to be at one with the natural environment and to avoid

assimilation into the more powerful white society (Lyons, 1984; Little Bear, 1986; Porter, 1984).

It is important to remember that despite the fact that Native people seek self-determination, there are broader societal factors that impact the selection of governance models. Native people want to continue to participate in Canadian society and the Canadian federation--but on their terms, not Ottawa's. Some will choose to remain in the wage economy living in non-native communities such as Yellowknife, and still others will continue to actively engage in traditional pursuits. What they seek is more than what francophone Canadians have been able to attain in terms of the protection and security of French culture and society. The Inuit want their territory of Nunavut and the powers of governance to be constitutionally entrenched.

Self-Government is one component that contributes to the attainment of self-determination. It is the ability to govern one's own affairs. The Report of the Special Parliamentary Committee on Indian Self-Government (1983) describes what it means for Native people to govern themselves.

> A restructuring of the relationship between Indians and the rest of Canada would enable Indians to exercise much greater control over health, education, welfare, and other areas and would permit the creation of sorely needed new institutional arrangements such as Indian health commissions, Indian school boards, and Indian child welfare agencies.

Canada's indigenous population is asking for an opportunity to develop systems of governance that will forever enshrine and maintain their rights, language, culture, and social institutions. At the same time, they want to participate in economic development on terms acceptable to and in concert with traditional culture. Therefore, they argue that all of the claims agreements being negotiated in northern Canada seek to enhance Canadian confederation, not destroy it. In fact, Natives posit that confederation cannot be complete without the successful negotiation of aboriginal claims.

History and Normative/Legal Foundation of Land Claims

It is important to understand the normative and legal foundations for the claims. The question becomes--Why are aboriginal people entitled to special rights not afforded other Canadians? Recognizing that groups of people within society somehow have different rights is often troublesome for many Americans. Many argue that Natives should be assimilated into the mainstream of US life. A

recent example of this tension surfaced in the heated debate in Wisconsin over Native people's rights to spear fish. By exploring both the Native and European perspectives on aboriginal rights, I hope to show that Native people in Canada do indeed possess special status within the country. The Inuit of Nunavut are utilizing this special status to protect their traditional way of life. The settlement of their aboriginal claim will allow for an opportunity to develop an Inuit system of governance that both preserves their culture and fosters participation in the Canadian federation on Inuit terms and not on the conditions dictated by Ottawa.

This section will discuss the history of the land claims process in northern Canada. By "process" I refer to the long, arduous struggle undertaken by the aboriginal population in seeking recognition and compensation for their occupation of the land since the Europeans first arrived in North America. During the past two decades, the Native population in Canada has been successful in elevating their claims to the national agenda. In 1982, aboriginal rights were entrenched in the Canadian Constitution.

By discussing the normative and legal aspects of Native claims in Canada I hope to demonstrate that

aboriginal people do have special rights, and that this "special" affiliation with the Canadian government is recognized in both common and case law. Second, the Inuit have never signed a treaty extinguishing any aboriginal rights. Therefore, they contend that the Canadian people are compelled to recognize and entrench some form of aboriginal self-government.

The discussion that follows draws upon William R. Morrison's excellent piece titled A Survey of the History and Claims of the Native Peoples of Northern Canada (1983), Bradford Morse's Aboriginal Peoples and the Law: Indian, Metis and Inuit Rights in Canada (1989), and the 1985 Task Force to Review Comprehensive Claims Policy titled Living Treaties: Lasting Agreements.

The legal basis for claims is grounded in both common law and case law. It is important to understand, however, that the following discussion represents the European view of the process. Native people do not necessarily accept this perspective, although they often cite common law and case law as supporting factors in their arguments. For example, Leroy Little Bear's "Aboriginal Rights and the Canadian "Grundnorm" (1986) explicitly denies the common law premise that parliament holds fee simple title to "sovereign lands." He states that the western linear

thought processes are at fundamental odds with the aboriginal holistic philosophy. Lyons and Porter, both members of the Iroquois Nation, also stress the importance of the Native perspective in their articles titled "Spirituality, Equality, and Natural Law" (1985) and "Traditions of the Constitution of the Six Nations" (1985). Lyons equates spirituality with politics. He indicates that aboriginal institutions transcend the European concept of time. Porter sums up the aboriginal perspective as follows:

> Whenever one mentions Indian government to me or to the Iroquois people, the number-one thing that we think about, right off the bat, is that the person is talking about the government that the Creator gave to the Indian people, before Christopher Columbus made his mistake and came here" (p.15).

My point is simple. Aboriginal people do not explicitly recognize the Canadian government's affirmation of their rights because they are inalienable rights endowed by the Creator.

The over-arching European concept of aboriginal rights can be defined as "those property rights which native peoples retain as a result of their original use and occupancy of lands." (Cumming, 1973;p.88). The term "original" is the basis upon which Native people assert their residency since time immemorial. However, aboriginal nations must overcome two obstacles that are tied to

British legal tradition. First, the courts must be persuaded to recognize these rights. Second, the courts must be convinced that these rights still exist in lieu of state legislation to the contrary (Asch, 1984).

The existence of aboriginal rights in the European tradition of the law can be traced to the sixteenth century theories of Francisco de Vitoria, and a subsequent 1537 papal bull issued by Pope Paul III stating that:

> Indians are truly men... they may and should, freely and legitimately, enjoy their liberty and the possession of their property; nor should they be in any way enslaved; should the contrary happen, it shall be null and of no effect. (Cumming Ibid, p.14)

With the British occupancy of North America came a need to somehow deal with the indigenous population. In 1629 a letter of instruction sent from the Massachusetts Bay Company to Captain Endicott declared the existence of some form of aboriginal title. The letter states:

> Above all, we pray you to be careful that there be none in our precincts permitted to do injury in the least kind to the heathen people; and if any offend in that way, they themselves receive due correction... if any of the savages pretend right of inheritance to all or any part of the lands granted in our patent we pray you endeavor to purchase their title, that we may avoid the least scruple of intrusion. (Morrison, 1983; p.16)

In the seventeenth and eighteenth centuries the idea that Native people retained certain property rights, even though sovereignty had passed to the colonial power, became part of British law. These protected property rights were basically the same as those of any subject, but with two important exceptions. First, the aboriginal rights were held in common rather than by specific individuals. Second, aboriginal title could only be surrendered to the Crown. Native people were prohibited from privately selling their land. These two limitations are central to all treaties signed with the Native peoples of Canada.

In the past, the legal system applicable to Indian people was based upon English common law. The term "Indian" is used instead of "Native" because non-status Indians, the Metis, and the Inuit were not recognized as distinctive peoples until much later. The Inuit were non-status because they are not Indian. The Metis were non-status because they are mixed blood offspring of one Native and one non-native parent(often called "half breeds" in the US). Other examples of non-status Indians were status Indian women who married a non-native. In so doing their Indian status was taken away.

In effect, common law system was a mixture of precedent and principles developed in response to the

political realities of the times. In 1763, Native people were recognized as landowners. The Royal Proclamation of 1763 entrenched aboriginal ownership of the land as an explicit aspect of British policy in the New World. Morrison correctly refers to the Royal Proclamation as the Magna Carta of Native claims in Canada. (It should be noted that the Proclamation is appended to the Canadian Constitution). The purpose of this proclamation was to safeguard the Indians from the frauds of land speculators and overzealous American colonists. For our purposes, the important section of the Proclamation reads as follows:

> And whereas it is just and reasonable, and essential to our Interest, and the security of our Colonies, that the several nations or Tribes of Indians with whom We are connected, and who live under our protection, should not be molested or disturbed in Possession of such parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them as their Hunting Grounds-We do therefore declare that no Governor...do presume to grant Warrants or Survey, or pass patents for any lands...whatever, which, having not been ceded to or purchased by Us as aforesaid, are reserved to the said Indians...And We do strictly forbid...all our loving Subjects from making any Purchases or Settlements whatever. (Hardy, 1980)

This declaration of Native rights is an important legal-constitutional foundation for Native claims in Canada. While its original intent(protection from land speculators) may have been well intentioned, it nonetheless

was paternalistic and reinforces the rationale of Native people turning to the Crown for protection. The 1981 trip of Native leaders to London to petition the British parliament during the patriation[6] of the Constitution is a case in point. During this time, aboriginal groups throughout Canada were lobbying to have their rights constitutionally entrenched. Initially, the Canadian government of Pierre Trudeau was unwilling to accommodate this request. As a last resort, Native leaders turned to the British Parliament to filibuster against repatriation of the Canadian Constitution pending resolution of the aboriginal rights issue.

The Proclamation's recognition that Native people had group title or usufuctury[7] right to the land and could only dispose of it to the Crown, spawned a series of treaties which enabled the federal government to purchase massive sections of land for eventual redistribution to non-natives for development. The treaty period will be discussed later.

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6 "patriation" is a term used in Canada that means "to bring home." In 1982, the British parliament allowed Canada to have its own Constitution. Prior to 1982, the Canadian Constitution was the British North America Act, an act of the British Parliament.

7 "usufuctury" is a legal term meaning the right to use property as long as it is not desired by the owner. In this case, the owner is the Crown.

The second basis upon which aboriginal rights exist in Canada rests on decisions rendered by the courts (case law). The most comprehensive publication in this area is Bradford W. Morse's Aboriginal Peoples and the Law: Indian, Metis and Inuit Rights in Canada (1989). Interestingly, one of the important cases was heard in the United States in the early nineteenth century. The case, Worcester v. Georgia (1832), dealt with the definition, meaning, and role of the state vis-a-vis Indian property rights. Since this case is always cited as a precedent in Canadian cases, it is instructive for our purposes.

In Worcester v. Georgia Chief Justice Marshall affirmed the rights of the Cherokee Indians to their lands. He explored the policies of the British in examining the historical and legal basis of aboriginal rights. His first conclusion was that the Native occupants were "...the rightful occupants of the soil, with a legal as well as a just claim to retain possession of it, and to use it according to their own discretion...". Marshall further stated that the laws of the State of Georgia were not applicable to the Cherokee, and that they could deny other citizens of the state access to their lands.

Despite the fact that President Jackson refused to honor the court decree, Marshall had nonetheless proclaimed the "legal and just" right of Indians to their land. The Chief Justice's reasoning is important to the history of Native claims in Canada. As Morrison points out "in the case of St. Catherine's Milling Co. v. The Queen, (1887) the Supreme Court of Canada and the Judicial Committee of the Privy Council affirmed Marshall's interpretation of what constituted aboriginal rights: that the title was "a personal and usufructuary right, dependent upon the good will of the sovereign." (Morrison, p.22). The Indians, therefore, maintained an absolute right over the land provided that the sovereign had no desires on the land in question. Throughout Canadian history, the federal government has indeed had desires on Native lands. For example, in the NWT high oil and gas prices in the late 1970's coupled with Ottawa's policy of attaining energy self-sufficiency, led to massive exploratory drilling in the Beaufort sea despite the protests of Native people.

The beginning of the twentieth century thus witnessed strong precedent in British colonial law and public policy, as well as in Canadian and American case law, to support the argument that aboriginal rights existed. The 1972 case of Calder v. Attorney General of British Columbia dealt with a claim by the Nishga Indians of north-western

British Columbia that the Attorney General had arbitrarily extinguished their aboriginal title. Although the Nishga lost on a four to three judgement, six of the seven Supreme Court Justices who heard the case agreed that aboriginal title existed in Canadian law (Living Treaties Task Force, 1985; Asch, 1984). In 1984, in Guerin v. The Queen, the majority of the Supreme Court of Canada re-affirmed the existence of aboriginal title and underscored the duty of the federal government to "promote and protect these rights." Mr. Justice Dickson presented the following argument:

> Indians have a legal right to occupy and possess certain lands... While their interest does not, strictly speaking, amount to beneficial ownership, neither is its nature completely exhausted. The nature of the Indian's interest is therefore best characterized by its general inalienability, coupled with the fact that the Crown is under an obligation to deal with the land on the Indian's behalf (Guerin, p.382).

As Delia Opekokew (1987) points out, Guerin is a landmark decision because it clearly directed "the Crown to protect and preserve aboriginal rights which were earlier confirmed by the Royal Proclamation" (p.18). Further, the Supreme Court affirmed "Indian rights as being a pre-existing legal right..." (p.18).

In Simon v. Queen Chief Justice Dickson added the "strict proof" dimension to question of the extinguishment of aboriginal title (Living Treaties, pp.9-10) when he proclaimed:

> Given the serious and far-reaching consequences of a finding that a treaty right has been extinguished, it seems appropriate to demand strict proof of the fact of extinguishment in each case where the issue arises. As Douglas J.8 said in United States v. Sante Fe Pacific Ry. Co.,... "extinguishment can not be lightly applied." (Simon, pp. 21-22).

Finally, Native people in Canada secured a partial victory with the patriation of the Canadian Constitution in 1982. The affirmation of aboriginal rights in section 35(1) reads as follows: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed." The term "existing" is important because it is never really defined in clear terms. Aboriginal people argue that this term should be removed because their rights have always existed, and nothing in the Canadian Constitution can usurp those rights endowed by the Creator. The agreement to hold a series of first minister's conferences on aboriginal issues has propelled the claims process. However, the debate continues with

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8 In Canada, Supreme Court justices are referred to in this manner. In this case, the notation means Mr. Justice Douglas.

respect to the legal versus the political dimensions of aboriginal title, extinguishment, and Native rights (Task Force, op. cit., p. 11).

Despite constitutional recognition of aboriginal rights, John D. White (1984) correctly states that there are certain instances when these rights can be limited. Under specific circumstances the courts may be forced to invoke judicial tests similar to those adopted by United States courts--clear and present danger, compelling state interest, no alternative means, and so forth (Rohr, 1988).

White posits that there are four instances where court intervention may be warranted:

1) The protection of the rights of third parties. In other words, if actions taken by Native people adversely affect innocent third parties.

2) The protection of Native people unable to protect themselves. For example, a Native child prohibited from attending school outside of Native jurisdiction.

3) The protection of other aboriginal rights. He cites the Laval case where a Native woman was expelled from a band for marrying a white man.

4) The protection or promotion of Native welfare. For example, the government may be justified in prohibiting the

use of alcohol and drugs within Native jurisdictions (pp. 109-110).

The Treaty Period

The historical evolution of treaties with Native people in Canada directly affects the claims process in general, and northern settlements in particular. Most Canadians and Americans assume that treaties were signed with all Native groups, and that large tracts of land were ceded to Natives in the form of reservations. The Native groups on these reserves, in turn, extinguished their aboriginal rights. This is not the case for the Inuit of Nunavut. They have never signed a treaty with any government. This critical distinction is explained in the narrative that follows.

One of the most comprehensive analyses of the treaty period is provided by James S. Frideres in Native People in Canada: Contemporary Conflicts (1983). The brief summary that follows draws extensively upon his work (Chapters 2-5).

All Native people in Canada are directly affected by the Indian Act first passed in 1876. However, non-status Indians and the Metis are not affected to the same degree

as treaty Indians. The Act was originally intended to consolidate the rather large number of acts, policies, and proclamations that governed Native affairs prior to Confederation. The ultimate purpose of the Act was "both to protect the Native population and to ensure assimilation." (Frideres, 1983:p.32). As the reader will see later on, this is an important point. Eskimos were included under the Act in 1924, and the current Department of Indian Affairs and Northern Development was created in 1966 (Frideres, Ibid). A detailed chronology appears in Appendix C.

The first pre-confederation treaties9 signed with Natives in what was known as Acadia can be traced to the early 1700's. Examples include the St. John River Treaty of 1713, the Annapolis Royal Treaty of 1728, and the Halifax Treaty of 1779 (Wildsmith, 1989). Because it was post-confederation treaties that had some impact in the North that we deal what are known as the numbered treaties (Zlotkin, 1989).

Rapid westward expansion, coupled with the vision of

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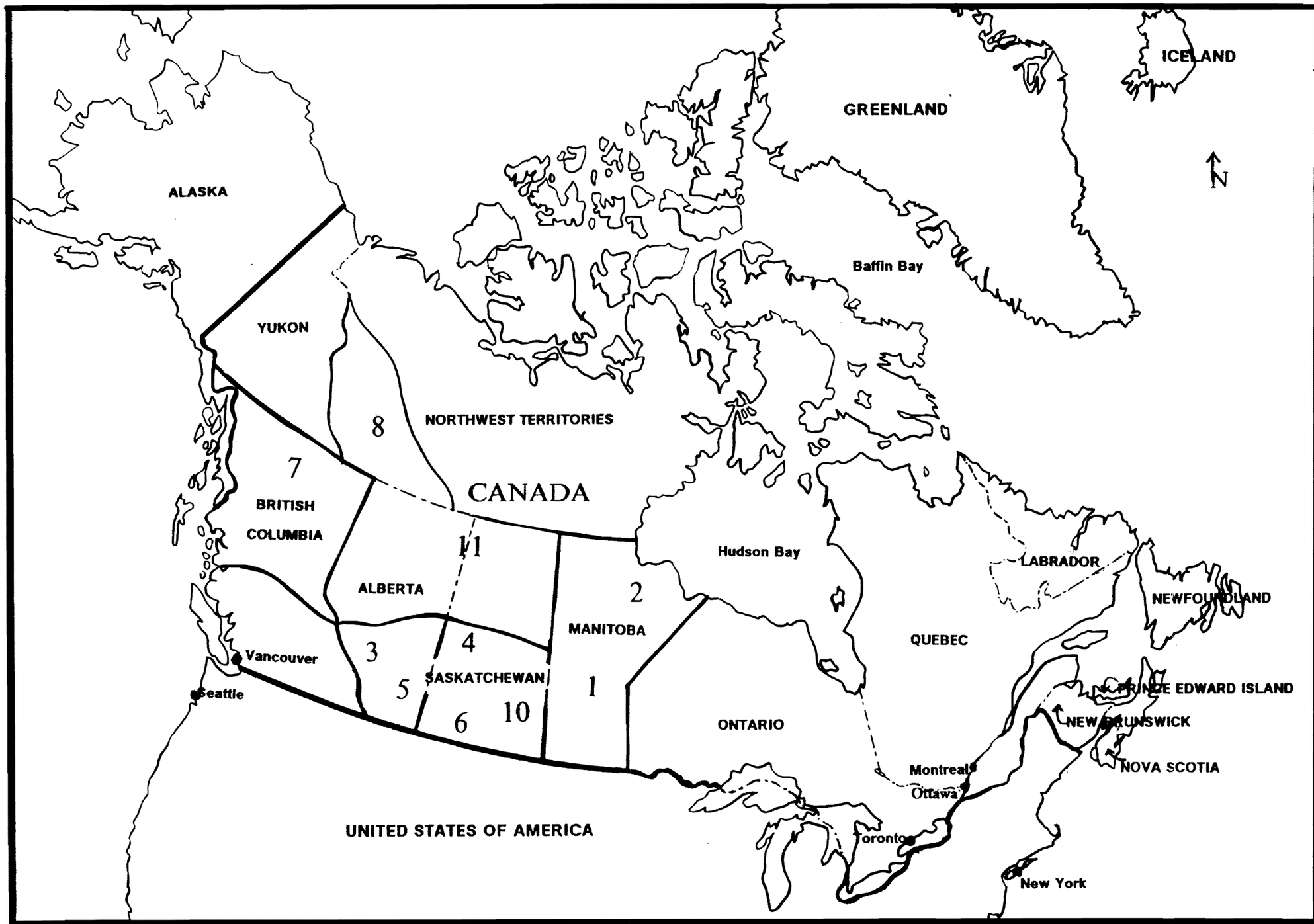
9 Canada officially became a nation in 1867. Pre-confederation treaties were those negotiated by British representatives prior to confederation(1867) and post-confederation treaties were negotiated after 1867.

a national railroad, prompted the federal government to negotiate with the various Indian nations for the extinguishment of title to their lands. Treaties 1 and 2 (1871) effectively took from Indian control the entire area now known as the province of Manitoba. In addition, these treaties made no provision for the traditional hunting, fishing, and trapping pursuits of Native people (Frideres, 1983).

> For the most part, Treaties Nos. 1 to 11 all featured similar provisions. With a few subtle differences, all Western treaties provided for: reserve lands; monetary payments, and occasional medals and flags, at the treaty signing; suits of clothing every three years to chiefs and headmen; yearly ammunition and twine payments (Treaties Nos. 1, 2 and 9 excepted); and some allowance for schooling (Frideres, 1983; p.64).

Governor Morris negotiated treaties 3, 4, 5, and 6. In total he convinced the Native people to surrender what is now the southern portion of Saskatchewan, 100,000 square miles north of treaties 2, 3, and 4, and the remainder of the provinces of Saskatchewan and Alberta(see map on p.44). Morris's successor negotiated treaty 7 in 1877, effectively extending government control from Lake Superior to the Rocky mountains. Treaty 8 was not negotiated until 1899. However, it involved the largest geographic area of any of the treaties previously signed (324,900 square miles).



LEGEND

1, 2 MANITOBA

3, 4, 5, 6, 10
SOUTHERN ALBERTA
SOUTHERN SASKATCHEWAN

7 NORTHERN B.C.

8, 11
NORTHERN ALBERTA
NORTHERN SASKATCHEWAN
MACKENZIE

TREATIES

Included in this large tract of land was the northern portion of Alberta, the southeast corner of the Mackenzie district in the Northwest Territories, parts of northern Saskatchewan, and part of northeast British Columbia. Treaty 9 (1905) allowed for the construction of transportation links such as roads and railroads, and treaty 10 (1906) paved the way for Alberta and Saskatchewan to attain provincial status. The rest of Saskatchewan was ceded under treaty 11 (Frideres, 1983; pp.34-77).

Only two treaties affect Native people in the Northwest Territories-nos. 8 and 11. Treaty 11 was signed in 1921 as a result of the 1920 oil discovery at Fort Norman, and encompassed the entire Mackenzie District.

Although these treaties called for the establishment of reserves, not a single reserve was established in the Mackenzie District. The Dene contend, therefore, that they are not bound by these agreements. In other words, they are void. It is also important to note that the Inuit have never entered into formal treaty arrangements with the federal government.

Aboriginal Claims--The Vehicle for Self-Determination

As I stated at the beginning of the chapter, Native people in Canada's North claim that they are slowly being assimilated into the white southern economic, social, and political system. Smallface-Marule (1984) accuses the Canadian government of "detribalization", Kickingbird (1984) refers to this process in the United States as "suppression by non-Indians", and Chief Earl Old Person (1984) characterizes the struggle, not as a fight with bows and arrows, but as a war with documents.

The key issue for Native people, then, is to what extent the settlement of aboriginal claims can provide for a system of governance that will allow for the efficient administration of programs, preserve the key aspects of the Native culture, and allow active and continued participation within the Canadian political system. This marriage between Native identity and continued participation in the Canadian federation is captured by Frances Abele in Gathering Strength (1989). She refers to this phenomenon as "blended culture." She states that:

> Part of this process entails opening all economic opportunities fully and fairly to Native people. Another part involves redesigning the institutions through which the N.W.T. is governed, a task that involves both constitutional development and revising

> administrative practices to make them appropriate to the blended cultural setting of the North (p.ix).

Consequently, it is important to review several of the claims agreements that have already been negotiated, as well as those that are pending final approval (refer to map on page . The brief discussion that follows serves to introduce the reader to the James Bay agreements of Northern Quebec, the Sechelt agreement in British Columbia, and the Inuvialuit agreement in the western part of the Northwest Territories(refer to map on p.6).

Canadian Claims

In 1975, the governments of Canada and Quebec, the Inuit and Cree of Northern Quebec, the James Bay Energy Corporation, the James Bay Development Corporation, and Hydro-Quebec signed the James Bay and Northern Quebec Agreement (Annual Report, 1987). A subsequent Northeastern Quebec Agreement, signed in 1978, extended benefits to the Naskapi Band of that region. The government's rationale in negotiating these agreements was to allow for massive hydroelectric development in the James Bay region. Native people, on the other hand, sought to preserve their ancestral hunting and fishing grounds from destruction.

The last fourteen years have proven to be troubled times for the Native people in the region. Government agencies are still the driving force behind economic, political, and social development. The federal and Quebec governments, in effect, still control the purse strings. Because of the limited tax base and the enormous costs associated with any kind of economic development, subsidies10 and transfer payments still represent the bulk of fiscal activity in the North. As Abele and Usher (1989) correctly point out, this subsidy structure could be drastically altered as a result of the Free Trade Agreement between Canada and the United States. Americans argue that government subsidies amount to an unfair advantage to Canadian industry. The Canadian government has agreed to phase out some of the existing subsidies to foster a more equitable business environment between the two countries. Because the exisiting subsidy structure provides a significant proportion of income for northerners, any reductions will have a serious negative impact on the northern economy.

Salisbury (1986) is correct in stating the importance of the Cree indigenous economy and the local level councils, though I disagree with the level of success

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10 This term refers to social programs such as welfare, unemployment insurance, family allowance, and social housing.

that he attributes to the Cree experience. The interpretation of many parts of the agreements has resulted in costly litigation and the bureaucracy involved in ongoing program administration is unbelievable (Rudnicki, 1979; Rostaing, 1984). Finally, many Native people feel betrayed not only by the agreement, but by their own community representatives. They feel that their elected representatives are no longer concerned with the interests of the people, and have in fact lost touch with the people that they were elected to represent. The governance model selected under this agreement will be discussed in detail in Chapter Four.

Two other agreements between the federal government and aboriginal groups are instructive for our purposes-the Sechelt agreement in British Columbia and the Inuvialuit agreement in the western Arctic region of the Northwest Territories. The former, is the only Indian band to wrest self-government status from the federal government. The Sechelt agreement is important because it allowed the Band to write its own constitution thereby delineating specific legal powers (Abele and Graham, 1988). The Western Arctic (Inuvialuit) Claims Settlement Act of 1984 provided for a series of corporate structures at both the community and regional level. These will be examined in detail under the "Corporate model of Governance" in Chapter Four. However,

it is important to note at this time, that an enormous series of problems were encountered with the structures established under this claim. Furthermore, the implementation of the agreement was fraught with difficulty. This is discussed in detail later on.

In the North, there are currently three outstanding claims involving the following Native groups: the Council for Yukon Indians; the Dene/Metis of the Northwest Territories; and the Inuit of the eastern Arctic(Nunavut). All three groups have signed agreements in principle with the federal government. Recent disagreements between the Dene/Metis and federal negotiators, howver, resulted in the termination of further discussions toward a final agreement.

Land is the focal point in these claims agreements, although it is often erroneously touted as the only factor in the negotiations--hence, the term "land claims." (Dacks, 1981). This usage, however, is misleading in the sense that it ignores other important aspects of the claims. In addition to outright control of land, the Native people who have not yet signed claims are seeking compensation for social and cultural damage, revenue sharing agreements with respect to resource development, certain tax advantages, and reimbursement for profits previously extracted by

southern companies. In addition, through the creation of management boards, corporations, and other administrative infrastructures Native people seek a proactive role in the decision-making processes associated with governance.

Native people believe that comprehensive claims settlements will allow for the protection of their culture.11 This will be achieved through representation and control of the various public institutions (management boards, for example), by control of renewable and non-renewable resource development on aboriginal lands, by controlling the education and training of their people, and by ensuring continued fiscal viability through compensation payments.

The Indian Brotherhood of the NWT (since 1975, the Dene nation) provides a definition of culture acceptable to aboriginal people. It reads as follows:

> Culture, if it is alive, is not the worship of a dead past, but the celebration of the present by a people who refuse to be defined by others... To encourage "cultural diversity" requires not the separation of culture and politics, but their marriage and to insist on

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11 I recognize the contribution of a number of scholars in the area of culture. Examples cited in the bibliography include, the works of Schein, Smircish, Ott, and Weick. In defining and discussing "culture" I use an aboriginal concept of the term.

that separation is to destroy, or attempt to destroy culture." (Dene Nation, 1977).

A second example related to culture serves to reinforce the point that aboriginal culture is vastly different than the European culture. The former is unique in its spiritual association with the land. During an interview with the Honorable Ludy Pudluk, Member of the Northwest Territories Legislative Assembly from the High Arctic, I asked him what culture means to the typical Inuk, and what connection, if any, can be made between culture and the Nunavut claim.

First of all, he pointed out that the white man has a difficult time grasping exactly what the Inuit want. Second, he advised that the Dene definition cited above does not necessarily apply to the Inuit. In other words, culture means different things to different Native groups.

I asked Mr. Pudluk if he had been coopted in his role as an elected representative, which he has held for a number of years. His response was that although he often wears a suit and participates in a white man's institutional environment (the legislative assembly), traditional ancestral pursuits are by far the most important. His point was that although Inuit like himself have adapted to the white man's economy and institutional

structure, these structures are always considered separate or distinct from Inuit culture. "When I am out on the land I become one with the animals and my surroundings. This is part of being an Inuk."

The Evolution of Nunavut

Since our primary objective is to assist in the development of a potential model of governance for Nunavut, it becomes important to understand the evolution of the concept of a separate Inuit territory. The discussion that follows draws extensively upon Geoffrey R. Weller's "Self-Government for Canada's Inuit: The Nunavut Proposal" (1988).

As Weller correctly points out, Canada is still in the process of nation-building because residents of both the Yukon and Northwest Territories someday envision that their jurisdictions will attain provincial status. With respect to the Inuit of the eastern Arctic, the Inuit Tapirsat of Canada (ITC) initially presented its proposal for the formation of Nunavut in 1979. The proposal called for the division of the Northwest Territories along the tree line. The area to the east (Central Arctic, High

Arctic, Keewatin, and Baffin) would comprise Nunavut. As Weller states:

> The objective of the proposal was to create a mechanism by which Inuit culture and traditions could be preserved. It was also to overcome what was described as both the physical and philosophical distances between the Inuit people and the governments in Yellowknife and Ottawa. Moreover, it was an attempt to overcome a colonial and dependent relationship by obtaining rights to manage natural resources and obtain taxation powers and royalties thereby eliminating dependence upon federal subsidies (p.345).

This new territory would have a legislature that would ultimately attain provincial status. From the outset, the intent was to operate within the Canadian federation. The Inuit explicitly state that they have enjoyed traditional occupancy of the land in question since time immemorial. Further, they have never been a conquered people and no wars were fought with the whites. In fact, the Inuit never really came into sustained contact with the whites until the 1950's. Finally, no treaties were ever signed with the Inuit.

Initially the Inuit proposal for a separate territory was not well received by the elected legislative council of the NWT. It was not until the 1979 election, when aboriginal representatives for the first time constituted a majority in the legislative assembly, did the concept of

division receive any endorsement. In 1982 a plebescite was held. Fifty-six percent of the voters favored division-eighty percent in the eastern Arctic (Abele and Dickerson, 1985). Following the plebescite, Native groups and the GNWT formed two subcommittees to determine specific strategies to move ahead with division. The Nunavut Constitutional Forum (NCF) represented the Inuit and the Western Constitutional Forum (WCF) was comprised of Dene and Metis Association representatives. Eventually, the federal government approved of the division. However, to date the Dene/Metis, Inuit, and Inuvialuit have not reached a final agreement on the exact location of the boundary. Another plebescite is scheduled for 1991.

The NCF document Building Nunavut (1983) specified the general political parameters for the new territory. The new state would not simply be an "ethnic state" but rather would be designed to protect traditional culture and enhance the Canadian federation. A Nunavut Constitution would be developed whereby Inuktitut would be proclaimed the official language. A three year residency requirement would be established to prevent a potential massive influx of southerners from gaining control over the governance process. After all, the right to determine citizenship is one of the foundations of governance(Cassidy and Bish, 1989).

The 1980's proved to be both a challenging and a frustrating experience for aboriginal groups in general and the Inuit in particular. A series of constitutional conferences on aboriginal issues were held in an attempt to operationalize the new aboriginal rights delineated in the repatriated 1982 Canadian Constitution. These meetings met with limited success. Finally, in April of 1990 the federal government, the government of the Northwest Territories, and the Tungavik Federation of Nunavut met in Igloolik to sign an historic agreement-in-principle concerning the Nunavut claim.

Conclusion

This dissertation examines the issues related to the design and implementation of a model of governance for the Inuit of Nunavut. The objective is to explore a number of post-claims governance models that might incorporate the unique aspects of aboriginal society, economy, and culture, while at the same time allow for continued active Native participation in the Canadian federation.

Several questions are posited with respect the selection of an appropriate model of governance for Nunavut. The first six issues are the most critical factors

relating to Nunavut's success. The remaining questions are tangential factors that also bear consideration.

1-What lessons can be learned from the negative experiences of the Alaska claims settlement, the Dene/Metis Agreement in Principle, the James Bay agreement, and the Inuvialuit settlement?

2-What types of institutions of governance are most compatible with aboriginal culture?

3-What role should the governments of Canada and the Northwest Territories play once a final agreement is reached with respect to Nunavut?

4-How will the ongoing operations of Nunavut be financed?

5-What role will training play?

6-How do the Inuit control economic development and allow for a viable traditional economy?

7-Should the Inuit form Native corporations to administer client programs?

8-What institutions are required to administer resource development programs that impact cross-territorially?

9-In what manner will Native groups access government funded programs such as health care?

10-How will non-natives participate in the new system?

11-What types of new political institutions will be required?

12-What legal and judicial infrastructure will be implemented?

13-Who will control hunting, fishing, and environmental policy on Native lands?

14-How will the outlying communities have input/control over the governance process?

This list is by no means exhaustive, but does illustrate both the complexity of the situation and the need for comprehensive research into developing the best possible Native political and administrative institutions.

This type of analysis is not limited to the Nunavut claim. Effective models of governance remains a critical issue for a number of aboriginal groups. As previously stated, in Canada alone, Morse (1989) estimates that 80 claims are under government review to determine validity, 12 have been filed in court, 55 others seek administrative remedies, and 73 are in the negotiation phase. Recently, there has been a resurgence in the international aboriginal movement. Natives from Canada and the United States recently held a joint meeting in Salt Lake City, Utah to

establish mechanisms through which their mutual rights can be defined and protected (Herald, March 26, 1990).

This introductory chapter has served to introduce the reader to a number of important factors that relate to the development of a model of governance for the Inuit of Nunavut. The importance of geographic location, climate, and demographics have been highlighted. An overview of the aboriginal groups that inhabit the region was presented. Key terms such as governance, culture, self-determination, and self-government were defined from a Native perspective. Finally, the historical antecedents of Native rights in Canada, the treaty period, and the evolution of Nunavut were discussed in some detail. This framework provides the foundation for the chapters that follow.

Chapter Three provides specific analysis of the political, social, and economic factors that impact governance in Nunavut. Chapter Four is a comparative analysis delineating a number of negative experiences with claims settlements in other parts of the world. Chapter Five builds upon these negative experiences and presents alternative models of governance. Chapter Six highlights the importance of developing training and financial structures that promote successful governance. The seventh

chapter presents a summary, conclusions, and recommendations.

We now turn to Chapter Two--Literature Review. A number of key concepts and models from the pertinent academic literature form the basis for the ensuing analysis. I build upon the work of the various authors in proposing my strategies for governance. In so doing, I again emphasize that it is the Inuit who must ultimately design their own model of governance for Nunavut.

CHAPTER TWO

ABORIGINAL CLAIMS: THE PERTINENT LITERATURE

Chapter Two

Literature Review

There are five broad categories of literature related specifically to the subject of aboriginal claims: studies and reports generated by Native groups or their consultants, books and chapters published on various aspects of aboriginal claims, journal articles written on the subject, government publications and commission reports, and comparative literature. From a public administration perspective, the body of literature that relates to our examination of various potential models of governance is truly enormous. Areas as diverse and complex as organizational design, nation-building, and institution-building theory, organization culture, anthropological literature, comparative administration, policy analysis, public finance models, intergovernmental relations, economics, political economy, and so forth, are all potentially related to the process of Native governance in Nunavut. An exhaustive review of such a broad literature base is beyond the confines of a dissertation. I therefore draw upon the literature base that directly pertains to the North and the claims processes.

Books and Reports

I have adopted as a model for this project, the outstanding report authored by Walter Rudnicki titled Canada Funded Development Systems (1979)1. This document relates comparative models of Native governance to the Canadian situation. Specifically, he explores the implications of the Alaska Native Claims Settlement Act. He examines various development models and correctly demonstrates that adoption of private sector implementation strategies more often than not prove disasterous for Native people. Rudnicki's premise is that aboriginal people need more control over the process. He argues that Native people already have a network of social, cultural, and political institutions that constitute a "development system." What the government needs to do is to accomodate this system within claims negotiations. Unfortunately, Rudnicki's second volume detailing substantive strategies was never written. His conclusions mirror those of the Berger report, yet he preceeded Village Journey (1985) by six years. I draw heavily upon his insights in trying to explore possible alternative governance strategies for Nunavut. Another

1 Rudnicki's work, prepared for the Department of Indian Affairs and Northern Development was never released to the public. I surmise that the author was ten years ahead of his time and that DIAND was unwilling to accept his conclusions.

recently published work that is imporatant in this context is Frank Cassidy and Robert L. Bish's Indian Government: Its Meaning and Practice (1989). This is the first book that attempts to provide insights into Indian government models in southern Canada. In particular, I incorporate into chapter five the author's discussion of the Seschelt agreement in British Columbia.

The most comprehensive series of publications relating to aboriginal issues in Canada comes out of the Institute of Intergovernmental Relations at Queen's University, Kingston, Ontario. At the time of this writing the Institute had produced some eighteen papers, articles, and bibliographies. The following represents a summary of its major works. The Inuit Committee on National Issues produced Completing Canada: Inuit Approaches to Self-Government (1987). This document is particularly useful in that the Inuit express their own aspirations for self-government wiothin the territory of Nunavut. In addition, the paper critiques the Kativik regional government established as a result of the James Bay agreement. Ian Cowie's Future Issues of Jurisdiction and Coordination Between Aboriginal and Non-Aboriginal Governments (1987) is quite useful in describing the complex jurisdictional interrelationships among various government and Native agencies. Aboriginal Self-Government Arrangements in Canada

(1987) by Evelyn J. Peters assists in our understanding of various self-government institutions including policy specific sectors such as economic development, education, and resource development. Jerry Paquette's Aboriginal Self-Government and Education in Canada (1986) is important in our discussion of training and education. Aboriginal Self-Government in the United States by Douglas Sanders (1985), and Aboriginal Self-Government in Australia and Canada by Bradford W. Morse (1984) effectively serve to consolidate an enormous literature base dealing with aboriginal self-government from a comparative perspective. Other papers in this series that directly impact this dissertation are Public Administration Questions Relating to Aboriginal Self- Government by C.E.S. Franks (1987), Marc Malone's Financing Aboriginal Self-Government in Canada (1986), and The Political and Legal Inequities Among Aboriginal Peoples in Canada by Delia Opekokew (1987).

Gurston Dacks, in A Choice of Futures (1981), provides one of the most comprehensive analyses of the political climate surrounding the negotiation of claims agreements. He captures the essence of the social, political, and economic factors affecting aboriginal entitlements. His cogent examination provides an illuminating description of many of the historical antecedents underlying the claims process. Specifically,

Dacks is able to portray to the reader the climate of tension that tears at the fabric of northern society today. Both government and the aboriginal peoples of the North face a number of difficult political, social, and economic choices. Participation in future resource development by Native and environmental groups must be weighed against large scale resource development. The delicate aboriginal economy must be balanced against a policy of northern economic development. The social costs of this development must be weighed against potential economic and social benefits. Finally, the role of Ottawa in general and the Department of Indian Affairs and Northern Development in particular, must be weighed against devolution of responsibility to northern constituents. Living Arctic: Hunters of the Canadian North by Hugh Brody (1987) and his previous work, The Peoples Land:Eskimos and Whites in the Eastern Arctic (1975) provide a number of valuable insights into understanding the peoples, culture, and traditions of the Inuit, Dene, and Metis. Keith Crowe's book titled A History of the Original Peoples of Northern Canada (1974) is useful for a historical perspective. I also draw upon Crowe's work in decribing the various Native groups that live in the north. The two volume series by Morris Zaslow titled The Opening of the Canadian North: 1817-1914 (1971) and The North: 1914-1967 (1971) are exhaustive, empirical studies based

upon primary research. As part of the Canadian Centenary Series on the history of Canada, these two volumes represent the most comprehensive historical treatise written on the North. Specifically, Zaslow's discussion of the impact of traders and missionaries is well done. His work, more than any other, lays the ground work for our understanding of the colonial relationships that exist in the North today.

Canada's Colonies: A History of the Yukon and Northwest Territories (1985) by Kenneth Coates underscores the impact that the colonial model of government has had on the north. His introductory section provides a good overview of the northern people, the importance of the land in the claims process, and the effects that European colonization had on the Native people of the north. Subsequent chapters are illuminating in that the boom and bust model of political economy, the effects of the Distant Early Warning sites, and the eventual bureaucratization of the north are examined in detail. J. Rick Ponting's Arduous Journey: Canadian Indians and Decolonization (1986) complements other books dealing with the colonial model described in this dissertation. Many of the insights developed by the book's contributors are directly applicable to the establishment of Nunavut.

Home and Native Land: Aboriginal Rights and the Canadian Constitution (1984) by Michael Asch, provides a very detailed analysis of the meaning and legal foundation of aboriginal rights. He also has an interesting chapter titled "From Theory to Practice" where four approaches to the question of aboriginal rights are discussed-the southern model, the approach of the Northwest Territories, the Nunavut model, and the Dene/Metis model. He concludes by trying to reconcile these various approaches within the context of Canadian political ideology. The Canadian Arctic Resources Committee's publication Aboriginal Self-Government and Constitutional Reform: Setbacks, Opportunities and Arctic Experiences (1987) was published as a result of a national conference held in Ottawa in 1987. The various panelists and discussants highlight the difficulties aboriginal groups have had throughout the process of constitutional conferences held between 1983 and 1987. Native Rights in Canada, by Peter Cumming and Neil Mickenberg, details the normative foundations for the claims settlements. Michael Jackson's Locking Up Natives in Canada-A Report of the Committee of the Canadian Bar Association on Imprisonment and Release (1988) provides an insightful look at the need to reform the legal system to accommodate Native culture. Numerous comparative examples from southern Canada and countries such as Australia are utilized to empirically define the negative impacts of the

corrections system. Our Land: Native Rights in Canada (1986) by Donald Purich describes how Native rights have been eroded over time as a result of what he calls the colonial and assimilationist policies of the Canadian government. He also points out that similar policies were adopted in all countries with aboriginal populations including the United States, Norway, Equador, Chile, Bolivia, Nicaragua, New Zealand, and Australia. In addition, he provides an insightful look at the inside operations of the Indian Affairs bureaucracy and its administration of the Indian Act.

The most detailed treatment of Native legal and constitutional rights in Canada is provided by Bradford Morse in his book titled Aboriginal Peoples and the Law: Indian, Metis and Inuit Rights in Canada (1989). Extensive treatment is given to the concepts of aboriginal title, pre-confederation and post-cofederation treaties, and constitutional issues impacting Native people. I draw extensively upon this work, not only for its painstaking detail, but because it presents both the Europoean and Native perspectives relating to these very complex issues.

Pathways to Self-Determination: Canadian Indians and the Canadian State (1984), edited by Little Bear, Boldt, and Long provides a series of articles aimed at

understanding the political, legal, economic, and bureaucratic impedements to Native self-determination. James S. Frideres', Native People in Canada: Contemporary Conflicts (1983) provides an historical and sociological overview of Native peoples in Canada. Of particular importance are the chapters dealing with Native organizations and the section on government policy vis-a-vis the Indian-Inuit Affairs Program. Dene Nation: Colony Within edited by Mel Watkins (1977) is yet another reader containing a number of articles on the colonial model, the northern political economy, and the politics associated with northern development.

Ken Rea's The Political Economy of Northern Development (1976) is a classic. In the chapter on the political economy of the North, I rely heavily upon his cogent analysis. He defines and examines various economic models and demonstrates how political structures in both southern Canada and the north impact public policy. Quinn Duffy's Road to Nunavut: The Progress of the Eastern Arctic Inuit Since the Second World War (1988) demonstrates the manner in which Inuit authority over the control of their own destination has slowly been eroded and relinquished as a result of economic, defense, housing, and social policy. John Merritt, Terry Fenge, Randy Ames, and Peter Jull detail a number of claims negotiation strategies in their

book Nunavut: Political Choices and Manifest Destiny (1989).

Frances Abele's Gathering Strength (1989) examines a number of training initiatives in the Northwest Territories. The research methodology is premised upon first-hand interviews with Native people. Historic trends are analyzed along with Native people's training needs in the development of future training strategies.

Frank Cassidy and Norman Dale's After Native Claims?: The Implications of Comprehensive Claims Settlements for Natural Resources in British Columbia (1988) explores the climate of uncertainty that exists in the province of British Columbia given the fact that the most of the province falls under Native Claims. Native Peoples and Cultures of Canada (1988) provides a detailed anthropological overview of the Inuit prehistory, culture, and modern impacts. Native Peoples:The Canadian Experience (1988) edited by R. Bruce Morrison and C. Roderick Wilson also is a useful antropological anthology. The Inuit oral history edited by Penny Patrone and titled Northern Voices: Inuit Writing in English (1988) details the Inuit lore that is so very important to our understanding of Inuit history and culture.

Several useful concepts are extracted from these books and reports and utilized in the remaining chapters. I agree with Rudnicki that private sector models such as corporations should not be applied to aboriginal people. I build upon his work in my discussion of corporate models of governance in Chapter Five. The work of Berger, Abele, and the series of studies produced by the Institute of Intergovernmental Relations at Queen's University helped me formulate my ideas on the unique aspects of aboriginal society--the importance of the sense of "nativeness." Gurston Dacks, Ken Coates, and Rick Ponting provided the concepts related to economic colonialism that I explore in Chapter Three. Ken Rea and Frances Abele develop the conceptual framework for the mixed economy model that I explore in Chapter Three. Abele's recent work on training is the basis upon which I build my arguments concerning education and training in Chapter Six. Finally, Little Bear, Boldt, and Long gave me insights into the Native perspectives on governance that philosophically underlie this entire project.

Comparative Literature

Comparative literature dealing with Alaska, New Zealand, Australia, and Greeenland assists in addressing the complex issue of aboriginal claims settlements in

northern Canada. By far, the most widely recognized publication in this area is Thomas Berger's Village Journey. Mr. Justice Berger headed the Alaska Native Review Commission in its inquiry into the 1971 Alaska Native Claims Settlement Act. His revelations provide a classic example of the pitfalls associated with improper implementation strategies. Alaska Native Land Claims edited by Arnold (1976) is particularly valuable because it was prepared by Native people of the Alaska Native Foundation. It provides the reader with a Native viewpoint. Further work related to Alaskan Native corporations has been conducted by Gary Anders. His numerous journal articles enhance our understanding of the problems aboriginal people encountered with the Alaska claims settlement. Implications of the Alaska Claims Settlement Act (1986), examines the effects of ANCSA within the global context of social change. The viability of village life in rural Alaska and the social and economic relevance of traditional Native culture are contrasted with state and federal initiatives that undermine traditional self-sufficient Native communities in Alaska. Incompatible Goals in Unconventional Organization: The Politics of Alaska Native Corporations (1986), discusses funadamental differences in values and goals of conventional bureuacratic corporations and contrasts them with the traditional shared value structure of aboriginal people.

The Role of Alaska Native Corporations in the Development of Alaska (1983), and A Critical Analysis of the Alaska Native Land Claims and Native Corporate Development (1985) detail the tensions that exist between the economic development mandate of Alaska corporations and the desire of Alaska Natives to preserve their culture and sense of community.

Land Rights Now: The Aboriginal Fight for Land in Australia (1985) published by the International Work Group for Indigenous Affairs, provides some very valuable insights into claims negotiations between the Australian government and the Aborigines and the Torres Strait Islander People. Many of the arguments presented in this book parallel the situation in Canada's north. The situation of New Zealand's Maoris is cogently portrayed by McGuire in The Maoris of New Zealand (1968) and by Williams in Politics of the New Zealand Maori (1969).

Hels Orvik's Northern Development: Northern Security (1983) outlines the specifics of the Greenland "Home Rule" movement and the advantages and disadvantages of such a model in northern Canada. In a similar vein, Elaine J. Scechter's "The Greenland Criminal Code and the limits to legal pluralism" (1983) describes legislative efforts at

grafting traditional Inuit concepts to the Danish system of justice.

The comparative literature is instructive because it details a litany of problems experienced by other aboriginal groups in Canada and in other parts of the world. The work of Thomas Berger and Gary Anders provides a solid overview of the politics behind the 1971 Alaska Native Claims Settlement Act, the types of corporate structures established under the Act, and how these structures have accelerated the tide of assimilation for Alaska Natives. The lesson for the Inuit of Nunavut is to avoid governance structures that are incompatable with traditional aboriginal culture. Experiences from Australia, New Zealand, and Greenland provide the basis for the Nunavut legal infrastructure discussed in Chapter Six.

Government Publications

The Government of Canada and the government of the Northwest Territories have produced a mountain of material related to political development and Native claims settlements. For example, the Carrothers Commission Report (1966) originally established the present political and administrative framework in the Northwest Territories. The

Drury Commission Report (1979) examined constitutional evolution in the N.W.T. and the tangential argument related to division of the territories. Thomas Berger's commission report Northern Frontier Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry (1977), relayed a number of concerns with respect to northern development to the federal government. The MacDonald Royal Commission Report (1985) funded two studies with respect to Native involvement in the future of the country. The resultant two documents, Michael Whittington's edition of The North (1985), and the Cairns and Williams piece titled The Politics of Gender, Ethnicity and Language in Canada (1986), represent contemporary views on the merits of claims settlements.

The federal Department of Indian Affairs and Northern Development (DIAND) has produced many studies and reports on the subject. Living Treaties: Lasting Agreements-A Report of the Task Force to Review Comprehensive Claims Policy (1985), A Survey of the History and Claims of the Native Peoples of Northern Canada, Comprehensive Land Claims Policy (1987), Guidelines For Land Claim Implementation Plans (1988), Western Arctic (Inuvialuit) Claim Implementation (1988), Report to Parliament: Implementation of the 1985 Changes to the Indian Act (1987), The Western Arctic Claim: The

Inuvialuit Final Agreement (1984), The Canadian Indian (1986), Dene/Metis Comprehensive Land Claim Agreement in Principle (1988), Outstanding Business: A Native Claims Policy (1982), Comprehensive Land Claims Policy (1986), and Indian Self-Government in Canada: Report of the Special Committee (1983) are a few of the more important literature sources. All attempt to deal with the complexities of definition of Native rights, policy guidelines for claims settlements, and the complexities surrounding the implementation phase. In addition, the details of those agreements that have actually been finalized comes from these publications.

One would expect the Government of the Northwest Territories to have generated a number of claims related publications of its own. Creating a Better Tomorrow: Aboriginal Claims in the Northwest Territories (undated) specifies the territorial government's policy with respect to claims. A series of background studies compiled for the Northwest Territories Legislative Assembly's Special Committee on the Northern Economy will be utilized in the chapters on the political economy and training and finance. In total, seven studies were generated by various consultants in May of 1989. The Government of the Northwest Territories Native Employment Policy: A Review and Assessment and Adult Training in the Northwest Territories:

A Review and Assessment examine the complexities and pitfalls related to training aboriginal people. Towards a Sustainable Approach deals with natural resource development and environmental protection, two areas of great importance to Native northerners. Economic Development and Tourism Programs: A Review and Assessment, Coping with the Cash, Banking Sevices in the Northwest Territories: An Assessment, and A Strategy for Supporting the Domestic Economy of the Northwest Territories deal with specific economic and financial aspects of both the claims process and economy in general.

The Governments of Canada and the Northwest Territories have produced many valuable primary documents that assist in the development of a model of governance for the Inuit. The actual claims agreements and agreements-in-principle that have been signed with the various aboriginal groups discussed in the remainder of this study were obtained from the government. A number of economic development and implementation studies provided the background information for the sections on the northern economy in Chapter Three and the implementation strategies in Chapter Six.

Native Publications

Native groups (either directly or through the government of Canada) have churned out a plethora of data in their attempts at entrenching aboriginal rights. Numerous consultant's studies and actual claims proposals have been submitted. Examples include the Nunavut proposal, Building Nunavut: A Working Document with a Proposal for an Arctic Constitution (1983), Building Nunavut: Today and Tomorrow (1985), the Council for Yukon Indians claims papers, and a "Fact Sheet on Native Claims." Basically, all of these documents present the Native peoples' declaration of sovereignty, and delineate actual entitlements to land and capital. Of particular importance is the Tungavik Federation of Nunavut (TFN) publication titled Nunanvut. This document provides a continuous update on the status of the Nunavut claims proceedings. A more recent publication, Nunanvut Sivuniksavut Tusagaksat details TFN's attempt at a series of basic training programs.

Aboriginal people have also contributed numerous books, articles, and chapters to the wealth of literature. The negative experiences and racism suffered by Native groups is highlighted by Howard Adams in Prison of Grass: Canada From a Native Point of View (1989), Harold

Cardinal's The Unjust Society (1969), and his The Rebirth of Canada's Indians (1977). The works of Leroy Little Bear cited earlier, Tom Porter, Marie Smallface Marule, Kirke Kickingbird, Elmer Ghostkeeper, Rene Lamonthe, and others are also important.

Many of the concepts presented in the remaining chapters attempt to highlight and preserve the aboriginal culture, sense of community, affinity to the land, and traditional economy. My understanding of these concepts, so important to aboriginal people, was enhanced from the literature written by the Native people themselves.

Key Claims-Related Journal Articles/Chapters

A number of journals have published articles addressing the subject of Native claims. The Musk Ox has carried several claims-related papers. The journal, Arctic, published by the Institute for Northern Studies, has done likewise. In the 1984 summer edition, Canadian Public Administration devoted the entire issue to managing the North. The American Review of Canadian Studies (1988) published several articles to aboriginal self-government. Other journals such as Organization Studies, Journal of American Indian Education, Journal of Ethnic Studies, Journal of Canadian Indian Education, and Etudes Inuit

Studies also carry claims related articles. In addition, several prominent authors have contributed claims related articles and chapters to books.

Frances Abele has published a number of articles addressing aboriginal and public administration issues in the North. Her "Conservative Northern Development Policy: A New Broom in an Old Bottleneck?" (1986) provides a critique of the Liberal government's approach to aboriginal rights and northern development. The author then moves on to explore northern policy under the early years of the Progressive Conservative government during David Crombie's tenure as Minister of DIAND.

In Canadian Contradictions: Forty Years of Northern Political Development (1987), Abele argues that historically, aboriginal people have been the target of two tendencies within the Canadian constitutional tradition-Liberal individualism and Tory top-down pragmatism. She traces northern administration beginning with "the colonial dominion" through to the present era of "new political landscape." This article serves to highlight the inherent conflict within the northern political economy between economic initiatives and aboriginal claims. Specifically, the article demonstrates that "recent northern political history is evocative for

Canadians because it compresses into sharp focus basic national issues and fundamental patterns of Canadian development." (p.318). These are: the North is part of the country's colonial heritage, national economic development has been at the cornerstone of both northern and national policy, these policies resulted in a northern resistance movement, and the political development of the north permanently placed aboriginal issues on the national agenda.

Abele's article, co-authored with Katherine Graham, and titled Plus Que Ca Change...Northern and Native Policy (1988) discusses unresolved questions of governance as one of the three key issues on the northern agenda. Finally, Stasiulis and Abele's Canada as a "White Settler Colony": What About Natives and Immigrants? (1989) is important for three reasons. The first is that the crucial differences between the plight of aboriginal peoples as opposed to ethnic minorites is highlighted. The second explains the colonial status governing the northern political economy. The third explores the "new political economy."

Michael Asch's The Dene Economy (1977) provides an illuminating analysis of the historical trends affecting the economic activity of the Dene. In particular, he cites the relationships between the Dene and external agents(fur

traders) as the catalyst for many of the social and economic problems that exist in the north today-welfare and wage labor. From Underdevelopment to Development by Mel Watkins (1977) explores the clash inherent in the mixture of pre-industrial and post-industrial economies, and whether large scale development serves the public interest. Peter Puxley's The Colonial Experience (1977), reinforces the colonial relationship that has existed in the North.

On Cultural Needs by Rene Lamothe (1984) provides one of the best discussions with respect to the meaning of culture to Native people. Another article dealing with cultural change on a comparative footing is Stenbaek's Forty Years of Cultural Change among the Inuit in Alaska, Canada, and Greenland: Some Reflections (1987). Haysom and Richstone's Customizing Law in the Territories: Proposal for a Task Force on Customary Law in Nunavut (1987) is valuable in that it develops potential alternatives for the integartion of customary law with a Nunavut justice system. Rostaing's Native Regional Autonomy: the Initial Experience of the Kativik Regional Government (1984), is an analysis of the institution known as KRG which was spawned out of the James Bay and Northern Quebec Agreement.

Jack Stabler has written a number of articles dealing with specific activity patterns of Native people vis-a-vis

the mixted economy. Examples include Jobs, Leisure and Traditional Pursuits: An Exploratory Analysis of Activity Patterns of Native Males in the Northwest Territories (1988), and A Utility Analysis of Activity Patterns of Native Males in the Northwest Territories (undated). His analysis is largely quantitative in developing econometric models and utility functions that compare the wage-based economy with the traitional economy.

All of these journal articles provide a rich literature base for this study. Specifically, my treatment of the historical evolution of political development in the North is anchored in the work of Frances Abele. Also, my discussion of colonialism relies heavily upon the work of Asch, Watkins, and Puxley. Finally, the Native perspective on culture was influenecd by Lamothe and the discussion of the James Bay Settlement Agreements in Chapter Four draws upon the work of Rostaing.

Governance

I adopt the term governance from Jerry Paquette's article and the Abele and Graham piece both cited above. David A. Boisvert (1986) develops a continuum of forms of aboriginal self-government. He defines three variables- authority, participation, and dimension - as the critical

components of all aboriginal models of self-government. The authority function relates to both the kind and degree of authority recognized within the polity. Three dimensions are given to the authority variable. The law-making function denotes executive as well as legislative powers; the administrative function refers to institutions that have been delegated executive powers only; and, a nil function corresponding to a status congruent to interest group liberalism.

The degree of aboriginal participation is a key second variable. How much control do aboriginal people exercise over their political and administrative institutions. Two dimensions are assigned to this variable-exclusive and public. The former relates to exclusive participation for aboriginal people, while the latter involves a forum for open public participation.

The dimension variable refers to the territory of jurisdiction. The associated functions are national, regional, and local (pp.17-21). Thirty-six possible outcomes can result through the combination of these variables and sub-functions. Boisvert eliminates those possibilities that contain inherent contradictions thereby reducing the number of potential models to fifteen. These

variables "account for most of the variation we see in aboriginal institutions around the world" (p.19).

In sum we have the following dimensions:

* Authority Function-law-making, administrative, and nil.
* Participation-exclusive or public
* Dimension-national, regional, and local

The fifteen potential typologies presented by Boisvert and arising out of the above dimensions are as follow (pp.21-29):

1-National Aboriginal Government

This national territorial government would possess the law making function, be exclusive on the participation function, and be national in dimension. It would be a national government exclusively reserved for aboriginal people. No such governments currently exist.

2-Regional Aboriginal Government

The elements incorporated above would be identical with the exception of the dimension function. This territorial base would be regional as opposed to national.

The Nishga government in British Columbia might fall under this category. The Kativik Regional Government (KRG) in Quebec is a second example.

3-Local Aboriginal Government

Again the functions are identical except that the territorial base is now local. This is tantamount to local governments exclusively reserved for aboriginal people.

4-Representation in National Institutions

Under this model, the participation function changes from exclusive to public. In this situation aboriginal people are granted a number of seats in the national governing body. An example is the Sami parliament in Scandinavia and the "One" government proposal in Yukon.

5-Regional Government

The law making function and public participation functions remain the same. Territorially, the government is regional. Examples include the Dene/Metis proposal and the Kativik regional government in northern Quebec.

6-Municipal Government

The dimension function becomes local under this model and participation remains public. This describes an government at the municipal level where Native people may or may not have control. The municipal government structures in northern Quebec might be an example. The Western Arctic Regional Municipality (WARM) in the Mackenzie Delta is another example.

7-National Special Purpose Bodies

The authority function changes to one of administration, with no law-making capabilities. The participation is exclusive and the dimension is national. These agencies do not act as governing authorities. Several of the national Native councils or committees are examples of this typology.

8-Regional Special Purpose Bodies

This is the same as number seven except the dimension is now regional.

9-Band Councils

The dimension is local. The large number of band council governments across Canada fall into this category. They are still subject to the provisions of the Indian Act.

10-National Corporate Government

This would involve a national corporate infrastructure were Native people would have exclusive participation and jurisdiction over law-making.

11-Regional Corporate Government

Corporate government would be organized on a regional basis.

12-Local Corporate Government

The dimension function would be local.

13-National Aboriginal Interest Groups

Under this model the authority function would be nil. The agency would be national in origin and exclusive

on participation. The aboriginal groups that were involved in the series of constitutional conferences is an example.

14-Regional Aboriginal Interest Groups

The dimension is regional under this model. A provincial interest group might be an example.

15-Local Aboriginal Interest Groups

Under this last typology the dimension would be local.

None of these theoretical models are applicable in their pristine forms. Second, some of them are completely out of the question-for example, national corporations, national Native government, the various interest group models, and so forth. Rather, what one tends to see is some combination of powers and responsibilities along a series of authority, dimension and participation continua.

Having examined the key literature sources that relate to aboriginal claims, it is evident that a serious void exists with respect to an assessment of alternative models of governance that may be applicable to Native people in general, and the citizens of Nunavut in

particular. It is in this area that my dissertation endeavors to make a contribution.

Research Methodology

The project is grounded in a number of public administration theoretical frameworks discussed in Chapter Two. I specifically draw upon the literature related to governance that has been generated with respect to aboriginal people. In particular, I rely heavily upon the concepts developed in primary sources such as government and Native publications. Comparative examples drawn from the experiences of a number of other aboriginal groups around the world lend support to my thesis that an alternative model of governance is desperately needed if Nunavut is to succeed.

The overarching framework is developed in Chapter Six. I ground my discussion of governance strategies for Nunavut in the philosophy underlying the cooperative and consociated models. These two theoretical foundations are most closely linked to aboriginal culture.

Besides reading and analyzing the literature that relates to this topic, I have contacted Native leaders and government officials. I did this not in the formal sense of an empirically sound interview instrument. Rather, I wanted to use these people as a "sounding board" for my ideas.

Secondly, I would hope that my informal discussions with these individuals would help ensure that the finished product has some practical applicability.

There is no doubt that the models of governance discussed in this dissertation will have broader applicability beyond Nunavut. In a northern setting, my analysis may be of some utility to the Dene-Metis and the Council for Yukon Indians. In southern Canada, many Native groups are pressing for self-government. In the years to come, Alaska Natives will also continue to deal with the weightier issues associated with their efforts at self-determination.

The time frame for completion was two years. The first eighteen months were devoted to further research and travel to various government and university libraries and archives. The summer of 1989 was spent in the North. The remaining six months was reserved for writing the finished work.

CHAPTER THREE

POLITICAL, ECONOMIC, AND SOCIAL STRUCTURES

Chapter Three

This chapter introduces the reader to the current political, economic, and social structures that exist in the North. Before one can explore alternative models of governance for Nunavut, a detailed understanding of the northern political economy is required because its historical antecedents serve to reinforce the need for not only an equitable claims settlement, but a model of governance that serves the needs of the Inuit in the eastern Arctic.

Two very important concepts are developed in the remainder of the chapter. First, the political evolution of the Northwest Territories has historically been controlled by the federal government in Ottawa. In fact, many argue that the North has, and continues to be, a colony of the South. Second, through the possession of total political power the federal government has not only dominated aboriginal people, but made them dependant upon social services such as welfare. This dependancy has serious negative effects on the traditional way of life. Many Native people simply remain at home and collect the government check. Second, the economy of the North is characterized as a "mixed economy." There is a constant tension between the wage economy premised upon a market

model and the traditional economy related to subsistence activities practiced by Native people(hunting, fishing, and so forth). It is imperative that one understand the importance of the political and economic characteristics that dominate the northern agenda. Through the claims process the Inuit of Nunavut hope to wrestle political and economic control from Ottawa, and at the same time protect the Inuit culture by bolstering the traditional economy. In other words, political and economic development must take place on the terms established by the Inuit. The ensuing discussion magnifies the critical nature related to the political, economic, and social development of Nunavut.

The Northern Political Economy-Historical Evolution

Much has been written about political economy.1 However, the model of political economy in Canada's North is vastly different than the standard textbook treatment given the subject. In order to appreciate the long struggle over aboriginal claims, one must understand the unique political and economic factors that impact the very fabric of what it means to be aboriginal. Throughout

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1 For example, see Ken Rea's The Political Economy of Northern Development, Michael Whittington's The North, "Canadian Contradictions: Forty Years of Northern Political Development" by Frances Abele, and "Native and Local Economies: A Consideration of Economic Evolution and the Next Economy" by Robinson and Ghostkeeper.

Canadian history the traditional lifestyle of Native people has been eroded by the need on the part of the government to promote economic and political development.

The definitions of the term political economy are diverse. For example, Markovich and Pynn (1988), define political economy as "the study of how the economy functions within the confines of government policy." (p.10). Staniland(1985) provides two definitions of political economy. His "deterministic" framework views politics and economics as inseparable. The "interactive" approach conceives of politics and economics as functionally distinguishable.

Within a democratic polity such as the United States these definitions stand alone, and in fact, make sense. However, in northern Canada several other dimensions--some political, some economic, and some social-- must be included if we are to begin to understand the nature of aboriginal claims.

In exploring the nature of the northern political economy, many scholars follow Staniland's deterministic model and break the term down into its requisite components--political and economic. This approach is not only simplistic but it is non-native. Native people

discuss political economy as a unified whole that is directly grounded in aboriginal culture. Attaining self-determination and the protection of the traditional economy are inseparable. The following discussion concerning the historical evolution of both the political and economic factors affecting the North serves as a catalyst in demystifing the aura surrounding the northern political economy and attempts to relate the northern political economy to the Inuit quest for self-determination.

Historically, northern politics has been synonymous with development (Stenbaek, 1987). This manifests itself in the title given to the federal department charged with administering programs affecting aboriginal people--The Department of INDIAN Affairs and Northern Development. In 1966, at least, Native affairs and northern development went hand in hand.

However, prior to the arrival of white settlers the northern indigenous population lived a subsistence lifestyle, harvesting fish, plants, and wildlife. This subsistence economy was predicated upon a communal concept of sharing, as opposed to the modern market concept of individualism (Whittington, 1985).

The Europeans(non-natives) first came into contact with the Inuit of the eastern Arctic in the sixteenth century. The supply and marketability of commodities such as furs, fish, and whale products made encroachment upon the indigenous lifestyle inevitable (Rea,1976). The Native people were introduced to the previously foreign concepts of a market economy-- a commerce network, a medium of exchange in the form of commodities such as tools and weapons, a system of credit, and the international marketplace. This market economy perspective was at odds with the traditional economy.

The majority of the northern products were exported to American and European markets and the labor pool was for the most part imported. Driven by profit maximization, and coupled with a total lack of regulatory control, the whale, fish, and sea mammal populations were decimated. As a result the traditional Native subsistence economy in the eastern Arctic was destroyed. Rea describes these effects as follows:

> They (the whalers) indirectly contributed to the reduction of the wildlife resources upon which the Inuit had once been able to subsist. They introduced disease and alcohol which further weakened the ability of the Inuit to cope with this deteriorating environment (Rea,Ibid; p.36).

The other major event which not only shaped Canada as a nation, but also impacted northern political and economic development was the fur trade. Specifically, the activities of the Hudson Bay Company became synonymous with the northern political economy (Zaslow, 1971). In 1670, the Bay was granted a charter that guaranteed a monopoly over all lands draining into Hudson Bay (Coates, 1985). This monopoly position in the northern marketplace ensured a continuous supply of staples to outside markets, and the subordination of Native people to the wage economy (see Pretes, 1988; pp. 113-115). This second point is particularly important because given the cyclical nature of the fur trade, price fluctuations often proved devastating for Native people. Having become accustomed to the southern material possessions secured through the barter system, sudden changes in the supply and price of furs severely impacted the entire social and economic fabric of the community.

Religion and the law also played important roles in altering Native society. As the fur trade opened transportation corridors into the North, Roman Catholic and Protestant missionaries quickly discovered a "gold mine" of souls in need of salvation. As Coates (1985) points out, "the north contained the prime elements for evangelism: a primitive, pagan people in need of Christian

salvation... (p. 58). The competition for Native souls had an economic component as well. The Hudson Bay Company often favored one religious group over another. As a result, Natives were coerced into accepting specific religions or risk the threat of a cessation in trade (Coates,1985).

The Northwest Mounted Police (now the RCMP) was originally dispatched northward to maintain some semblance of law and order during the Klondike gold rush. Later, they moved into the Northwest Territories, and brought with them a code of southern laws. These laws often clashed with traditional Native culture. Examples might be the Inuit practice of infanticide and the tradition of leaving the elderly to die once they were no longer productive members of the society. In any case, Whittington (1985) sums up the impact that the fur trade, religion, and the law had on the aboriginal people.

> Hence, the churches came to bring the natives salvation, the RCMP came to bring them law and order, and the Bay came to engage them in commercial relationships...Consequently, the traditional value system of their culture was challenged, and in some cases traditional ways were abandoned (pp. 60-61).

Resource-based industry began to come onto the northern agenda during the late 1800's. The Klondike gold rush in the Yukon during the 1890's forever changed the economic and political fabric of that region (Crowe, 1974).

The discovery of oil in 1920 at Norman in the Mackenzie region of the Northwest Territories spawned a flurry of exploration activity. A number of gold and silver deposits were discovered in the Great Slave and Great Bear Lake regions during the 1920's and 1930's. Yellowknife's Con and Giant mines are still in operation today.

These types of resource development activities further altered the traditional lifestyle of Native people. Specifically, large numbers of non-natives migrated to the North in search of new employment opportunities. Rea nicely sums up the situation:

> ...the area had up to World War II, a simple economy: a staple export-based hinterland economy superimposed on a traditional native economy, itself largely a by-product of modern industrialism. The traditional sector of the northern economy was essentially a creation of the European fur trade which had conscripted the local population into a form of wage employment which was compatible with some elements of its older culture. The dominance of the fur trade in the native economy was reflected in the reduced living standards of the native population as the fur trade declined in the 19th century (Rea, Ibid; p.53).

The developmental ethos alluded to above, came to the forefront again in 1941 when the Arctic suddenly took on a more strategic role. Politicians feared a Japanese attack mounted from the Aleutian Islands. The Alaska highway was built by the United States military, and the Canol pipeline

was constructed through the Richardson Mountains to expedite the transportation of men, equipment, and fuel in the event of a Pacific invasion (Coates, 1985; Abele, 1987). The Cold War and the construction of the Distant Early Warning(DEW) radar sites solidified the presence of the military in the Arctic. In addition, scientific research began to occupy a dominant role in the North.

Although the pressures for economic development subsided in subsequent years, the oil crisis of the 1970's rekindled the need to develop nonrenewable resources in the North. Examples include Imperial Oil's refinery in Norman Wells and Dome Petroleum's oil and gas exploration activities in the Beaufort Sea.

All of these pressures, concomitant with a need to establish Canadian sovereignty in the Arctic, dictated a new political response. The federal government became an important actor in the northern market economy. The fundamental tenets of "free enterprise" were challenged(and often supplanted) by issues of sovereignty, social equity, and the need to construct costly transportation, communications, and utility infrastructures. In addition, a depleted wildlife stock led to a severe famine throughout the Keewatin in the 1940's and 1950's. In response to this crisis the

government became further involved by constructing permanent, centralized settlements and relocating the Inuit from their traditional camps. This policy, in turn, dictated a need to supply the physical and administrative infrastructures associated with the provision of education, health care, and other social services(Stenbaek, 1987).

Well-intentioned as the government intervention might have been, the effect on Native people and their culture was disasterous and the process of assimilation was vastly accelerated. The Native people became dependent upon government handouts and began to lose their traditional culture. This is why they now seek to develop their own model of governance as a mechanism through which they believe the assimilation process can be halted. Frances Abele explains that:

> ...the new life in the settlements brought social problems. The new settlements concentrated populations at unprecedented levels, straining the old authority patterns and kin-based sharing relationships...The educational programs separated children from their parents physically, as they were attending school, and ultimately psychologically, as they absorbed a non-traditional education while missing the traditional lessons of their elders in the communities (Abele, 1987; p.314).

Former Prime Minister Diefenbaker called this northern expansion his "Northern Vision." The political

component of northern development was predicated upon a type of Pareto optimality argument. If northern hinterland resources were developed and exported to the southern metropolis, all Canadians would be better off. Government's role was to subsidize this so called "development" and to reallocate resources in order to improve the economic welfare of society. This political philosophy came to the forefront during the Trudeau era when large government incentives were provided to private sector firms to "develop" resources in the Arctic(and other regions such as Hybernia off the coast of Newfoundland). The multi-billion dollar giveaway under the Petroleum Incentive Program, the government's acquisition of Petrofina, and the private sector initiative to construct a Mackenzie Valley Pipeline are cases in point (Doern and Phidd, 1983; Berger, 1977).

In addressing the northern political economy, a distinction must be made between economic development in the Northern Vision sense, and economic growth. Economic growth refers "to an increase in the productive capacity of the economy" while economic development means "a change in the <u>structure</u> of an economy." (Rea, 1969;p.25). A change in structure implies a shift in emphasis from resource extraction to secondary manufacturing. There is little doubt that the northern economy has experienced growth, but

whether it has significantly developed economically is subject to debate. There is little secondary industry in the NWT. Raw materials or staples are extracted and shipped to Ontario and Quebec for processing into finished goods. This not only results in fewer wage economy jobs for northerners, it creates further tensions between the traditional and market economies because pressure is mounted to accelerate the process of resource extraction from aboriginal lands in order to meet the demands of southern factories.

During the decade 1975-1985, there was virtually no growth in goods-producing industries nationwide. Given this trend, Robinson and Ghostkeeper (1987) question "the relevance of linking northern development to resource industry megaprojects of the industrialized economy." (p.138). In fact, they develop a post-industrial model that they call the "next economy." One immediately begins to see the tensions that exist between the market concepts such as efficiency, growth, and development, and the issue of quantifying benefits. The question therefore becomes--in whose interest was the national government acting in imposing these various northern policy initiatives?

We must expand the already complex equation of political economy by giving consideration to the "welfare

economy." Given the current lack of demand and the associated price structures that have adversely impacted resource development in the 1980's, and the high unemployment rates in many sectors of the wage economy, today's North can be characterized as a "welfare state in crisis" (Mishra, 1984). Government fiscal policy focused on political and economic development. In many northern regions, government provision of housing, education, health care, defense services, law enforcement, public works, and so on, represent a significant component of the political economy. Michael Whittington states that:

> From an internal perspective the economies of the NWT and Yukon are in fact three distinct economies...there is a traditional or subsistence economy in which the only participants are native peoples...The second economy in the North is an extension of the southern wage economy...The third economy is the welfare economy. While there are some non-natives who can be classed as belonging to this group, for the most part the welfare economy in all parts of the North is predominantly native (Whittington; p.64).

Present Organizational Infrastructure

Government in the North has always operated on the premise of colonialism. The word "colonialism" is defined in a number of ways. In the northern Canadian context the term refers to the British colonial model of political and economic exploitation. In Canada's Colonies: A History of

the Yukon and Northwest Territories, Coates (1985) provides the following definition of the term "colonial" and its applicability to the North.

> The term "colonies" is used deliberately. So long a colony itself, Canada is most reluctant to acknowledge its own colonial tradition... The extensive powers of the national bureaucracy, the continued reliance on federal subsidies, and frequent federal intervention in regional affairs all make plain the north's colonial status (pp. 9-10).

Coates' definition clearly indicates that the northern political economy must be viewed in a holistic manner. Colonialism, political power, and financial subsidies controlled by the federal government contribute to the unique dimensions of the northern political/economic environment.

In "Relations Between Bands and the Department of Indian Affairs: A Case of Internal Colonialism?", Rick Ponting (1986) details Robert Blauner's (1969) definition of colonialism. Although Ponting concludes that the case for internal colonialism needs to be somewhat tempered, his discussion of the Blauner model is instructive for our purposes. Blauner's four indicators of colonialism are presented:

1) colonialism begins with forced integration into and under the terms of the dominant society.

2) the colonizing power then carries out policies aimed at transforming and ultimately destroying the culture of the colonized group.

3) racism becomes society's dominant ideology.

4) members of the colonized group are administered in a paternalistic sense by the dominant group.

In "Canadian Contradictions: Forty Years of Northern Political Development", Frances Abele (1987) specifically addresses the colonial framework of northern administration. She states that:

> The northern territories were administered for decades as colonies of the South, at first lackadaisically and then, after World War II, with sudden energy (p.311).

Finally, John Frideres (1983), develops a "macro-model" depicting Native groups as internal colonies exploited by the dominant Canadian society."White Canadians are seen as the colonizing people while Natives are considered the colonized people." (p.295). This serves to extend the colonial model beyond the North and it apply it unilaterally to all aboriginal groups across Canada. His seven part macro-colonial model nicely complements the definition given above. It also supports Pretes'(1988) argument that underdevelopment in Canada's North is linked to a dependency model. Pretes' thesis is important because

he is one of the few scholars to make the link between the North and the development literature. By comparing the plight of aboriginal peoples in Canada and Brazil, the author shows that the federal governments in both of these countries have exploited the indigenous population. Eventually, Native people become totally dependent upon the dominant government and ultimately succumb to the pressures of assimilation. The difference between the Inuit and the indigenous population of Brazil is that the Brazilian government is unwilling to recognize aboriginal society as distinct, and therefore refuses to negotiate any kind of equitable claims settlement.

Racism is another important factor in the northern political economy. Native authors such as Adams (1989), Cardinal (1969), and Smallface Marule (1984) highlight, often in a very resentful manner, their experiences with respect to racism and oppression. The following passage from Howard Adams' book Prison of Grass: Canada from a Native Point of View (1989) is representative of aboriginal sentiment:

> In my halfbreed ghetto, finding a job was always difficult because the only employers were whites. It mattered little that I did not look truly Indian: all local employers knew whether I was halfbreed or white. Seeking employment as a native was more than looking for a job, it was asking to be insulted. The boss did not have to insult me with his words; his actions and attitudes were enough to tell me his

> racist thoughts. As long as other jobs were available, a native would not apply for jobs he knew were for whites only. Even today Indians and Metis rarely apply for work as postmen, bus drivers, or for any position in which they would meet the public. Those jobs are taboo for natives because we live in a white racist society (p.10).

A similar argument can be made with respect to the Inuit. In fact, the term "ESKIMO", a racist label imposed by whites and still used today, means eaters of raw flesh. Racism, therefore, impacts in a negative manner the right of Native people to participate in the political economy of the North on an equal footing with non-natives.

A large body of literature was generated during the 1960's and 1970's concerning the third world or developing nations. The role of colonialism and the exploitation of the local populations forms a major part of this literature. Ferrel Heady (1984) describes colonialism as a process of forced dependency and Jaguaribe (1973) equates classical colonialism with neo-classical colonialism in that "independence only characterizes a change in the ways of exploitation" (p.381).

Canadian aboriginal people have obviously been exploited since the British first settled Canada. Numerous examples exist to support this contention. First and

foremost, they were displaced from traditional occupancy of the lands. Second, early administrations viewed the indigenous population as a conquered people and treated them accordingly. Third, Natives have been subject to specific policies of assimilation. Finally, they have been victimized by overt racism.

This exploitation manifests itself in the colonial model of governance that exists today. Throughout this dissertation, therefore, I use the term "colonial" in concert with the definitions presented by the above scholars.

The driving force behind any colonial archetype is Selznick's model of formal cooptation. It holds that:

> In general, the use of formal cooptation by a leadership does not envision the transfer of actual power. The forms of participation are emphasized but action is channelled so as to fulfill the administrative functions while preserving the locus of significant decision in the hands of the initiating group (1949;p.224).

In this sense, political and economic power has never been transferred by the federal government to northern institutions. It is critical that one differentiate between "northern" institutions and "native" institutions. The former, serve both Native and non-native clients in the North and have achieved some degree of autonomy as a

result of the federal government's policies concerning devolution. For example, the NWT legislative assembly is now totally elected and formula funding provisions have been established between the federal government and the GNWT. Native institutions, however, have met with less success. Their efforts at self-determination have been painstakingly slow, although the current claims negotiations are an obvious vehicle for achieving Native autonomy. The important point for our consideration is that despite recent inroads the southern-based government has dominated the economic, social, and political environment of northern Native peoples.

The Inuit view their aboriginal claim settlement as the principal vehicle through which they will develop their own political, economic, and social institutions. They will no longer be dependent upon Ottawa or the private sector. Political and economic development will take place on Inuit terms, and the Inuit will have the political and financial powers to ensure that the traditional way of life co-exists with the industrialized economy of southern Canada.

The Northern Economy

There are a number of theses or models used to discuss the northern economy. The discussion below highlights three of the more important perspectives.

Economic activity in the North is a dichotomous relationship between the wage based economy and the traditional economy. This dualism is the cornerstone of the colonial framework that exists today. The traditional economy is premised upon an inherent value system tying the individual to a sense of community. Almost exclusively Native, it is centered around the activities of hunting, fishing, and trapping. The primary impetus for Native claims settlements is to entrench the traditional values which reaffirm the link that Native people have to the land. This almost spiritual association is the most misunderstood aspect of the dual economy. Those who argue that the traditional economy only generates an insignificant eighty million dollars annually have missed the point. Their advocacy of what I call the "one more mine" scenario, totally neglects the non-economic importance of the traditional economy.

The wage-based economy, on the other hand, is one where raw materials(staples) are exported to the southern

metropolis. Large multinational corporations exert tremendous pressures on government institutions to allow development to take place in a variety of resource sectors. Natives have little control over the decisions made by these more powerful private and public sector agencies. The rationale for such development is often touted as being "in the national interest." In Alaska, for example, the U.S. federal government is still intent on allowing drilling to take place within designated reserves even in the wake of the Exxon Valdez disaster. In reality, the indigenous peoples are dominated by the much more powerful private and public sector organizations.

Historically, little benefit has accrued to northerners as a result of these mega-developments. Examples include the mine at Rankin Inlet, the Nanisivik mine, Cominco's Polaris Project, off shore oil exploration in the Beaufort, and the Norman Wells pipeline. Resource revenues become the catalyst for government's policy initiatives "North of Sixty," with cultural, environmental, and socio-economic impact upon Native people relegated to a secondary position. Dacks concludes that: "Departments such as the Treasury Board and Energy, Mines and Resources--find it too costly, either in dollars or in modification of their own programs, to accept the kinds of policies that

might truly address the problems of Native people and environmental protection." (Dacks, 1981; p.26).

Economist Jack Stabler, presents a much different perspective of the northern economy. In a series of articles-"Development Planning North of Sixty: Requirements and Prospects" (1985), "Fiscal Viability and the Constitutional Development of Canada's Northern Territories" (1986), "Dualism and Development in the Northwest Territories" (1987), "A Utlity Analysis of Activity Patterns of native males in the Northwest Territories" (1988), and "Jobs, Leisure and Traditional Pursuits: An Exploratory Analysis of Activity Patterns of Native Males in the Northwest Territories" (1988)-- he defines the North as underdeveloped or immature economically because of the small number of basic industries and the lack of economic diversity. These structural components produce inequities with respect to Native employment. Stabler (1985) posits that:

> Because of the inferior economic status of the natives and their lack of mobility, future development planning for the North will obviously require an equity component that focuses on the causes of the inequality (p.39).

The author proceeds to develop a series of computer simulated econometric models that produce cost/benefit and

marginal utility related data with respect to alternative development strategies. Stabler concludes that non-renewable resource development is the preferable vehicle through which employment opportunities for Native people in the North can be enhanced.

He contends that many aboriginal people engage in traditional pursuits "only because they are compelled to do so by economic necessity"(Stabler 1987, p.16). In addition, Stabler contends that his research supports the hypothesis that as Native people increase employment qualifications, their motivation to pursue traditional occupations diminishes. In other words, the individual's utility is maximized through increased earned income, and the rate of social welfare payments is reduced (Stabler 1988, pp. 9-10).

A third element concerning the northern economy is presented by Frances Abele and Peter Usher (1988). Their research elevates the level of debate to a new level. They examine the implications of the Canada-Unites States Free Trade Agreement (FTA) vis-a-vis economic development strategies in the North. Their thesis is as follows:

> The agreement will restrict the ability of all levels of government (including aboriginal governments) to use public or quasi-public institutions to shape stable and diversified

> northern economies, and it will narrow northerner's options in many areas where they are now beginning to achieve sufficient powers of self-determination (p.1).

Given that government expenditures in the North (subsidies) will continue to play a significant role even after aboriginal claims are settled, the FTA's subsidy elimination clauses certainly will impact the northern economy as well as Native people's ability to develop successful models of governance. American's argue that social programs such as unemployment insurance, the heavily subsidized northern transporation industry, subsidized housing, and so forth, provide an unfair trade advantage to Canadian industry. This contention that subsidies created artifical advantages is one reason why the Greenlanders voted against joining the European Economic Community (Orvik, 1983).

In their discussion of the political economy of the North, Abele and Usher define two economic modes. The first relates to the primarily wage-based activity prevalent in the capital cities and major regional centers (for example, Yellowknife, Whitehorse, and Iqualuit). This mode is juxtaposed against the mixed or dual economy of the small Native communities heavily reliant upon a subsistence base. In many of the communities, therefore, one observes a model of occupational pluralism. The Abele and Usher's

definition of the northern economy is at opposite ends of the continuum from the Stabler version presented above.

The distinctive nature of the indigenous economic system is highlighted by the following:

> Much of the economic activity in these communities is unmeasured and unrecorded, and hence both overlooked and misunderstood by conventional economic analysis, as well as by conventional economic statistics which focus on regional and sectoral aggregates (p.6).

A excellent example of unrecorded economic activity relates to the Inuit practice of carving animals and spiritual beings out of whale bone, ivory, or soapstone and then selling them privately or through community channels.

It becomes important that the community economy is not viewed as inferior to the wage-based economy. Although the two are not mutually exclusive, the former involves cultural and social factors that represent the fabric of the community--its essence--that cannot be captured through quantitative economic analysis. My perspective of the importance of the community economy, and I should add the perspective of the Native people that I interviewed, mirrors the argument presented by Abele and Usher.

Sociological

Ottawa's policies toward "managing" the North reflect a specific socio-philosophical interpretation based upon a southern paradigmatic link to materialism and individualism. Initially, aboriginal people were viewed by government as self-sufficient and able to take care of themselves. After World War II the government changed its policy and labeled the Indian, Inuit, and Metis as "poor" and simply extended the welfare state to "solve" their problems (Rea, 1976;Abele, 1987). Organizations were established to provide southern-type education, health care, housing, and so forth, and townsites were constructed where these nomadic people could be contained. The intent of these policies was to extend the welfare net to those in need. The actual outcome, however, has been to accelerate the process of assimilation. In effect, an attempt was made to strip Native people of their language and culture. The testimony of Polly Koutchak to the Berger inquiry into ANCSA exemplifies Native sentiment in both Canada and Alaska.

> I always feel deep within myself the urge to live a traditional way of life-the way of my ancestors. I feel I could speak my Native tongue, but I was raised speaking the adopted tongue of my people, English. I feel I could dance to the songs of my people, but they were abolished when the White man came to our land. I feel I could heal a sick one the way it was done by my ancestors, but the White man

> not only came with their medicine-they came with diseases...First, the White man came and abolished our song and dance, then they took control of our land and its resources, and then they shoved us into a life totally unknown to us... (Berger, 1985: pp.13-14).

Similar sentiments were voiced at the numerous community meetings conducted by Mr. Berger regarding the effects of the proposed Mackenzie Valley Pipeline of the mid-1970's. In his testimony at Ft. McPherson on July 9, 1975 Phillip Blake stated the following:

> I strongly believe that we do have something to offer your nation, something other than our minerals. I believe it is in the self-interest of your own nation to allow the Indian nation to survive and develop in our own way, on our own land. For thousands of years we have lived with the land, we have taken care of the land, and the land has taken care of us (Watkins, 1977;p.8).

Mr. Blake's statement is testimony to the fact that Native people subordinate material possessions to family relationships, spiritual traditions, and community ritual. They do not want to live in total isolation from modern society, they merely want to protect and preserve their cultural identity. They view the land not as a commodity to buy, hold, and sell. Rather, it is an integral part of their physical and spiritual being. In an 1984 speech to the United Nations Working Group on Indigenous Populations, the Australian Minister of Aboriginal Affairs recognized

the prior occupation of Australia by the Aborigines and the Torres Strait Islander People. He went on to recognize "the spiritual affinity Aboriginal people have with the land and that the "land is life in the spiritual as well as the physical sense for Aboriginal people." (IGWIA, 1985; p.22).

This spiritual/cultural link with the land is important because it distinguishes the "aboriginal" model from the "ethnic" model. Most countries have faced ethnic unrest over the course of building nation-states. North American examples include the demands of the Hispanic population in the United States for increased recognition, and the issue of French language rights in Canada. The Soviet Union has found it necessary to deal with a wide range of ethnic groups as have the Yugoslavians (Karklins,1988). In fact, wars have been fought over ethnicity in these two countries. The current unrest in the Soviet province of Georgia and the satellite states of Latvia, Estonia, and Lithuania are cases in point. Esman (1988) notes that the premise for the colonial model in the Middle East and many parts of Africa was to amalgamate or assimilate all ethnic groups in to a macro nation-state. However, he also points out that the ethnic recalcitrance experienced in these countries was a result of the strong

religious and linguistic ties of these various ethnic groups (pp. 271-287).

It is critical to understanding the claims of aboriginal peoples that one recognize that the process is premised upon a different philosophy-- the spiritual tie to the land mentioned above and settlement that pre-dates the arrival of whites in North America. This fundamental distinction between aboriginal and ethnic populations is clearly established by Gurston Dacks (1981), Alvin M. Josephy (1969), and more recently by Abele and Stasiulis (1989). The latter's definition serves to clarify the distinction.

> Native people have struggled against sustained attempts by the state to reduce their status to that of "just another disadvantaged ethnic group" and against the persistent inability of Canadians generally to appreciate their unique position. We begin with the recognition that there are crucial differences in the circumstances and political concerns of native people and oppressed immigrant groups... Native peoples have a unique political and constitutional position...From the point of view of native people, everyone else in the country is an immigrant (pp.240-241).

The intent here is not to romanticize or fantasize the Native culture because as in all societies, it is fraught with adversity and social problems. Of vital importance for our consideration is the fact that intrusion by European settlers has had enormous implications for the

indigenous population. Native political, social, and economic institutions have for the most part been supplanted by a foreign structures. This led Native leader George Erasmus to comment that "long before (King) Arthur was organizing the tribes in his little kingdom, we were governing ourselves." (Star Phoenix, 1989; p.A-17).

Political Development of the North

There are a number of important stages in the political evolution of the Northwest Territories.2 At the outset, however, it is important that one specify how the political role in Canada differs markedly from US tradition. In other words, the traditional role of government in Canada in general and the North in particular, directly relates to economic development.

> The role of the state in this country has traditionally been an economic one. Indeed, a government strategy for economic development was the essential element in the birth of Canada. This strategy did not reflect the values embodied in the American cultural myth: popular government, competitive enterprise, decentralization of authority. Instead it favoured responsible

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2. It is impossible in an introductory section to do justice to the diversity impacting political development in the NWT. For a detailed treatment of the subject see Morris Zaslow's The Opening of the Canadian North: 1870-1914 and his book The North: 1914-1976, Frances Abele's "Canadian Contradictions: Forty Years of Northern Political Development", and Kenneth Coates's A History of the Yukon and Northwest Territories.

> government, monopoly enterprise, and centralization of authority (Rea, 1976;p.76).

The characteristics described above have been the catalyst for political evolution in the North.

In terms of political development in the NWT, prior to 1967 all government affairs were handled by Ottawa. As mentioned previously, the North became an important strategic military tool during World War Two as evidenced by the construction of the Alaska Highway and the Canol pipeline to the Yukon. In the 1950's the Cold War prompted the construction of Distant Early Warning system across the Arctic. The new "Northern Vision" resource development policy of the Diefenbaker government proved to be the catalyst for northern economic development. Capital intensive infrastructures such as roads and railroads, coupled with a significant migration of southern expertise forever transformed northern Canada.

The above development scenario provided the impetus for the extension of federal welfare services northward. DIAND began to construct "matchbox" houses, Native people were herded into newly constructed communities, the Inuit were assigned "disc numbers" for identification purposes, and aboriginal children began to receive southern education.

The Territorial Council(legislative assembly) of the Northwest Territories was the legislative body. However, in the early stages of its development the members were appointed by Ottawa. Gradually, more and more of the Council membership was elected, and in 1967 as a result of Carrothers Commission report, the NWT government including Commissioner Stuart Hodgson was relocated to Yellowknife. In the twenty-three years since the relocation the NWT government has grown exponentially--all members of the Council are now elected, the Commissioner no longer heads the executive council(or Cabinet), Native elected representatives are the majority, and annual government expenditures now exceed $193 million (Annual Report, 1988).

Although the majority of elected representatives to the NWT Legislative Assembly are Native, one can make the point that these individuals have been coopted by the system. I personally observed the development of the political careers of aboriginal leaders such as Bill Erasmus, Tagak Curley, Mark Evaluarjuk, Nellie Cournoyea, and Peter Ernerk. All of them are very capable individuals. Yet, their fervor for promoting aboriginal self-determination has been tempered by time. They arrive for various cabinet committee meetings dressed in fashionable three piece suits and converse eloquently with

federal cabinet ministers during their frequent trips to Ottawa.

Many people at the community level in the North told me that these leaders no longer represent the interests of the community. In fact, many aboriginal people have become distrustful of their leadership. If the premise for the political component of the claims is the avoidance of the incremental model of assimilation, and its replacement with a new form of organization, the cooptation of the current aboriginal leadership may result in maintenance of the status quo. This has obvious implications not only for the current system of colonial government, but also for the Native groups intent on developing new models of governance.

It is critical to note that even though considerable strides have been made, the political evolution of the North is predicated upon the colonial model, with Ottawa possessing totality of political power. Although the Territorial governments were eventually relocated from Ottawa to the North, the new administrative and political infrastructures were based upon southern ideologies superimposed on the hinterland. Secondly, the dominance of the federal government prevented the evolution of a viable local or community government. Initially, federal Northern

Service Officers and later territorial government employed Settlement Managers defined community needs and conducted affairs of administration. These individuals exercised tremendous political and social authority within the community structure. As a result, the form of grass roots, community-driven, "public interest" characteristic of many southern municipalities, never developed in the North (Whittington, 1985).

The role of political institutions in society is to promote consensus, contain conflict, and legitimize perceived societal goals. However, if the political structure is inconsistent with the society it is intended to govern, attainment of lofty political ideals is impossible. The North is a case in point.

Conclusion

We have seen that the traditional models of political economy are not totally applicable to Canada's North. The dominant role of the federal government, coupled with an economic structure based upon resource extraction by monopolies, makes the region unique. In addition, the mixed economy--one where the traditional economy is tangential to the wage-based economy--introduces an important sociological/cultural variable not present in

pristine models of political economy. Finally, historical observation demonstrated an inextricable link between the colonial model and the northern political economy.

Through the successful negotiation of aboriginal claims and the implementation of the associated models of governance, the Native people of the Northwest Territories seek to redefine the political economy of the North. The new political institutions should be representative of the Native public interest. The current federally imposed model should be supplanted by Native institutions that recognize culture, language, and community.

Economically, the claims settlements will allow Native groups to move toward the "next economy." Through community ownership and the development of local private and public sector employment initiatives, Native people will retain their traditional values. The cash and land transfers along with the new political responsibilities negotiated in the claims agreements will provide the impetus to attain this end. Robinson and Ghostkeeper posit that:

> By instituting community equity participation, the bush economy household unit and its strong values of sharing, self-reliance, environmental stewardship and integration of production and consumption are boosted to the community level. This is really the philosophical starting point of the next economy

model in native and local economics (Robinson and Ghostkeeper, 1987; p. 141).

The most important factor, however, arising out of the experiences of Native people in northern Canada is that their concerns have now reached the national agenda. Not only have their aboriginal rights been constitutionally entrenched, they now have a realizable goal of developing their own political, economic, and social institutions. The catalyst toward this end lies in the design and implementation of a successful model of governance.

Given the unique political, social, and economic circumstances facing Native people, one immediately sees that pristine political and administrative structures developed by non-natives may be somewhat flawed in their direct application to aboriginal society. The next chapter provides a series of comparative lenses whereby these flaws become evident.

CHAPTER FOUR

ABORIGINAL CLAIMS: A COMPARATIVE PERSPECTIVE

Chapter Four

Viewing aboriginal claims through a series of comparative lenses helps to focus upon a number of important initiatives at self-determination undertaken by aboriginal groups in Canada as well as in other countries. The Inuit of Nunavut can learn many valuable lessons from the mistakes made by these other indigenous peoples. Specifically, several issues and problems are defined that lend assistance to the development of alternative models of governance for Nunavut. It is impossible in one chapter to do justice to all aboriginal groups who have struggled for self-determination. Therefore, I discuss those aspects of the global movement toward entrenching aboriginal rights that I consider most salient in the northern context. These include the Native rights movement in Alaska, the western Arctic region of the Northwest Territories, northern Quebec, the southern United States, and Australia. I also draw upon comparative examples from New Zealand, Greenland, the Yukon, and the Dene-Metis fight for self-government in the Northwest Territories. The term "comparative" is used in the broadest possible sense. Although international comparisons are undoubtedly useful, intranational examples also provide food for thought (Goodsell, 1981).

In attempting to assess new and distinctive forms of governance, it is imperative that one address the need to structure post-claims political, administrative, economic and social institutions differently. Somehow, the Inuit must shed the chains of paternalism that the central government in Ottawa has used in maintaining central control over northern political and economic development. The question becomes-- what's wrong with the types of political and administrative institutions that have been for so long, synonymous with the successful evolution of both the private and public sectors?

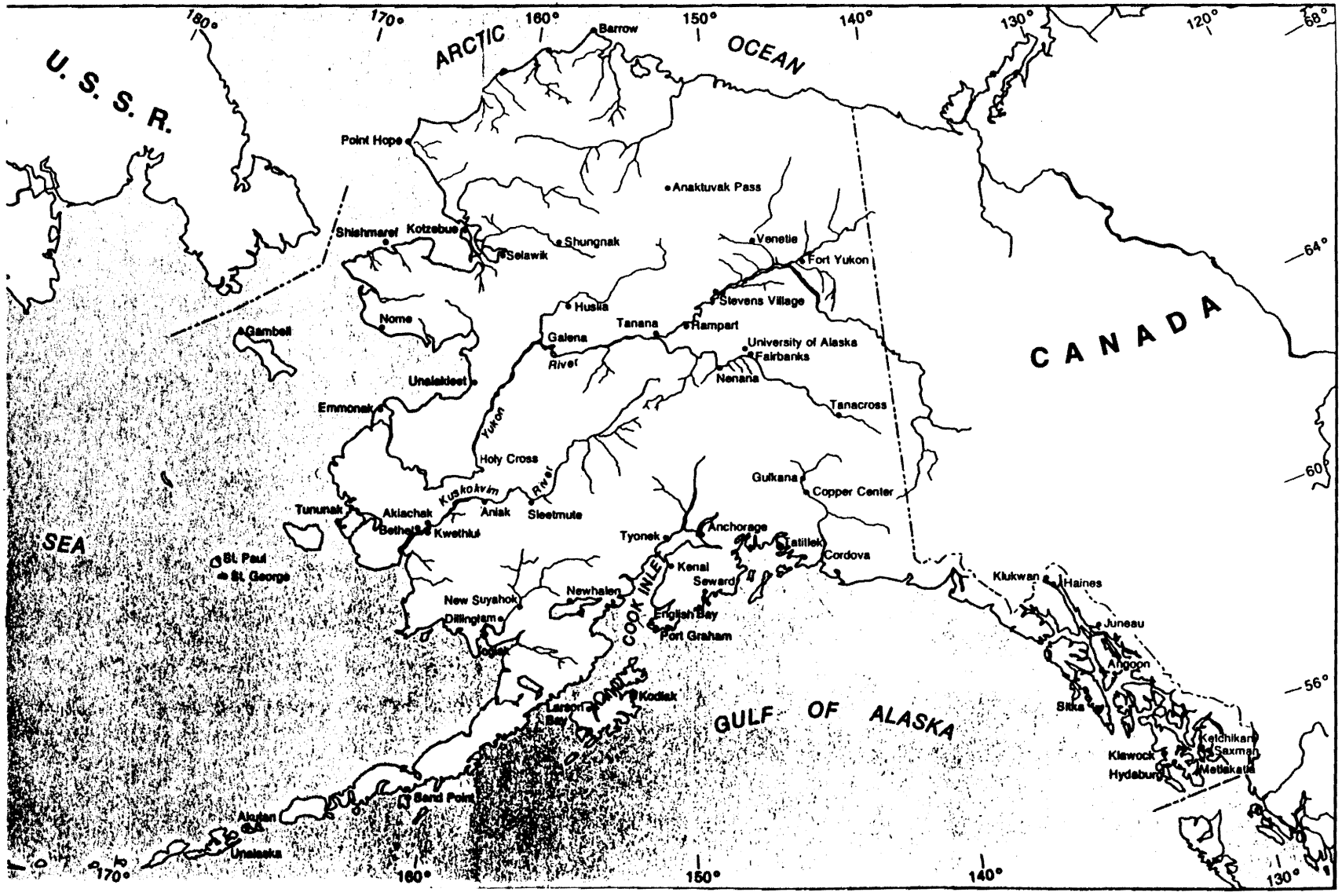
The answer is derived, in part, from an examination of a recently imposed organizational infrastructure that has clearly not achieved the desired results for Native people; the case in point is the imposition by the United States of the 1971 Alaska Native Claims Settlement Act (ANCSA). Gary and Kathleen Anders capture the essence of the problem in stressing the need to develop "a framework for understanding differences between cultural and organizational values... one that explains incompatibility between the design and organizational structure of corporations, and their incongruence with the cultural values and expectations of shareholders..." (Anders, 1986; p.66).

Alaska

When ANCSA was first passed by Congress, it was touted as the most comprehensive and sophisticated aboriginal settlement ever made. In addition, it was the most lucrative compensation package ever negotiated by Natives and government. As Berger (1985) points out however, "Congress wanted to bring the Alaska Natives into the mainstream of American life." (p. 20). It would be unfair to state that Congress was insensitive to the subsistence economy of Native people. In fact, strong recognition was given to the need to establish a land base upon which this traditional lifestyle could be sustained. However, the ethos that pervaded the entire claims settlement related directly to enhancement and growth of the market economy at the local level. The assumption was that by increasing aggregate wealth the social and economic plight of Native people could be improved.

The Alaska agreement, unique in U.S. history, transferred an enormous amount of land and money to Alaska Natives. In total, 44 million acres (map p.135) of land and 962.2 million dollars were transferred to Native control (Berger, 1985). As Berger points out, though, the important thing to remember is that "Congress extinguished by legislation the aboriginal title Alaska Natives

ALASKA CLAIMS SETTLEMENT AREA



held to their lands throughout Alaska, and it extinguished also their aboriginal right to hunt and fish on these lands" (p.24). The cash settlement was compensation for the ninety percent of the Alaska land mass taken by the federal and state governments (over 300 million acres).

In order to manage the assets now owned by the Native people, ANCSA provided for the establishment of twelve regional corporations, and in excess of two hundred village corporations (Anders, 1983; Berger, 1985). Natives owned shares in each of these entities (usually 100 shares in each). The corporate model of governance is discussed in detail in Chapter Five.

Congress's imposition of a profit-driven framework had implications that were obviously not considered. First, the possibility of a stagnant northern economy was never envisioned. Secondly, little consideration was given to how Native traditional values could be integrated into this corporate organizational framework. Third, Native people empowered with this new authority were never adequately trained to cope with the accompanying responsibility. Hanrahan and Gruenstein (1977) capture the

essence of the dilemma in forcing conventional political and economic models upon northern Native people:

> Given the limitations and potential pitfalls involved in the modern corporate structure it is somewhat surprising that, during the years of debate preceding the Alaska Native Claims Settlement Act, the focus was almost solely on the corporation as the vehicle for a settlement. Remarkably, the presettlement debate gave no serious consideration to developing a more democratic entity that would more nearly meet the economic and cultural needs of the Native peoples" (p.118).

Congress was obviously motivated by the political perception that large scale development could freely take place in Alaska if this thorny issue of Native claims could be resolved. As Anders states, "ANCSA is the equivalent of a treaty through which the Federal Government was able to provide for the construction of the TransAlaska Oil Pipeline" (Anders, 1986; p. 214). Federal and State governments, therefore, were inspired by future resource royalties and relegated constituent concerns to a secondary position.

The American government's insistence on utilizing southern models based upon traditional organizational theory caused serious problems for Alaska Natives. In fact, Congress amended ANCSA in 1987 to allow the continuation of the tax moratorium on undeveloped lands, and placed more stringent guidelines on the sale of

corporate shares to non-native interests. Otherwise, Alaska Natives would have lost control of the land by 1991 (ANCSA, Amendments, 1987).

This brief comparative analysis is intended to serve as an educational tool in our examination of alternative models of governance. I do not pretend that the situation in the eastern Arctic is the same as that in Alaska. Nor do I advocate the importation or rejection of the Alaska model. I merely contend that comparative analysis is useful if we are to take a more responsible approach to the claims settlements, and to promote the development of associated organizational infrastructures that will help prevent the mistakes witnessed in Alaska.

The Lower Forty-Eight

A brief discussion of the evolution of the Native movement toward self-government in the United States proves instructive. The reader will recall that aboriginal rights in Canada have received renewed status under the 1982 Constitution Acts. In the United States, Article 1, Section 8 of the Constitution gives Congress authority over Indians, as aboriginal rights are not mentioned explicitly. Although issues respecting aboriginal people in the United States are not "big ticket" items on the national policy

agenda, Indian policy in the US has been a much more proactive process than in Canada. In fact, Sanders (1986) points out that by the mid-1980,s "nearly all tribes have courts and they are assuming major civil jurisdiction over Indians and non-Indians in matters occurring on the reservations" (p.2).

As mentioned earlier, westward expansion, the evolution of a treaty system, and several key court cases demonstrate how policies with respect to aboriginal people in the United States parallel those in Canada. Interestingly, with the exception of Marbury v. Madison (1803), the case of Worchester v. Georgia (1832) is the most frequently cited in the US (Ibid).

The removal and allotment policies of the United States government during the nineteenth century proved to be most controversial. The 1830 Indian Removal Act was designed to force tribes to move westward. When tribes such as the Cherokee refused to move voluntarily military force was used. In 1838, for example, more than 4000 Cherokee were slaughtered (Prucha, 1962). Concomitant with removal and treaty activity was the General Allotment Act of 1887 (Dawes Act). This act was designed to allot specific parcels of land on an individual basis. This policy not only violated the provisions of several of the

treaties, it was targeted at destroying the communal nature of Indian lands (Sanders, 1986; pp. 11-16). Non-allotted lands could be sold or leased to non-natives. The resultant breakup seriously jeopardized future attempts at self-government because the large land base of the reservation was now fractured with non-Natives owning intermediate portions of land.

The severe economic and social problems affecting Native people came to the forefront of government concern during the New Deal administration of President Roosevelt. The Indian Reorganization Act (1934) "was designed to strengthen Indian reservation communities by expanding their land base, providing development capital, and strengthening local self-government" (Ibid, p.20). Allotments were now prohibited and uncommitted lands were placed under tribal ownership.

Native people in all forty-eight southern states have had a much tougher time than their Canadian counterparts. In fact, Kickingbird (1984) advises that "American Indians have been the subject of more federal legislation than any other single group in the United States" (p.49). Despite the adversity, many of the American groups have developed interesting models of self-government. The Navajo serve as an interesting example of what can be achieved given

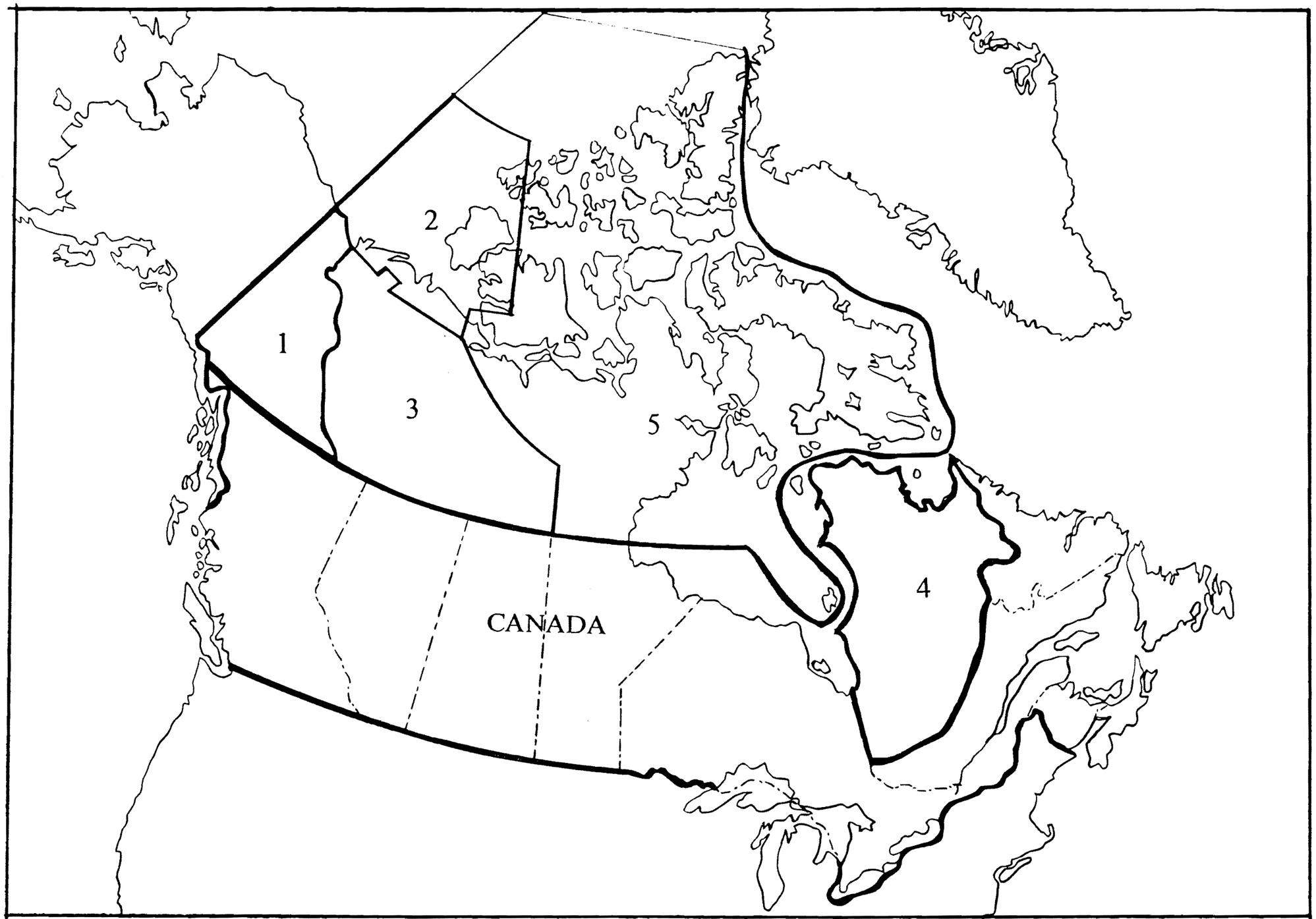
perseverance. Their governance model is discussed in detail in Chapter Five.

The James Bay Agreements

The James Bay and Northern Quebec Agreement (1975) and the Northeastern Quebec Agreement (1978) were the first aboriginal claims settlements in Canada (see map p.143). The former was negotiated with the Inuit and Cree of northern Quebec, while the latter was with the Naskapi band of northeastern Quebec. Other signatories were the governments of Canada and Quebec, the James Bay Energy Corporation, the James Bay Development Corporation, and Hydro-Quebec. As indicated in Chapter One, Native people affected by these agreements are currently experiencing a number of difficulties with respect to the implementation phase. In particular, the lack of any pre-defined implementation strategy or an effective dispute resolution framework have resulted in ill feelings and costly litigation. For example, a $2.5 million out of court settlement with the Port Burwell Inuit was reached in 1988. In the fall of 1988 the federal government finally reached a settlement with Grand Council of Crees concerning the construction of a village for the Ouje-Bougoumou Cree (Annual Report, 1988). Important for our purposes, is that the agreements extinguished aboriginal rights in return for

compensation. Second, several key issues remain unresolved almost fifteen years after the original settlement. A recent article in the Washington Post(April 18, 1990) serves as an example of the ongoing problems experienced by the Inuit and Cree of northern Quebec. The story draws attention to a massive hydroelectric project that will flood 2000 square miles of Native land and destroy the habitat of osprey, bears, eagles, and Beluga Whales. Also, half of the aboriginal population of the region are dependent upon traditional pursuits such as hunting and trapping. Environmentalists are unsure of the long term effects of this $62 billion development. The Inuit and Cree state that the project will result in "cultural genocide" merely to export electricity to the US. The issue received media attention because the Inuit and Cree planned a kayak trip from Ottawa to New York City to protest the actions of the Quebec government. It is important to remember that these same Inuit and Cree are the aboriginal people of northern Quebec who negotiated a claims agreement in 1975. Has their culture been protected and have they attained self-determination? The answer is an emphatic NO.

The impetus behind the James Bay claim related directly to the provincial government's intention to develop massive hydro electric projects in the



NATIVE CLAIMS IN CANADA

LEGEND

1. COUNCIL OF YUKON INDIANS (CYI)
2. INUVIALUIT SETTLEMENT REGION
3. DENE / METIS
4. NUNAVUT
5. JAMES BAY TERRITORY

James Bay/Ungava Bay regions. Large areas used for subsistence purposes would be flooded and drainage of various bodies of water would be drastically altered. The Cree and the Inuit entered into a four year litigation battle to have the associated legislation (Bill 50) declared unconstitutional (Purich, 1986). Their argument was premised upon a contention that aboriginal title over the lands in question had never been surrendered. Although the Superior Court of Quebec issued an injunction prohibiting the development without consideration of aboriginal rights, both the Court of Appeal and the Supreme Court of Canada deemed the project to be in the public interest thereby placing aboriginal rights in a position subordinate to the proposed development(Inuit Committee, 1987). Because the Native people of the region lost their battle in the courts, they were forced to suspend litigation in favor of negotiation (Opekokew, 1987; Rostaing, 1984). This point is important because the Inuit and Cree have never supported massive hydroelectric developments on their ancestral lands despite the fact that they received financial compensation through the claims agreement.

The $225 million cash settlement was allocated on a per capita basis-$90 million for the Inuit and the remainder for the Cree (Inuit Committee, 1987). The Act

stipulates that all money is to be paid into development corporations. The Makavik Corporation, discussed in Chapter Five, is an example.

The COPE Agreement

In 1984, the Governments of Canada and the Northwest Territories and the Committee For Original People's Entitlements (COPE) signed the Western Arctic (Inuvialuit) Claims Agreement. This was the first comprehensive claims agreement involving Native people of the Northwest Territories. The then Minister of Indian Affairs, John Munroe, described the objectives surrounding the negotiations.

> Three main objectives were recognized throughout the negotiating process as essential ingredients of such a settlement: preservation of Inuvialuit culture and values within a changing northern society; preparation of the Inuvialuit to be equal and effective participants in the northern and national economies, and in society in general; and promotion and preservation of the Arctic's wildlife, biological productivity and natural environment (DIAND Guide,1984; p.1).

The agreement primarily affects the 4000 Native residents who live in what's known as the Inuvik district of the Northwest Territories (the communities of Inuvik, Aklavik, Sachs Harbour, Holman Island, Paulatuk, and

Tuktoyaktuk--(see map p.147). Its provisions include the transfer of title to 35,000 square miles of land, of which 5000 square miles is in fee simple absolute1 including both surface and sub-surface rights (Final Agreement, 1984; p.6). The agreement calls for a cash settlement of $152 million to be paid in a series of annual installments between 1984 and 1997 (Annual Report, 1987-1988). The initial payments are exempt from taxes. Income generated thereafter will be subject to tax. In addition, an Economic Enhancement Fund totalling $10 million and a Social Development Fund totalling $7.5 million were established (DIAND Guide, 1984).

The agreement also provides for ownership and management of water resources, an environmental impact screening and review process, the establishment of a National Park in the western portion of the Yukon North Slope, a Territorial Park on Herschel Island, and a series of participation agreements respecting wildlife harvesting and management (Agreement, 1984; pp. 15-31).

Since its inception, the Inuvialuit Final Agreement has been fraught with difficulties. In fact, major problems with implementation prompted DIAND to issue its

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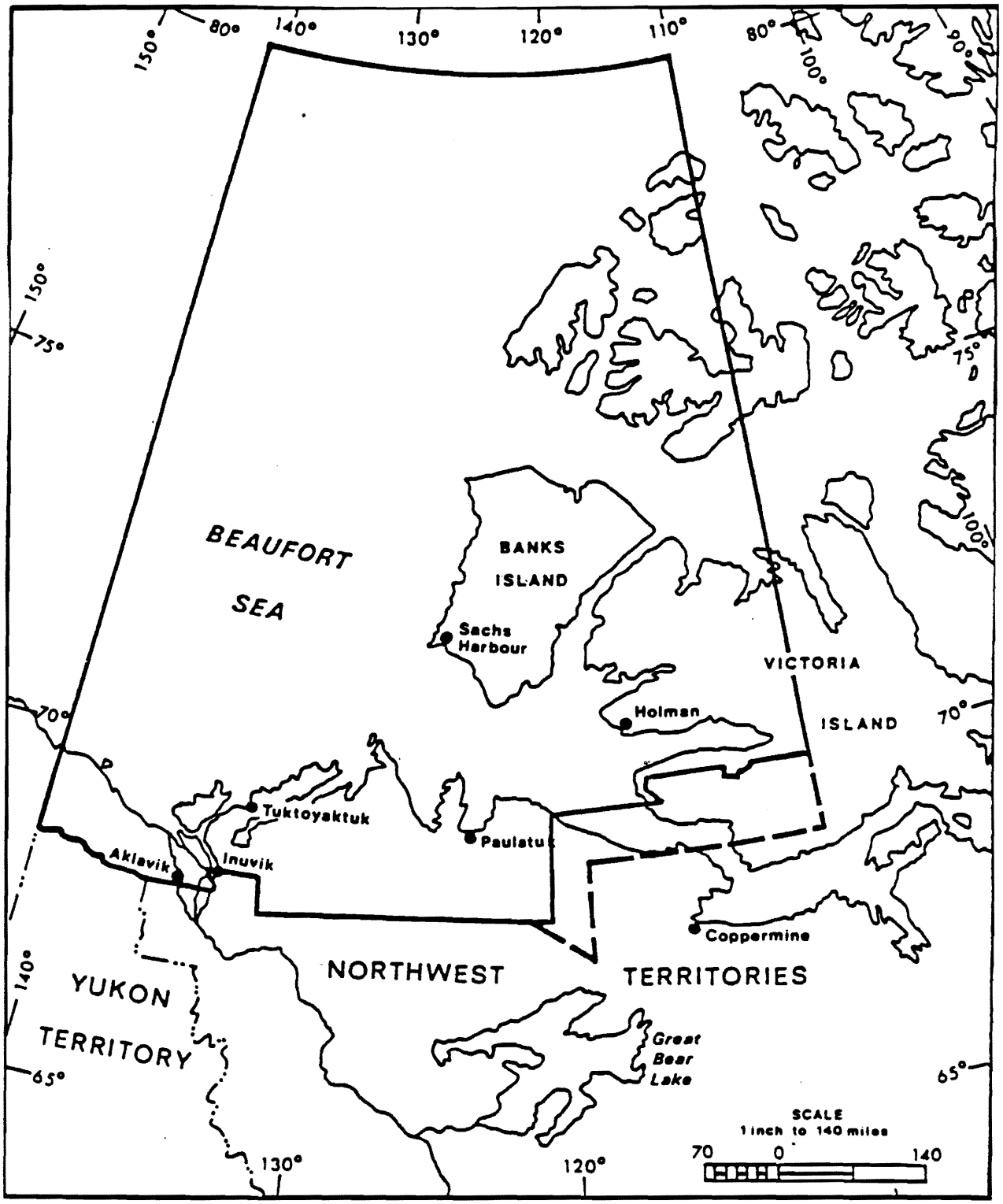
1 "fee simple absolute" means absolute title or outright ownership to surface and subsurface rights to the land in question

THE INUVIALUIT SETTLEMENT AREA



Comprehensive Land Claims Policy (1986) which required that all final agreements be accompanied by an implementation plan (p. 25). Two years later, the evaluation directorate of DIAND issued Guidelines for Land Claim Agrement Implementation Plans (1988). The directorate concluded that "there was no common understanding as to the precise nature of a final agreement implementation plan" (Guidelines, p.i). Ten core problem areas were defined ranging from the role of negotiators, to interpretation of the final agreement, to communication between levels of government (Ibid, pp. 3-12). In effect, the number of federal, territorial, and Native agencies involved in the process so complicated the situation that no one could any longer define precise areas of responsibility. Payment of monies, transfer of land, establishment of corporations, and the creation of management boards all had a fiery baptism.

Australia

Although Canada and Australia were at one time colonies of Great Britain subject in theory to the same policies of colonial administration, aboriginal policies evolved differently in these two nations. For example, state governments originally had constitutional jurisdiction over aboriginal affairs. As Bradford Morse

(1986) correctly points out, developments in Australia directly relate to our comprehension of Canadian aboriginal issues such as land tenure, resource and wildlife management, indigenous law, and the definition of aboriginal rights.

Australia's original inhabitants are referred to as Aborigines and Torres Straight(sic) Islanders. The latter differ in that the impact of European colonization was less severe due to their remote location. For the most part, the Torres Straight people maintain their traditional pursuits linked to the subsistence economy.

The Aborigines have inhabited Australia for over forty thousand years, making them one of the oldest surviving cultures in the world (Morse, Ibid). Before colonization the total aboriginal population was estimated at about 600,000. However, the convict-settlers declared outright warfare against these local inhabitants, almost totally decimating the population. Morse explains that:

> European colonization began in Sydney in 1788 with the arrival of the first convict-settlers. Aboriginal people underwent incredible hardship through the detrimental effects of exploitation, racism, disease and colonialist policies in conflict with the continued existence of their traditional way of life. The vast majority of languages and tribes were lost through decimation or intentional destruction as the Aboriginal population dropped to as low

as 60,000 by the end of the 19th century (Morse, Ibid; p. 7).

The plight of aboriginal people's in Australia has changed dramatically over the past four decades. For example, the Aboriginal Development Commission has been a positive force in securing Native control over the land. In 1966 no aboriginal people in Australia owned land by virtue of aboriginal status. Today, almost 10% of the country's land mass or 700,000 square kilometers is held freehold2 by Native people. The education system is vastly improved (currently over 1000 aboriginal teachers) and a series of elaborate trusts have been created. In addition, Native traditional law has been elevated to a position of prominence in society. The Austalian aboriginees were able to preserve a portion of their culture by sucessfully negotiating a special status with the Australian government. All of their initiatives bear some consideration in our examination of governance models for Nunavut.

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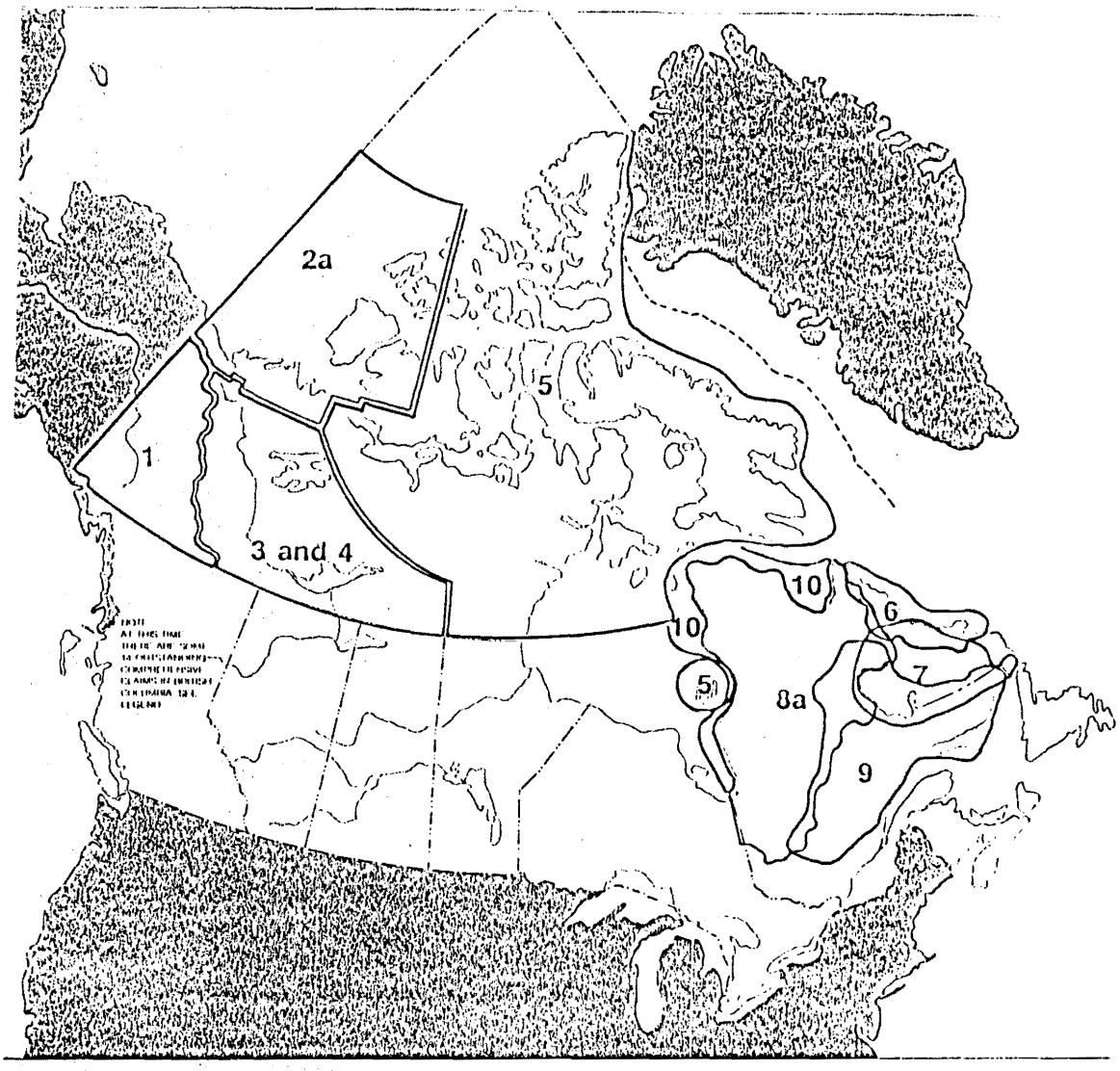
2 "freehold" is a term relating to ownership that is fee simple absolute. Surface and subsurface rights are granted for the lifetime of the owner and his/her heirs.

The Dene/Metis Claim

The Dene-Metis signed an Agreement-in-Principle with the Government of Canada in August of 1988. Although specific objectives and types of organizational infrastructure are still being negotiated under the auspices of a final agreement, some interesting provisions under the Agreement in Principle deserve mention. A map of the Dene/Metis settlement area is on page 152(# 3). The federal government will transfer to the Dene/Metis the sum of $453.3 million (Agreement, 1988; p.31). This amount is to be paid into a "heritage trust fund". In addition, the government agrees to a royalty sharing arrangement whereby the Dene/Metis receive 50% of the first $2 million in royalties and 10% of any additional revenues (Ibid; p.37).

Once the settlement legislation is approved by Parliament, the Dene/Metis will receive 66,100 square miles of land in fee simple (excluding mineral rights) and 3,900 square miles in fee simple absolute (Ibid; pp. 122-126). The AIP also provides for wildlife harvesting and management, economic development measures, taxation, and so forth. Of particular interest for our purposes, is the fact that the Agreement stipulates a corporate organizational model, the structure of which is to be determined in the final agreement (Ibid). Given the



COMPREHENSIVE NATIVE CLAIMS IN CANADA LEGEND

Apart from the James Bay "Territory" and the Inuvialuit Settlement Region, the areas indicated on this map represent only approximate boundaries of the areas in which the various native associations have claimed an interest. The precise delineation of these areas for each claimant group will be determined as negotiations proceed on the separate claims settlements.

(1) Council for Yukon Indians (CY)
(2a) Inuvialuit Settlement Region
(2b) * Land areas selected by Inuvialuit pursuant to the Inuvialuit Final Agreement
(3) Dene Nation
(4) Metis Association of the Northwest Territories (MANWT)
(5) Tungavik Federation of Nunavut (TFN)
(6) Labrador Inuit Association (LIA)
(7) Naskapi-Montagnais Innu Association (NMIA)
(8a) James Bay "Territory" — James Bay and Northern Quebec Agreement and North-eastern Quebec Agreement (Grand Council of the Crees of Quebec & the Northern Quebec Inuit Association; Naskapis of Schefferville)
(8b) * Land areas selected by the Crees, Inuit of Quebec and Naskapis of Schefferville pursuant to the James Bay and Northern Quebec Agreement
(9) Conseil Attikamek-Montagnais (CAM)
(10) Offshore Islands
*Approximate Representation

COMPREHENSIVE NATIVE CLAIMS IN BRITISH COLUMBIA

(1) Nishga Tribal Council
(2) Kitwancool Band
(3) Gitksan-Wet'suwet'en Tribal Council
(4) Haida Nation (Kitamaat Village)
(5) Association of United Tahltans
(6) Nuu-Chah-Nulth Tribal Council
(7) Council of Haida Nation
(8) Heiltsuk Nation (Bella Bella)
(9) Nuxalk Nation (Bella Coola)
(10) Nazko-Kluskus Tribal Council
(11) Kaska-Dena Council
(12) Carrier-Sekani Tribal Council
(13) Alkali Lake Band
(14) Atlin Band (Taku Tlingit)

difficulties associated with the corporate model in Alaska, the western Arctic, and northern Quebec, it is interesting that it has once again been selected in the Mackenzie region. In any case, this model is discussed in detail in Chapter Five.

Other comparisons serve to assist the Inuit in their quest for a framework of governance. Greenlanders have secured a significant degree of autonomy from the Danish government. Under the "Home Rule" policy, Greenlanders have taken over some areas of the public administration. In addition, Greenland has its own flag and official language, and has voted independently of Denmark to withdraw from the European Economic Community (Stenbaek, 1987). Greenlanders have a well developed political party structure particularly at the local level with the two dominant parties being the Siumut and Atassuts (Orvik, 1983). Yet, the aboriginal people of the world's largest island still have strong financial, administrative, and military ties to the mother country. In fact, the political parties mentioned above are not part of Native tradition. The Inuit of Nunavut reject a governance model similar to "home rule" because it does not solidify traditional culture through self-determination.

In other places, aboriginal peoples such as the Samis of the Scandinavian countries of Norway, Finland, Denmark, and the Soviet Union have for the most part been absorbed into the market economy (Rea, 1976). In Norway and Sweden, the Sami have no special status and their cultural uniqueness is not found on the public policy agenda (Rudnicki and Dyck, 1986). The Finnish government has been more receptive to aboriginal concerns. Finland is a bicultural and bilingual nation. The Sami have their own political and administrative institutions and have a fair degree of autonomy over their own affairs (Ibid; p.382). In developing a framework for governance in Nunavut, the Inuit might want to closely examine the self-government institutions adopted by the Sami in Finland.

The evolution of aboriginal rights in New Zealand is also important to our analysis. In particular, the structures and powers of the Maori Land Courts requires scrutiny (Royal Commission, 1980). In ultimately establishing their own legal system for Nunavut, the Inuit should consider how the Maori incorporate their culture into the land court system. Finally, the "Japanization" of the Ainu is further testimony to the fact that an entire aboriginal society can easily be assimilated. The Inuit view their claims settlement as the means through which

they can avoid "Canadianization."(Rudnicki and Dyck, 1986;).

Many of the negative experiences associated with aboriginal self-government can be better understood by examining some of the comparative public administration literature. Almond and Powell in Comparative Politics: A Developmental Approach (1966), for example, provide a classification of political systems premised upon the degree of structural differentiation and cultural secularization within the society (pp.217-298). All aboriginal societies conform to these author's Class I or Class II systems--primitive or traditional. They conclude that the capacity of these systems to deal with complex political, social, and economic problems is limited. They state that "only in a few cases have such systems managed to survive in today's world" (p.218). Yet, the Inuit of the eastern Arctic are seeking a model of governance that will allow their traditional system to co-exist with the "mobilized modern system" that is characteristic of democratic polities like Canada. This is no easy task.

The difficulty in accomplishing this goal is further highlighted by Ferrel Heady (1984) and Fred Riggs (1964). The former states that the classic Weberian administrative model applies only to "developed or modernized polities".

When we examine developing administrative systems "the inadequacy of the classic model becomes so apparent that it is nearly always abandoned in favor of models chosen because they are presumed to correspond much more closely to the actualitiy in these societies" (pp. 76-77).

Riggs's (1977) hoped that his sala model would fill the void. Although the three dimensional version of the model developed in Prismatic Society Revisited (Riggs,1973) has been subject to some criticism, it is instructive in that the key dimension of malintegration is added. The situation in Canada's North mirrors the eoprismatic end of the malintegrated/integrated continuum (p.7-8). This revised model serves to highlight the fact that social and political conditions thought at one time to be distinctive characteristics of developing societies, can also be found within highly developed systems such as Canada. The malintegration always remains a source of turbulence and conflict between societal cultures. The Lubicon situation in Alberta (Globe, Oct.,1988) and the Navajo problems in Arizona (Washington Post, January 31, 1989; Feb. 6, 1989) are cases in point. In other words, Canada is comprised of both a developed and an underdeveloped society. Because the Inuit society is considerably less developed, and because the Inuit culture is the antithesis to southern Canadian culture,

the two are in constant tension. The result is malintegration and conflict.

In trying to understand the numerous variables affecting the political, social, and economic development of Native people in northern Canada, several parallels can and should be drawn from the literature on "development administration". Native political institutions are basically at a primary level of development (Jaguaribe, 1973; Diamant, 1964). The negative effects of the develoment ethos of 1960's coupled with the seemingly poor fit between modern institutions and aboriginal self-determination, should signal a calculated, critical review of alternative methods of governance.

Conclusion

Understanding the plight of many aboriginal groups around the world, and their associated struggle for self-determination and self-government provides a comparative framework for assessing potential options for Nunavut. This comparative methodology certainly does not provide a panacea. However, certain common threads become evident in studying the subject of aboriginal rights.

What can the Inuit of Nunavut learned from these experiences? We discovered that almost all Native people have at one time or another been subject to colonial, assimilationist policies of government. This, of course, directly impacted aboriginal society and created serious tensions between the European culture and traditional Native culture. Furthermore, we have seen that aboriginal groups have met with varying degrees of success in the attainment of their lofty goals. Alaska, for example, is now dealing with the prospect that ANCSA did more to harm the Native people than it did to allow for aboriginal self-government. The Inuit, Cree, and Naskapi of northern Quebec face complex litigation in the courts because improper definitions and implementation strategies were developed. The Dene/Metis, on the one hand, have chosen to adopt similar models in an attempt to avoid the misfortunes of their northern counterparts. The Aboriginals of Australia, on the other hand, were able to survive almost total annihilation and develop some sound administrative, political, and legal infrastructures.

The most important consideration for the Inuit is to avoid models of governance that are inconsistent with traditional aboriginal culture. The comparative experiences discussed above are testimony to the fact that institutions such as corporations fail because they are

premised upon European values such as the market economy. They ignore, for example, the traditional economy that often transcends the profit motive. With this in mind, we now move on to a detailed analysis of alternative models of governance.

CHAPTER FIVE

ALTERNATIVE MODELS OF GOVERNANCE

Chapter Five

In their book Nunavut: Political Choices and Manifest Destiny (1989), Merritt, Fenge, Ames, and Jull attempt to capture the mood surrounding the present climate affecting aboriginal claims negotiations in the eastern Arctic.

> Ottawa is now leaning toward the wrong approach: supporting the white minority in an attempt to homogenize Canadian political culture and to assimilate northern aboriginal peoples within English Canada. A political settlement in Nunavut is founded on an entirely different concept: that canada is big enough and diverse enough for native people to maintain their cultural community while enriching and participating fully in all that Canada has to offer. The two visions are incompatible. Inuit must, therefore, win two battles: the first, to regain political support for Nuanvut; the second, to make clear and workable proposal for implementation (pp. 6-7).

These observations are certainly correct. In particular, the second point with regard to implementation is germane to the task at hand, but the above authors do little in the remainder of their book to offer a series of frameworks whereby the Inuit can at least continue the battle with a fighting chance.

In this chapter, we examine several alternative models of governance for Nunavut. The information from the previous chapters on economic, social, and political

conditions experienced by Native people, coupled with the comparative overview presented in Chapter Four, provides the foundation for our analysis. Specific models are discussed-- the corporate model, the local government model, the cooperative model, the Navajo model, and the traditional model will be examined in detail.

This does not mean that other models do not exist. Rather, the intent here is to capture those models that are the most representative and relevant to the eastern Arctic claim. As Gibbons and Ponting (1986) point out, the literature with respect to aboriginal self-government for Native groups in Canada "is rich in eloquent rhetoric and philosophy but largely lacking in rigorous analysis and specific, concrete proposals" (p.181). By examining these models in detail, it is hoped that some light can be shed on the complexities surrounding the design and implementation of aboriginal systems of governance that will ensure the continuation of the traditional culture of the Inuit of Nunavut. Hopefully, this chapter will help supplant the rhetoric with some useful analysis. After all, it is the analysis that is important if one seeks to avoid the pitfalls of prescription. The prescriptive aspects of governance are best left to the aboriginal peoples themselves.

The Traditional Model

By the traditional model of governance, I refer to the political-administrative infrastructures that existed in Canada prior to European settlement. Aboriginal people had forms of governance that protected their traditional culture long before the Europeans arrived in North America. One may question the significance of this model given the complexities of modern society. Yet, there are several important foundations and philosophies underlying the traditional model of governance that may prove useful in developing options for Nunavut.1

At this point, it should be obvious to the reader that aboriginal self-government is not a new phenomenon. The traditionalist would view pre-contact governance as antithetical to our modern day concept of government based on majority rule. Pre-contact governance was totally lacking in bureaucratic administrative structures based upon hierarchy, division of labor, and authority (Weber,

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1 The discussion that follows is based upon the work of Diamond Jenness in Indians of Canada (1967), C.E.S. Franks' background paper titled Public Administration Questions Relating to Aboriginal Self-Government (1987), The Cassidy and Bish book titled Indian Government: Its Meaning and Practice (1989) and several of the articles in Little Bear, Boldt, and Long's Pathways to Self-Determination: Canadian Indians and the Canadian State (1984).

1946). Traditional Native government or "tribalism" locates authority in the smallest political or administrative unit. Thus authority in tribalism is an expression of all group interests--an expression of genuine community interest as opposed to the imposition of the will of a few individuals from above. (Smallface Marule, 1984). Power is not something that one acquires and uses as a control mechanism. Rather, it is bestowed upon an individual by the community and is later taken away when a new leader is selected. The importance of the group and a sense of community are the two most important characteristics of the traditional model.

Thousands of years before the Europeans arrived, the Native people of North America had in place fairly sophisticated political and social institutions. Jenness (1967) aggregates these into two groups-the migratory tribes that pursued a subsistence lifestyle with no permanent community infrastructure, and the Iroquois and Pacific Coast tribes who established fixed settlements.

In the migratory tribes each individual in the group or band was equal to every other member. Even the temporarily appointed leader did not occupy a superior position in society. This loosely structured tribal model remained in place even when several bands amalgamated into

larger communities during peak hunting and fishing seasons. "There was no chief for the entire tribe, no central organization, no sacred shrine or holy city recognized by all that could serve as a common rallying point" (Smallface Marule, 1984; pp.121-122).

Kinship was an important factor. Some bands stressed patrilinear systems of organization while others followed the matrilinear model (Franks, 1987). Given the absence of formal authority structures, the maintenance of law and order depended upon public opinion. Rules and regulations were not codified. Rather, "proper" social behavior was passed on verbally from one generation to the next. Conflict resolution was often subtle, although certain Inuit groups allowed ill feelings between members to be exorcised through public debate or songs. The loser was publicly ridiculed (Rasmussen, 1973).

The larger, more stable communities of the Iroquois and Pacific Coast tribes necessitated a more complex model of governance. The Iroquois League was comprised of six tribes. Each tribe exercised independence over domestic matters, but deferred matters of an external nature to a council. All tribes followed the matrilinear model. In other words, clan leaders were selected and removed by the clan mother (Porter, 1984; Franks, 1987). The council

comprised of approximately fifty chiefs, acted as arbitrator over intertribal policy. "They assembled at irregular intervals, whenever necessity arose, to arbitrate on intertribal problems, to receive [ambassadors], and to decide on peace or war with outside tribes" (Jenness, p.136). In addition to the council the Iroquois also had a constitution and a treasury. The Iroquois lived in a federalist state, with domestic matters under the sole purview of the band and external matters the responsibility of the council. It is interesting to note that this federalist model preceded by several hundred years the similar framework adopted by the Founding Fathers during the constitutional debates in the United States (Porter, 1984). In fact, some scholars maintain that the Founding Fathers were influenced by the Iroquois governance system during their deliberations over the American constitution.

Although the Pacific Coast Indians did not have a federal council, their political and social institutions were nonetheless highly differentiated. Society was based upon a class system of nobles, commoners, and slaves. The main political structure was the village although the most important political element was the potlatch.2 The more extravagant the potlatch the higher one's position in

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2 Potlatch refers to a tribal feast held by a prominent member of the community.

society (Franks, 1987; pp. 10-11). In this kind of system leadership is determined in the following manner:

> From time to time, community or national leaders call assemblies which are widely attended. Through ceremony, song, dance and speeches, new leaders are installed in office...While the system of potlatch is very different from that to which Europeans are accustomed, it contains all the necessary elements to maintain continuity, good government and a sense of identity, and it permits people to conduct their own affairs and to determine the course of their destiny (Penner Report, 1983;p.13).

This brief orientation to the traditional model highlights the diversity of culture, politics, and public administration processes that existed in pre-contact aboriginal societies. Franks identifies a number of important aspects of the traditional model that impact any attempt to develop a contemporary model of governance. First, aboriginal societies did have self-government. It is not something that the Canadian Constitution bestows upon Native people in a paternalistic sense. Political decisions were made and resources allocated based upon a collective good or sense of community.

Second, politics and government were inextricably linked to culture and community. Administration was performed under the broad rubric of aboriginal society. Education, welfare, and law were all a part of inter-group structures. The system was not differentiated in the

sense of an industrial society such as the United States, but was nonetheless designed to foster and protect the community and traditional culture. In other words, there was no Wilsonian politics/administration dichotomy and no separate hierarchical model of administration that is synonymous with the modern administrative state (Wilson, 1887).

Third, it would be a serious mistake to view traditional models of governance as primitive. In fact, White and Mcswain (1988) clearly demonstrate that our modern society with its penchant for individualism has all but destroyed any sense of community or pursuit of "the public interest". Jackson (1988) relates this argument directly to aboriginal people by showing that our system of justice and incarceration is violent, unsophisticated, and crude.

Finally, aboriginal people enjoyed autonomy, sense of community, and pride under the traditional model of governance. As Franks points out:

> ...pre-European native communities had an autonomy and integrity that no western nations, except perhaps the superpowers, now enjoy. The decisions they made were their own, and were not in response to pressures from foreign governments, or from forces in international trade and commerce over which they had no control. Loss of autonomy, whether of groups, provinces, or nations, is a

> price that has been paid for the advance of technology and industrialization (p. 15).

In selecting their governance structures the citizens of Nunavut can draw extensively upon the traditional aboriginal approach to self-determination. Maintaining a strong sense of community, encouraging participation by the elders, strengthening the traditional economy, resisting efforts at differentiation, stressing accountability to local constituents, and protecting the Inuit language and culture are all important ingredients in the sucessful evolution of Nunavut.

The Navajo Model

I select the Navajo nation as an example of aboriginal governance in the United States. There are two reasons for this. First, as the nation's largest tribe these people are fairly representative of the aboriginal movement toward self-government in the US. Second, Peter MacDonald and his colleagues have been the subject of much media attention in recent times. MacDonald, first elected chairman of the tribal council in 1970, has been accused of accepting lavish gifts from contractors wishing to conduct business on Native lands (Washington Post, 1989). I do not mean to imply that all aboriginal groups in the United States are the same. Nor do I intend to discount the

attempts at preserving traditional aboriginal culture made by other groups such as the Sioux, the Cherokee, the Shawnee and so forth. 3

It is interesting to note that the Navajo had no tribal level of government until the 1920's. The impetus for establishing a macro-level government came from the Bureau of Indian Affairs as a result of a need to administer mineral leases on Navajo lands (Sanders, 1986).

The Navajo nation is the largest both in terms of population (150,000) and land mass (25,000 square miles). Individual tribal members refer to themselves as Dine or the People. Tribal lands are located for the most part in Arizona. However, portions of northeastern New Mexico and southeastern Utah also fall under the jurisdiction of the Dine.

3Those interested in exploring further the historical and political evolution of Native people in the United States should consider the excellent collection of works published by the University of Oklahoma Press titled The Civilization of the American Indian Series. Other valuable references that are subject specific include Royal B. Hassrick's The Sioux: Life and Customs of a Warrior Society (1988), John Ehle's Trail of Tears: The Rise and Fall of the Cherokee Nation (1988), and The American Indian: Past and Present (1986) edited by Roger L. Nichols.

In 1938, the Secretary of the Interior approved "Rules for the Navajo Council" which established the foundation for the modern day Navajo Tribal Council. This document provided for four electoral districts with delegates elected based upon population. Initially, 74 members were elected to four year terms. A chief delegate was elected from each of the four districts, and these chief delegates comprised the executive council. In addition, a nominating convention was held to elect an at-large Chairman and Vice-Chairman (Young, 1978).

The 1950's witnessed tremendous growth in both political and economic opportunity for the Navajo Nation. The Hopi-Navajo Rehabilitation Act authorized the Navajo Tribal Council to establish its own constitution subject only to any limitations imposed by the United States Constitution. The tribal public administration infrastructure began to grow exponentially as the tribe acquired new responsibilities. During the decade of the 50's the tribe assumed responsibility for its own police system, court system, irrigation and other public works facilities, education, and economic development. Examples include royalty sharing arrangements with oil companies, coal agreements with Utah utilities, and the establishment of a viable forest products industry. The former generated

in excess of $5 million in 1954 dollars. As Young points out:

> In many ways, the decade of the 1950's was a "golden age" for the Tribe. It was the period during which tribal nationalism reached its height; it was the period during which the Tribal Government took shape, as such, establishing itself firmly as an institution of Navajo life; and it was a period of prodigious accomplishment financed by mineral leasing and production on the reservation (Ibid, p.162).

During the late 60's and early 70's the Navajo successfully took advantage of a number federal initiatives through agencies such as Housing and Urban Development (HUD) and the now defunct Office of Economic Opportunity (OEO). One of the primary catalysts behind these initiatives was Peter MacDonald. As director of the Office of Navajo Economic Opportunity (ONEO), MacDonald literally brought millions of dollars into the tribal coffers. This clearly demonstrates that the Navajo have developed into a remarkable political and administrative force, while at the same time preserving their traditional aboriginal culture, religion, and language. More importantly, the Tribe has been able to establish and control secondary industry and generate its own sources of venture capital and program funding. The majority of jobs on Navajo lands are occupied by Native people. In addition there is a strong commitment to training. Peter MacDonald,

for example, occupied a number of administrative and political positions before being elected Council Chairman. He brought with him the requisite skills to deal with both federal bureaucrats and corporate entrepreneurs. In discussing the ONEO, Iverson analyzes the success of the various programs that were implemented within the community.

> ONEO worked because it had money, because it involved bread-and-butter issues, because it encouraged local involvement, and because it had navajo administrators... Finally, in Peter Mcdonald, ONEO employed an individual who gave the program continuity by remaining in his position for five years and more critically, was trained leadership (Iverson, 1981; p.91).

The fact that ongoing funding, continuity, and stability are built-in to the Navajo model of governance are critically important. The tribe's legal arm, the DNA, and its court system have been touted as models for other aboriginal groups. In 1970, six Navajo justices marked their tenth anniversary on the court. The DNA is charged with explaining and interpreting the law for the average citizen.

Strong inroads have been made in the areas of education and health care. A Navajo public school system and community college have been established. The Navajo Teacher Education Program (NTEP) provides comprehensive

training for Native teachers. The Division of Education is administered almost entirely by Navajos. Again, strong emphasis is placed on previous experience. Dillon Platero, appointed division director in 1973, brought leadership qualities and expertise in the area of Navajo education that can be traced back to his work on the Council's education committee in 1955 (Iverson, Ibid).

Created in 1972 by the Tribal Council, the Navajo Health Authority assumed responsibility for programs formerly administered by the Public Health System. A Native American medical school and a department of Native healing sciences was established in conjunction with the University of New Mexico Medical School.

Tribal Courts in the United States in general and in the Navajo Nation in particular demonstrate "how a paternalistic or assimilationist institution has been transformed into a basic part of tribal self-government" (Sanders, 1986; p.52). The over 100 tribal courts in the US adjudicate in a wide range of civil matters-marriage, child welfare, estates, taxation, property, etc. Tribal jurisdiction over non-native matters is still a subject of debate. The recent adoption of the Aleut child is a case in point (Herald, Oct. 30). Important for our purposes is the fact that the tribal court system allows Indian law to be

entrenched and maintained as an important part of life. Second, the Native citizenry is educated through the DNA in much the same manner as the public was educated through civil proceedings during the American Founding (Rohr, 1986).

The Navajo model of governance should not be viewed as a panacea. As Gilbreath (1973) correctly points out, many of the Navajo agencies, like any public administration agency, have faced trying times particularly given the recent media attention given to the Mcdonald affair. Nor should the Navajo be compared to the Inuit of the eastern Arctic. What may be useful in exploring alternate frameworks of governance for Nunavut, however, are the approaches adopted by the Navajo leadership in establishing a political infrastructure that seems to be both representative of and accountable to the people, an overall economic development and taxation strategy designed to supply the necessary venture capital, a judicial system that encompasses Navajo law, an education system that incorporates traditional culture and language with the use of computers, a Native operated health care system, and a most effective training program for public administrators.

The Corporate Model

The corporate model of governance is the most widely used framework in developing post-claims political and administrative structures. Examples include Alaska, the Dene/Metis, the Yukon, the Inuvialuit, and the James Bay claims settlements. As mentioned in the literature review, Walter Rudnicki's Canada Funded Development Systems (1979) provides an excellent foundation for the ensuing discussion.

The corporate model of governance is designed primarily for the purpose of maximizing profit. However, it would be a mistake to equate the corporate model adopted by Native people solely with the maximization of shareholder profits. These structures transcend the pure profit motive and reach into the very fabric of aboriginal society. The socio-economic, political, and cultural change associated with the corporate model has been so far-reaching because these corporate structures are premised upon non-native values. The result is a disconnect between outcomes and what aboriginal people's actually intend through the claims process. In 1979 Rudnicki stated:

> Such corporate structures as those created by the James Bay and Northern Quebec Agreement clearly have a capacity to generate radical changes in the political, social, cultural, and economic life of native people. These potential

> changes are tantamount to a revolution in ideas, relationships, methods and values. These corporate structures moreover are patterned entirely after non-native institutions and socio-economic processes. It seems appropriate, therefore, to regard them as one additional and significant means for accelerating assimilation (Rudnicki, 1979; p.iii).

In speaking of change, Rudnicki used phrases such as "clearly have a capacity" and "potential changes." Ten years later, we now know that there is no question that the corporate model has radically changed the way of life for Native people in Alaska, northern Quebec, and the western Arctic. Moreover, I posit that similar changes will drastically alter the Dene/Metis way of life in Mackenzie region. If one accepts the premise that the assimilation process is accelerated by the corporate model, an inconsistency is immediately apparent in the attempts by both Native people and government to avoid the destruction of aboriginal society while adopting the corporation as a form of governance.

Furthermore, corporate hierarchical structures are often at odds with the communities they are intended to serve. Community participation becomes secondary to legal and financial concerns, economic development strategies, and bureaucratic institutions. Berle and Means(1968) capture the essence of this problem in their classic book

titled The Modern Corporation and Private Property. They claim that the modern corporation has changed the American concept of private property. Ownership and control have been taken from individuals and placed in the hands of large corporations. They argue that the control and power exercised by corporations have actually altered the manner in which we view American society.

A great deal of literature has been churned out demonstrating that the majority of stockholders in modern corporations defer to the proxy rather than direct participation (Drucker, 1973; Epstein, 1969; Kennedy and Deal,1984). This lack of participation is highlighted by the following:

> Traditionally, there is no necessary concurrence of objectives and interests between a corporate technostructure and the community it affects...Such corporate "wiring systems" do not often provide for effective community participation at any stage of the planning or decision-making process (Rudnicki, p.76).

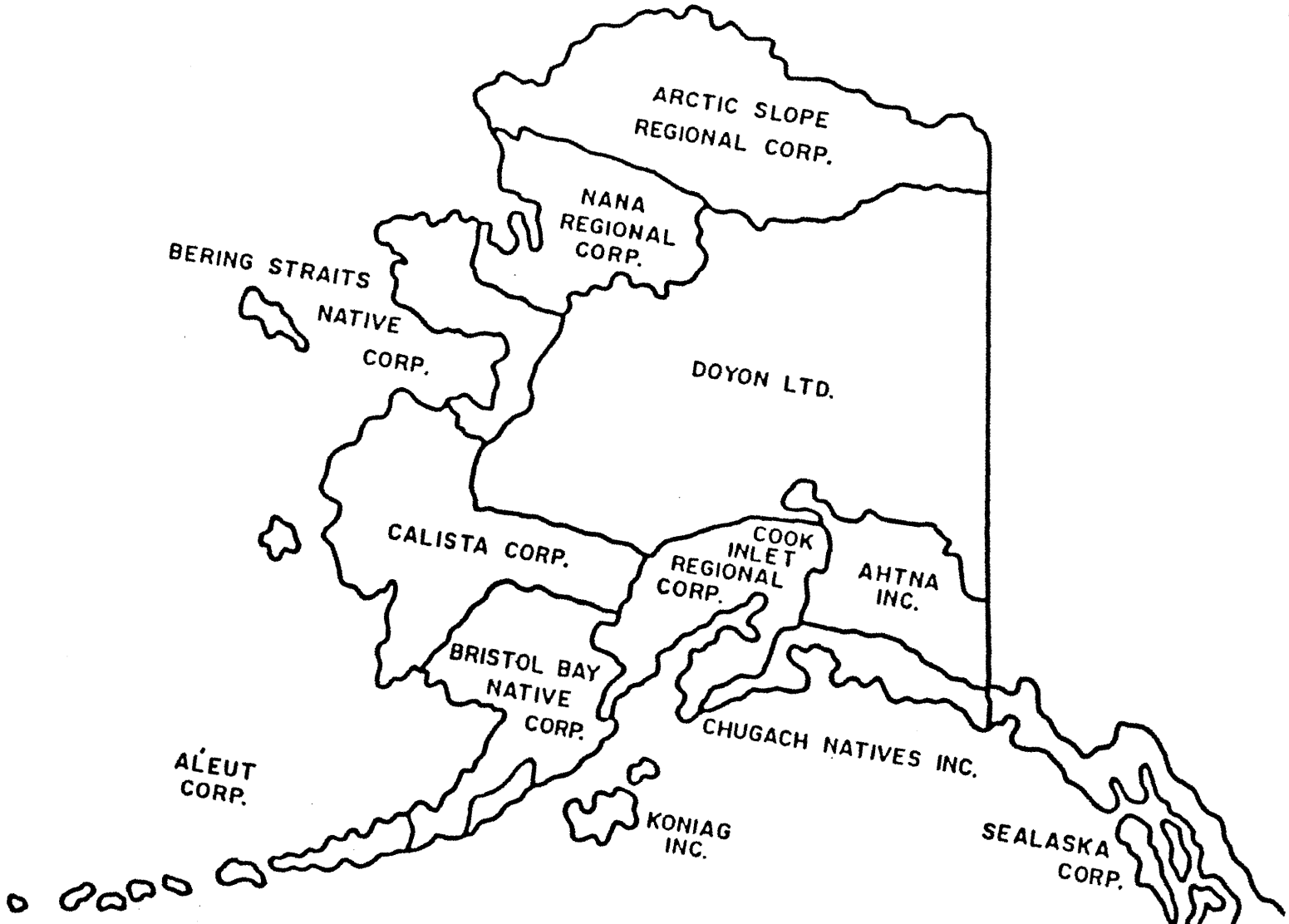
The same phenomenon appears to occur at the urban and local government level. The Kweits (1989) discovered that a well-defined group of individuals tended to dominate the political process. Thus they coined the term "professional participator." Higgins (1986) and Tindal and Nobes Tindal

(1984) draw similar conclusions from their studies of participation in small Canadian municipalities.

It becomes immediately apparent that this corporate model is at odds with the traditional sense of community and collective participation discussed earlier under the traditional model, and that which we erroneously assume under the local government model. At the heart of the problem is the lack of community input and the perceived lack of political accountability on the part of those Native leaders who find themselves at the apex of the corporate pyramid.

ALASKA

One will remember from Chapter Four that the Alaska Native Claims Settlement Act of 1971 provided for the establishment of twelve regional corporations and over two hundred village corporations (see map p.180). Both regional and village corporations were bodies incorporated under Alaska state law with an elaborate series of directors, officers, and support staff charged with managing the $962.5 million and 44 million acres of land transferred after the settlement. All Native Alaskans received 100 shares in each of the two types of corporation (200 shares in total).



ALASKA'S
REGIONAL CORPORATIONS

Gary Anders (1983) defines eight over-arching contradictions inherent in ANSCA (pp. 564-567). First, Natives now have an increased dependency on the non-Native population. The detailed and comprehensive provisions of the Act require very specialized, technical expertise in administering the corporations. Because few Natives possess the requisite skills to fill key positions, and because training was never a priority, most of the corporate positions are filled by non-natives. These individuals may be qualified on paper, but have little appreciation or understanding for the culture of the shareholders they are hired to serve.

Second, inter-corporate competition has fostered conflict between regional and village corporations, and between the subsistence economy and the development characteristics synonymous with the wage economy. Because there are a limited number of investment strategies available within the state, and given the dispersed nature of the location of profitable resources, much ill feeling has been harbored in the struggle to operate in a profitable manner. The problem is exacerbated by the fact that the ownership of surface and sub-surface resources such as oil, gas, minerals, timber and so forth is split between the village and the regional corporations. In addition, the predilection for development as the primary

means of maximizing shareholder wealth results in pressures being applied to the subsistence sector/traditional culture to allow development to take place--for example, logging and oil and gas exploration.

Third, Anders correctly states that the "Claims Settlement Act was responsible for creating a new elite class of Corporate Natives" (p.565). Over time these "super Natives" go through a process of secondary resocialization (Berger and Luckman, 1966). They lose sight of the concerns and aspirations of their local constituents. They develop "close linkages with government and other non-native interests while becoming increasingly estranged from their own communities" (Rudnicki;p.90). This "social stratification" tears at the fabric of the traditional sense of collectivity and supplants the traditional model of leadership. Anders contends that:

> Forced acceptance of the profit motive and the attendant requirements of individualism and competition undermine long standing cultural values which operated to minimize conflict and equitably distribute economic goods. Establishment of new corporate institutions with a hierarchical organization of technicians, managers, and executive decision-makers has replaced traditional leadership patterns that bonded Natives into cohesive groups (Anders, 1985; p.10).

Fourth, the influx of large sums of money coupled with the vision of continued oil and gas development

brought economic boom to rural Alaska. Large capital intensive infrastructures were built and many Native people migrated toward the wage-based economy. This development ethos coupled with expectations of sizable dividend payments from the corporations, led to unrealistic expectations in the minds of Native people (Arnold, 1976). Development has not taken place on the scale originally proposed, large dividends have not been paid, and in fact, many of the corporations operate at a deficit.

Fifth, in 1991 all shares in the Native corporations will be recalled and a new series issued. At that time, shareholders will be able to sell their shares or put them up as collateral. As Berger (1985) states the "Native corporations can then become targets for takeover." (p. 96). To make matters worse, the tax exemption provisions of the Act will no longer apply in 1991. The essence of this dilemma is captured by the following:

> Similarly, the tax exempt status of underdeveloped lands expires after twenty years, and many Native corporations owning extensive areas of land will be forced to increase their profits to pay taxes on developed lands. These two events increase liabilities for Natives concerned with the protection of the land base for future generations (Anders, op. cit.; p.566).

Sixth, many of the Alaskan corporations invest outside of the state. This is partially due to the limited

investment potential at the local level. However, this strategy results in the exportation of badly needed jobs particularly in the rural parts of the state. There is a definite conflict between short-term profit maximization and long-term community interests.

Seventh, an aura of what might be termed "peripheral colonialism" is evident throughout Alaska. Urban centers such as Anchorage and Fairbanks, with their dominant white populations, have a tendency to control the political agenda. This situation undermines Native interests and further impairs their subsistence economy.

Finally, the training and educational programs have failed to provide Native people with the skills needed to manage their corporations. This skill defect is apparent not only between Natives and non-natives, but between rural Natives and urban Natives (Kleinfield, Travis and Hubbard, 1982; Anders, 1983). In other words, the formal qualifications of non-natives exceed those of the Native population. A further problem is the difference in skill levels across Native groups. The skill levels of those Natives employed in the larger centers such as Anchorage and Fairbanks are greater than the skills possessed by Native people in the rural areas such as Nome or Barrow. This causes resentment within the Native community.

There are a number of additional difficulties with the Alaska situation that need to be addressed. Several of the corporations were forced to bring in outside consultants for technical assistance. In fact, Robinson, Pretes, and Wuttunee (1989) remark that ANCSA is often referred to by Alaskans as the "Alaska Lawyers and Consultants Settlement Act" (p.266). They go on to state the following:

> Under section 7(f) of Ancsa, only a shareholder in the land claim settlement may qualify for election to a corporate board. This left the regional corporations at start-up in the position on drawing on a very small pool of Native people with business expertise. As a consequence, many non-native business managers were hired in the early years of ANCSA implementation. These managers were often in key positions to influence policy and development strategy for the corporations, and arguably their advice did not always place native interests first (p.167).

This policy of using outside consultants proved costly both in human terms and in economic terms. On the human side, vast resources were diverted away from training local people, while from the economic perspective, the millions of dollars channeled into the pockets of private consultants seriously jeopardized the continued viability of some of the smaller corporations (Rudnicki, 1979).

The smaller corporations have had great difficulty in generating the revenues necessary to operate corporate

offices. Because ANCSA provided for cash distributions to the village corporations on a per capita basis, areas with a small population base are often unable to attract and retain staff. In addition, the Act provided corporations with an elaborate revenue-sharing formula(from resource extraction). Berger (1985) estimated that litigation with respect to this formula resulted in litigation costs in excess of $35 million.

The jurisdictional complexities associated with the Act have resulted in a number of disputes between village and regional corporations. Further, a number of court cases between aboriginal groups and the government serve to highlight the lack of any specific dispute resolution mechanism.

Many corporations have made imprudent investments. Robinson, Pretes, and Wuttunee's statistical indicators demonstrate that from 1974-1984, the village corporations were highly leveraged4 (30%) and the average return on owner's equity (ROE) amounted to minus 4 percent (p. 269-270) For example, 65% of new business ventures at the community level failed. Only four years after the Act was passed by Congress, aggregate revenues in the amount of

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4 This refers to the amount of debt incurred by the corporation. This is sometimes refered to as debt/equity ratio.

$20.5 million were generated by the corporations, while aggregate expenses amounted to $23.7 million--a $ 3.1 million loss. Only six of the twelve regional corporations operated at a profit. This, of course, erodes the economic base of those that do generate profits because the revenue-sharing formula mentioned earlier requires that profits be diverted to those corporations that require financial assistance. Precisely because these corporate structures are forms of governance and not simply corporate entities, there is a constant tension between the private sector economic institutions and the responsibility for the delivery of government programs (Ibid;pp. 85-87). There is a continuous tradeoff between profit maximization and social equity.

Finally, if these Alaska corporations are to operate on the profit motive, outside private capital is required. Innovative research and development, venture capital, and risk management are concepts familiar to southern Canadian private sector business managers. However, all investment in the North is not only expensive but risky. This tends to exclude risk-averse entrepreneurs and force Native corporations to borrow needed funds, oftentimes at high intererst rates, or to request government grants and subsidies. Therefore, any possibility of diversification and growth are constrained from the outset.

Northern Quebec

By comparison, the bureaucratic corporate structures spawned out of the 1975 James Bay Agreements make ANCSA seem simple. The final agreement is over 1700 pages in length. Native organizations, coupled with the plethora of federal and provincial public agencies make the implementation and management of the provisions of the agreements a difficult task for both government and the Cree, Inuit, and Naskapi. An example that reinforces this point is the fact that the Native people of the region negotiate annually with no fewer than seven federal and Quebec government agencies to secure funding for the operation of on-going programs. Although a multitude of municipal corporations, land corporations, committees, and authorities have been established, we are primarily concerned with the Kativik Regional Government (KRG), the Makavik Corporation, and the Cree Regional Authority. The northern Quebec agreements mirror the Alaska situation in one crucial area--in both cases aboriginal rights were extinguished in return for cash, land, and a degree of political and administrative autonomy.

Prior to the agreements, local government in northern Quebec came under the auspices of the Inuit Community Corporation (ICC). Funded primarily by the Department of

Indian Affairs and Northern Development, this federally incorporated body provided the normal services associated with local government--garbage collection, road maintenance etc. Under Part I of the Kativik Act (1978) the Inuit settlements became separate municipal corporations. All members of the municipality, Native or non-native, participate.

The powers granted these municipalities mirror those found in the Quebec Municipal Code. Nevertheless, there are some important distinctions that need to be noted. First, the Inuit municipalities have a non-existent tax base. In remote northern locations one does not see industrial and commercial enterprises. Second, the private housing market is small relative to social housing. Third, all Category I lands5 defined under the original claims agreement were placed under the exclusive control of the Inuit Landholding Corporation (ILC). This is a non-profit corporation that is mandated to contol all development on Native lands. The municipalities which came later, effectively have no land base. Rostaing (1984) captures the essence of the dilemma:

> The problem raised by this situation is that the ILC's principle source of funds is the compensation

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5 Category I lands are owned outright(fee simple).

> money granted to the Inuit in return for the extinguishment of their native rights. These are seen as private monies, not intended to provide public services... (p.16).

Because the municipalities are required to provide services equally to Native and non-native alike, the ILC has no intention of providing funding that will impact non-natives. The almost insurmountable constraints placed upon these municipal corporations certainly inhibits any attempt at autonomous local government.

Part II of the Kativik Act created the Kativik Regional Government (KRG). Although in theory the KRG represents all residents of northern Quebec, in fact the overwhelming proportion of Inuit people living in the area make it an Inuit regional government. The KRG exercises jurisdiction over all territory not occupied by the municipalities. In addition, it exercises certain regional powers over the entire territory inclusive of the municipalities (Section 244 of the Act). The KRG is comprised of an elected council. Each of the thirteen villages elects one regional councilor, who also sits on the village municipal council. Its powers over police, transportation, education, and provision of social services are largely advisory in nature. For example, the promotion of public health is the responsibility of the Kativik Health and Social Services Council. Education is

controlled by the Kativik School Board (Inuit Committee, 1987). For the most part, therefore, the regional government acts as a liaison between the municipal level of government and the Quebec provincial government. The regional government faces similar constraints to its municipal counterparts when it comes to the generation of revenues. As Rostaing points out, the inherent flaws in the Kativik Act dictate an almost total reliance on subsidies from the province.

The Makavik Corporation and Cree Regional Authority are non-profit corporations created as a result of the claims settlement in northern Quebec. The non-profit component is an important structural characteristic that distinguishes these agencies from the corporate profit model adopted in Alaska. The Makavik Corporation represents the Inuit and the Regional Authority the Cree. Both report to an elected Council of Boards. Their mandates include "broad development responsibilities which cover the whole spectrum of possible Native development, civic improvement, research, technical assistance, investment, and general economic development" (Rudnicki, 1979; p.114). For lack of a better term, they are the economic development institutions born out of the agreement.

Although this model was originally designed to provide both community input into the policy process and accountability to the electorate, recent experiences indicate that the model is seriously flawed. The by-laws governing Makavik provide for the election of board members by a small number of electors. Rudnicki states that in a community of 100 electors, only eight members would be needed to elect a representative (Ibid). A second issue involving accountability relates to the delegation of authority from boards to administrators. This phenomenon of power equated with knowledge is not unique to Native bureaucracy. In fact, Norton Long (1949) posits that administration is synonymous with power. Hummel (1987) and Woll (1977) argue that the federal bureaucracy, partially as a result of a monopoly on technical expertise, has become the fourth and most powerful branch of government. However, in the case of aboriginal people, concentration of power in an administrative elite stands the traditional model on its head.

Another key issue in northern Quebec relates to dominant position retained by the governments of Canada and Quebec. Native regional governments are almost totally dependant upon government funds. The following table lists federal expenditures for 1988 in the northern Quebec region.

Summary of Expenditures

Indian Affairs and Northern Development	$67,835,000
Canada Mortgage and Housing Corporation	$13,920,000
Secretary of State	$3,091,000
Transport Canada	$5,000,000
Employment and Immigration	$4,100,000
Regional Industrial Expansion	$3,407,000
Health and Welfare	$2,146,000
Energy, Mines and Resources	$201,000
Environment	$80,000
TOTAL	$99,827,00

Source: Canada, Annual Report 1988

The other potential source of program funding is Makavik. To date, however, it has been unable to generate sufficient revenues. Concomitant with control over the purse strings by federal and provincial agencies is the fact that both governments and the utility corporations are represented on the Boards of Directors in the corporations. Makavik, therefore, operates in the same manner as a quasi-public agency which is controlled to a certain extent by the government bureaucracy.

Rudnicki (pp. 120-144) defines a number of structural problems inherent in the implementation phase of the James Bay Agreements. The new organizations created as a result of the claims settlement have become "closed systems", focusing their energies on internal matters as opposed to boundary and environmental management. He states that the organizational goals while "rich in rhetoric about preserving native values and culture" are not very successful in tangible measures of implementation.

The Makavik Corporation and its Cree counterpart will receive approximately $225 million over a twenty year period. To date, a number of projects have been undertaken utilizing these funds. Examples include Inuit Air Ltd., the Fort Chimo Restaurant, and Inaqpik Fisheries Ltd. Native ventures such as these have been fraught with difficulties.

The isolated location and lack of training have impaired the effective development of implementation strategies. Secondly, it is estimated that $60,000 in venture capital is needed to create just one Native job (Ibid). The result is that Makavik must commit enormous capital resources if it intends to foster local employment initiatives and train Native people. This scenario forces the Native people to accept wage employment in service industries heavily subsidized by the government.

The Kativik Regional Government and corporate model of economic development represent an interesting approach to self-government. While the corporate model may be successful in theory, the realities of the past fifteen years demonstrate that this model is antithetical with Inuit concepts of self-determination and the safeguarding their traditional way of life. The Inuit Committee on National Issues (ICNI) position paper (1987) is clear in its critique of the KRG:

> ...in practice the KRG falls short of the Inuit concept of self-government. Inuit need more than authority on paper-they require the powers and the funding to enable them to carry out their plans and policies. Without real authority and resources, Inuit could not effectively govern in their territories, and "self-government" would amount to little more than a camouflage for federal or provincial control (p.38).

Another example of the use of the corporate model of governance in aboriginal claims settlements includes the Inuvialuit agreement of the western Arctic. Problems with the implementation phase of the Committee for Original People's Entitlements agreement were discussed in some detail in Chapter Four. Similar problems discussed with respect to Alaska and northern Quebec also impacted the Inuvialuit settlement.

The Dene/Metis and the Council for Yukon Indian agreements-in-principle(AIP) do not define implementation strategies in concrete terms. The Dene/Metis AIP describes the composition and powers of several management boards but relegates specific implementation strategies to the final agreement phase. Section 35 reads as follows:

> Prior to the Final Agreement, Canada, the GNWT and the Dene/Metis shall negotiate an implementation plan which shall:
>
> a) identify and cost(sic) specific obligations and responsibilities required to implement the final agreement;
>
> b) establish how, and by whom, such obligations and responsibilities will be carried out:
>
> c) identify the impact of the Final Agreement on legislation, and propose, to the extent desirable, changes to bring legislation into accord with the Final Agreement (p.172).

The Yukon Land Claim Framework Agreement (1989) specifies that sub-agreements on implementation and training should seek to achieve the following objectives:

> To develop implementation plans, to be approved at the time of Settlement Agreement ratification, for all provisions of the Settlement Agreements, to be composed of an umbrella plan for those provisions that are common to all Yukon First Nations and specific implementation plans for those provisions specific to particular Yukon First Nations (p.141).

The probability is high that these two groups will also utilize the corporate format in order to supplement the management boards created under the AIP.

The Local Government Model

The theoretical foundation for the local government model relates to citizen participation at the community level--school boards, park boards, etc.(Kweit and Kweit, 1989). However, this idealized framework tends to break down in its actual application. Duffy (1988) correctly points out that the degree of local-responsibility for most northern municipalities is limited. In particular, the smaller settlements constantly require territorial government approval to carry out policy. This turn stifles Inuit involvement (p.232). This argument can be applied to

municipal government in general (Tindal and Nobes-Tindal, 1984).

The local government or municipal framework of governance was recently adopted by the Seschelt Indians of British Columbia (Taylor, 1987). In 1986 the federal government passed the Sechelt Indian Band Self-Government Act. Cassidy and Bish (1989) view this as a form of self-government based upon delegated legislative powers (both federal and provincial), the partial restructuring of the Indian Act, and the evolution of Indian municipal government within the confines of the Canadian federal system.

The Sechelt Act in no way resembles a model of constitutionally entrenched self-government. Rather, the Band's newly acquired responsibilities are administered through the Band Constitution. This document prescribes the format for the election and tenure of council members, financial accountability mechanisms, and other procedural requirements (Allen, 1986; Cassidy and Bish, 1989). All matters not specifically defined in the Constitution remain under the Indian Act.

Because of the shared government responsibility and the lack of constitutional protection, many people have

criticized this municipal style self-government arrangement. Vocal critics claim that the Sechelt have been coopted by the federal and provincial governments into a third insignificant level of government. In a sense, the Sechelt legislation effectively promoted an artificial division between aboriginal rights and community development. Cassidy and Bish (1989) explain that:

> It is a model that shows how the land and the community self-government questions may be detached... Indian governments want and need Sechelt style governing powers, but they want much more. They want to be recognized as First Nations governments, which owe their authority to no one but themselves and their creator (pp. 143-144).

Although I agree that the Inuit of Nunavut would not be likely to adopt a Sechelt-type model of governance, it demonstrates how the local government model of community input and accountability to the overall sense of community can be operationalized. Salisbury (1986) concurs in his examination of the Cree local Councils in the James Bay region of northern Quebec.

Cooperatives--Community-Based Models

Arctic Co-operatives Limited (ACL) of the Northwest Territories was formed in 1972 (originally Canadian Arctic

Co-operative Federation Limited (CACFL). Its mission statement is as follows:

> The mission of Arctic Co-operatives Limited is to be the vehicle for service to, and co-operation amongst, the Northwest Territories co-operatives; hence, providing leadership and expertise to develop and safeguard the ownership participation of the northern people in the business and commerce of their country, to assure control over their destiny (1988 Annual Report;p.3).

This statement is important because it emphasizes the importance of "service", "cooperation", "leadership", "expertise", "participation", "ownership", and "control." Concrete objectives provide the framework for the mission statement. Some of these include: to provide optimum service to members; to provide education and training; to promote specialized and controlled growth in concert with land claims settlements; to explore and consider appropriate developmental opportunities; to provide an environment whereby individual opportunity and accomplishment becomes the focus; to protect and promote the unique cultural elements within the NWT; to conduct affairs in a socially responsible manner; and to remain supportive and accountable to the membership (Ibid).

I argue that the philosophical foundation for this cooperative model, coupled with the theoretical origins of the citizen participation elements inherent in the local

government model, would allow Nunavut the highest probability for success. It would also be consistent with the adoption of management boards to regulate resource development, wildlife harvesting, and intergovernmental relations.

Most communities across the NWT have member co-operatives with elected boards of directors. The organizational infrastructure is flat as opposed to hierarchical. It is a community input based model. Even though these co-operatives are limited companies under Canadian law, their management philosophy differs radically from the development corporations discussed previously.

Profit is not the overwhelming factor associated with the co-op movement, although the co-ops did generate over $900,000 in savings in 1988 (Annual Report, 1988). The needs of the membership take precedent over pure market forces. This suits particularly well the Native people's concern with the indigenous economy, community participation, and protection of culture. In addition, the co-operative form of organization seems better able to cope with the small market size found at the community level of the NWT. As Rudnicki states the co-operative appears "to be

the most consistent as a form of development system, with expressed Native values and aspirations" (p.185).

Specifically, co-ops are "grass roots" oriented. Participation from members of the community is high. Throughout the NWT one sees a proactive model of public decision-making at the co-operative level as opposed to a passive proxy-type role consistent with the corporation. Politically, a diverse number of individuals tend to serve as board members. The current board of ACL consists of eight members, seven of whom are Native. In my discussions with board chairman, Bill Lyall of Cambridge Bay, he really stressed responsiveness to community needs and protection of culture as the dominant features underlying the coop movement.

This tends to educate community members in the intricate management concepts, and prevents the domination and control of expertise witnessed in the corporate format. In a word, co-ops are more responsive to community needs. Finally, the emerging Native leaders of the co-op movement are "home grown" as opposed to indoctrinated by government. As Rudnicki points out:

> Co-operatives, however, do not commit native people irrevocably to assimilation as other comprehensive development systems do. The important contribution of a co-operative process, therefore, is that it

> enhances the socio-economic life of native communities, while keeping their political and cultural options open (p.188).

Frances Abele (1989) supports this contention in her discussion of ACL's management training program. She states that the program "stimulated community involvement in cooperatives and broke an "invisible barrier" for Native management (p.86).

In an interview with Mr. Michael Casey, ACL's Manager of Communications and Human Resource Development, he stressed the importance of community development and equity participation of Native people within the cooperative structure. He pointed out that co-ops in the NWT are the largest private employer of aboriginal people. In addition, they contribute significantly to the pool of talented aboriginal people that go on to become "prominent northern community and political leaders" (correspondence with author). As a philosophical model of governance Casey described the primary strength of the cooperative movement as its "grassroots network" (Ibid).

Conclusion

In this chapter a number of issues related to alternative models of governance have been explored.

All of them merit consideration in the ultimate composition of Nunavut. The Inuit of the eastern Arctic must decide the strengths and weaknesses of each. From the traditional model we begin to understand the importance of protecting aboriginal culture. Prior to the arrival of Europeans, Native people had highly developed, successful political and administrative structures. Kinship was important and elders within each community played a crucial role in governance. The corporate model exemplifies the dangers inherent in superimposing European institutions on Native people. We saw that this model has exacerbated the assimilation process in Alaska and in Northern Quebec. The philosophy underlying local government/cooperative framework provides the necessary components of sense of community and accountibility. Finally, the Navajo in the United States provide a concrete example of the inroads that can be made in the areas of health care and education. Also, their tribal court system demonstrates that aboriginal jurisprudence can play an important role in governance.

The Inuit of Nunavut must realize that there is more to governance than simply extracting the positive components of the models discussed above. In order to successfully implement any system of governance, two additional factors need to be addressed. I argue that

without adequate training and carefully selected financial strategies aboriginal governance will fail. The critical components of training and finance are the subject of the next chapter.

CHAPTER SIX

IMPLEMENTATION STRATEGIES

Chapter Six

In Chapter Five we examined the pros and cons of various alternative models of governance. A number of critical factors were identified that might assist the Inuit of Nunavut in developing their framework of governance. This chapter explores a series of implementation strategies in general and policy specific criteria related to the legal infrastrucure, training, and finance in particular. A consociated model(Kirkhart, 1971; Lijphart, 1977) premised upon the spirit of the co-op movement and the philosophy behind the local government model might provide the necessary grass roots, input, control, and training that will be required at the community level if the implementation phase is ultimately to be successful.

The term "consociated" is of particular importance to Nunavut. It means a special association with one's roots or culture. Throughout this study the importance of the traditional Inuit culture, their strong sense of community, and the spiritual association that they have to the land have been emphasized. This philosophy of strong association is exemplified by the consociated model more than any other framework or theory in the academic literture related to governance.

The consociated-cooperative framework of governance is described by Kirkhart(pp.158-164) as a non-bureaucratic variant. He juxtaposes this consociated variant against Weber's ideal bureaucratic form of organization(pp.155-158). Weber's Legal-rational model is defined as having five criteria of effectiveness:

1. Any legal norm may be based on the following:
   a. agreement
   b. imposition
   c. expediency
   d. rational values
   e. rational values and expediency
2. All laws are intentionally established abstract rules with administration pursued rationally.
3. The person in authority occupies office in an impersonal manner.
4. The subordinate obeys the authority based upon the "law."
5. Obedience is to the position not the person in authority.

There are ten structural characteristics of the legal-rational model:

1. The organization is continuous.

2. Specific spheres of competence are defined as follows:

a. functions are performed as part of a systematic division of labor.

b. authority is provided to execute the functions.

c. specific means of compulsion are defined.

d. disciplinary action is clearly articulated and submitted to voluntarily.

3. the organization of office is hierarchical.

4. Technical rules govern conduct and specialization is required.

5. Administrative acts are recorded in writing.

6. Administrative officers do not own the means of production.

7. The incumbent has no appropriation of official position.

8. Selection of officials is based upon technical competence and a free and willing contractual relationship.

9. The occupation constitutes a carrer and the system of promotion is based upon seniority and achievement.

10. A fixed salary structure is established based upon position in the hierarchy.

Finally, three social consequences are presented:

1. There is a "leveling" tendency in the interest of the broadest basis of recruitment.
2. The dominance of technical training creates a wealthy elite or plutocracy.
3. There is a constant spirit of formalism and impersonality devoid of hatred or affection.

The consociated model, on the other hand, appears to allow maximum flexibility both politically and administratively. In terms of effectiveness criteria, the organization is malleable and client-centered. Structurally, financial autonomy, a matrix type design, and a high degree of interdependence provide the mechanism for more effective accountability and program implementation strategies. The social consequences promote social and personal diversity and independence(Kirkhart, 1971; pp.158-164).

The consociated model does not see the individual's employment as a lifetime commitment to any one organization. Rather, it recognizes a mobile society. It encourages the involvement of young people in the decision-making process. This provides for both vitality and the continuation of an administrative infrastructure. Client groups become a very important part within the consociated structure because they bring with them a knowledge of their culture that would otherwise go

unnoticed. The recognition and preservation of aboriginal culture would be an important component of the consociated framework.

Control is another necessary factor in the life of any organization. In the Weberian rational model, control is acomplished through a chain of command where the subordinate is dependent upon his superior. In contrast, the relationships between the various organizational actors in the consociated model are based upon trust, not control. Team development and sense of community are the dominant characteristics. This again, tends to be more closely aligned with traditional aboriginal society where power is not institutionalized and does not grant the right to direct other human beings(Corwin, 1987).

Arend Lijphart's(1977) consociational democracy adds the following four characteristics to Kirkhart's work:

1. of primary importance, is governance by a "grand coalition" of leaders representing all segments of society.
2. minority interests are safeguarded through "concurrent majority" rule and the use of a mutual veto.

3. proportionality is the ultimate standard in the allocation of public monies, appointment of civil servants, and political representation.

4) A significant level of autonomy is provided to individual segments in terms of internal operations.

Taken together, these elements instill an approach to governance based upon collaboration, innovation, and compromise. Further, minorities are protected and the proportionality component "as a neutral and impartial standard of allocation, removes a large number of potentially divisive problems from the decision-making process and thus lightens the burdens of consociational government."(p.39). Finally, the segmental autonomy referred to above ensures input and a degree of control at the "grass roots" level of the organization. This consociated framework effectively supplements the philosophy underlying the cooperative model discussed earlier in its applicability to Nunavut.

Implementation: Training, Finance, and Legal Infrastructure

With the philosophy behind the consociated-cooperative framework as a guide, we move on to an analysis

of detailed implementation strategies pertinent to governance in Nunavut. Two of the most important components of any aboriginal claims settlement are education/training and continued program financing. In the previous chapters we identified a number of serious problems affecting aboriginal claims in Canada and in other parts of the world. One of the major reasons why these problems have been exacerbated during the implementation phase of the agreements, relates directly to inadequate training and funding. The remainder of this chapter provides specifics to support this contention. What the reader needs to understand is that managing their new political and administrative institutions will be a very complex task for the Inuit of Nunavut. The skills that will be required are not unlike those exhibited by professionals at the state, provincial, or local government levels. The Inuit will need extensive education and training to manage ongoing programs. They will also need to ensure that adequate financing agreements are negotiated and implemented with the federal and territorial governments. Without the assurance of sufficient cash transfer mechanisms successful program delivery is in jeopardy.

At the outset, one must draw a distinction between the terms "education" and "training." The former refers to

the process and policies that establish what Paquette (1986) calls "community schools." This is where young people receive elementary and secondary level instruction. Armstrong (1987) contends that by definition, modern education stands in direct contrast to traditional education. Under the traditional model, education encompassed the entire family and community and was premised upon cultural continuity. This is what Jessen-Williamson (1987) refers to as knowledge of the "soul system." For the Native population, claims settlements will allow aboriginal people to implement suitable curricula that incorporate traditional cultural, linguistic, and religious components into the educational experience. An example would be a program designed to take the children onto the land and teach them traditional techniques such as hunting and trapping.

The problems concerning education funding and inconsistent policy formulation at the provincial level have largely been rectified at the territorial level with the advent of formula funding and the establishment of Inuit School Boards. Continued program funding is now guaranteed and the Inuit School Boards define education policy for the elementary and secondary school children in the communities of Nunavut. Secondly, all communities in the NWT now offer at least elementary level education

within the community. Native children are no longer uprooted from their families and transported to a regional center to attend school. Keeping the children in the communities with their families helps to bolster the traditional aboriginal culture. Inuit folklore and legends are passed on to the younger generations through traditional songs and dance. This was not possible when the children were taken from the community and placed in schools in the larger centers such as Iqaluit.

Training

Although training is obviously an important part of one's education and individual growth, in this context it refers primarily to developing the requisite tools needed in a profession or vocation--welder, mechanic, planner, administrator, and so forth. Training in this context, therefore, is occupation-specific and usually takes place during one's adult life. In this section I present the argument that without developing training strategies that allow the Inuit of Nunavut to implement a model of governance compatible with traditional culture, their efforts at self-determination are destined to fail. In other words, training becomes the bridge to the industrial-mobilized society.

Frances Abele's Gathering Strength (1989), examines seven employment and training initiatives undertaken in the NWT:

--the DIAND on-the-job training program

--the manager training program of the Arctic Co-op Federation

--the Inuit Broadcasting Corporation program for staff training

--the Thebacha College extension program in Fort Smith

--the Esso Resources, Shehtah Drilling, and laborer's Union training systems associated with the Norman Wells gas pipeline development.

She points out that the relationship between Natives and non-natives vis-a-vis training and employment has passed through three phases. First, and most often forgotten, is the fact that the survival of migrant non-natives was a direct result of assistance received from the indigenous population. Second, the northward migration of non-Natives at the end of the second world war altered the traditional dependence upon Natives. The third phase, beginning in the 1960's, witnessed the Native resolve to develop their own institutions. The section that follows draws heavily upon Abele's analysis.

It becomes evident that it is impossible to divorce training from the other dimensions of aboriginal governance discussed in the preceding chapters. The success of Nunavut or any other claims settlement is inextricably linked to adequate training of the Native people. Therefore, the following questions need to be addressed: What can be learned from both the positive and negative experiences of previous training initiatives across the NWT? Specifically, how can the Inuit of Nunavut acquire the requisite skills needed to manage in the complexities of post-claims public administration? Finally, what training strategies provide useful guidelines for the Inuit of Nunavut?

Adult training must be conceived as a system by which the value of human resources is increased. It is directly linked to long term community economic and social development. As Fogwill points out:

> A major goal of any economic development strategy must surely be employment development so that Northerners might enjoy the benefits of increased economic activity. Without an employment-ready labour force Northerners will be denied those opportunities and training is the key to preparing a flexible and highly-skilled labour force (p.1).

Although training and economic development are obviously closely linked, effective training provides

additional supplements. With devolution of government responsibilities to the local government level, training takes on added significance. Without training, jobs will continue to be lost to southerners. Northerners trained in community and social development skills will be better equipped to address drug, alcohol, and crime at the community level. Experience has shown that importing southern social workers to "solve" these types of problems has been a dismal failure. Finally, the success or failure of the claims implementation process is unavoidably tied to training.

Achieving these goals will be no easy task for the people of Nunavut given the fact that the mean level of education amongst Native northerners is low relative to southern standards (Labour Force Survey, 1984). I remember in 1975 trying to train Inuit in the skills associated with carpentry during the construction of the townsite at Nanisivik. Many of the trainees exhibited remarkable carpentry skills. However, many were unable to read and write (at least in English). This presented enormous problems during the apprenticeship examination process. How does one explain in Inuktitut, the concept of a lintel or the mathematics and geometry associated with rafter layout?

The Special Committee on the Northern Economy[1] envisions five central elements at the core of adult training in the NWT. First, a primary goal is the development of the potential underlying human capital in the North in order that adults receive training in basic skill development (reading, writing, and so on). Second, training must focus upon community self-reliance in the areas of economic, social, and community development. Third, training must not only provide access to jobs, but also provide for growth within the employment scheme. Fourth, training must incorporate the unique attributes of each region-again with a focus toward a systemic economic development strategy. Finally, training must address the aspirations of aboriginal peoples in concert with the claims process (Ibid, pp.5-6).

In addition to the bias toward development, there are a number of other potential difficulties inherent in such a strategy. The primary problem associated with the global components affecting training in the north relates to existing funding provisions. The federal government, through Canada Employment and Immigration (CEIC) controls the purse strings through such programs as Canada Job

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1 This Committee was created by the NWT legislative Assembly to study various aspects of the northern economy. A series of task force reports were generated and are cited in the bibliography.

Strategy (CJS), the Manpower Training Agreement, and the Northern Careers programs. The territorial government delivers a number of programs through the departments of education, economic development, social development, and so on, and Arctic College. This post-secondary institution is discussed below. Needs of Native groups basically occupy a subordinate position in all of these training programs. True, the Inuit and Dene-Metis have coordinating groups and their own training programs at the community level, but they lack any real power in the process. Another important stifling factor is that no central coordinating mechanism exists for these various disparate programs. All of these different agencies are off on their own tangents often with conflicting goals and duplication of programs and resources.

A second real problem related to funding and program control arises when we consider devolution. Let us assume for a moment that responsibility for training, including funding, are transferred to the Inuit once the Nunavut claim is settled. How does one train the trainers? In other words, the Inuit will need both trained administrators to assume the managerial responsibilities associated with the various programs, as well as Native people who can actually conduct the occupational training. These types of transitions take time--often several years.

For example, a telephone survey of major Canadian universities offering degree programs in public administration or some other management discipline revealed that no aboriginal people were enrolled. The October 1989 enrollments in management and administration programs at the six campuses of Arctic college2 are as follows:

Location	MGMT		Admin	
	F	P	F	P
1) Aurora campus Inuvik	0	8	0	15
2) Nunatta campus Iqaluit	0	0	0	22
3) Thebacha campus Fort Smith	0	0	0	36

F-Full Time P-Part Time

Source: GNWT Department of Education

2 the campuses are located in Ft. Smith, Inuvik, Iqaluit, Yellowknife, Cambridge Bay, and Rankin Inlet.

It should be noted that the other three campuses of Arctic College do not offer public or business administration programs. The management program is one year in duration, whereas the administration programs vary in duration from 12 weeks (community administration) to 2 years for the diploma option in either business or public administration. One should also note that the above enrollment figures include non-natives currently enrolled in these programs. The total number of Inuit registered in these programs is distressing--a meager 11 students. The question becomes, how can the Inuit properly manage the multi-billion dollar public administration infrastructure that will soon be transferred to them? We saw in Alaska that it only took 15 years for the Alaska Native corporations to spend the one billion dollars received through the Alaska land claims settlement. If action is not taken quickly, Irwin's(1988) prediction may come to pass. In his study commissioned by the Department of National Health and Welfare, Irwin states the Majority "of the Inuit living in the Arctic in the year 2025 will probably be second-generation wards of the state, living out their lives in "arctic ghettos" plagued by increasing rates of crime." (p.61). If aboriginal people are to successfully shed the chains of paternalism, training becomes even more critical.

Historically, Native training programs in the NWT have produced less than desirable outcomes. The problem is particularly acute where government or industry set employment or training quotas. For example, the quota system failed at Nanisivik. Although Mineral Resources International agreed to reach a target of 60% Native employment within three years after the mine began production, nothing even remotely close to these employment levels was achieved. In addition, Native people that were employed experienced a very high turn over rate. In fact, many only worked for one or two months (Hobart, 1982). Once again we see that training tied solely to a wage economy and techniques such as quota systems, without consideration of the traditional culture and economy, have not met with much success in the Native population of northern Canada.

In a similar vein, the GNWT's 1985 Native Employment Policy was also a failure (Edmonton Journal, July 5, 1989). Like Nanisivik, the objective of this policy was to increase Native employment in the government from 29% to 50% of the total territorial public service. In other words, it was a large affirmative action program. This concept of a representative territorial bureaucracy stemmed from the 1976 Commissioner's task force on personnel and management. The facts demonstrate, however,

that after the expenditure of large sums of money, aggregate Native employment within the GNWT from 1985 to 1989 increased by only 2% to 32% of the total (Bell, 1989). This occurred despite the fact that each department within the GNWT had affirmative action plans coordinated through an Equal Employment Directorate. As the 1989 Special Committee Report points out:

> Clearly, the Native Employment Policy has failed to meet its primary policy objective--to significantly increase the number of native people in the GNWT Public Service (p.20).

Trying to achieve these types of quotas is not cheap. The annual cost to the territorial government of its employment policy was $6 million (Ibid, Appendix C). In January of 1989, out of a total GNWT workforce of 4286, 1378 positions were occupied by Natives (32%). The total of $21 million allocated over the program's four year duration resulted in a net increase of 242 jobs or $86,777 per position. More important than aggregate numbers are the types of occupations held by Natives. In the critical public administration areas such as finance, government services, economic development, and justice, the relative percentages are 18, 25, 28, and 8 (Ibid, Appendix B).

There is little reason to believe that the GNWT's new affirmative action initiatives will meet with any greater

success than the previous employment policy. A major part of the problem relates to tying training directly to economic development in a southern sense. Economic development is undoubtedly important and certainly directly affects an individual's ability to provide for his/her family. However, taken by itself, the market model and economic development which form the core of the government's training programs are at odds with and ultimately destructive of Native culture. The Inuit are very family-oriented people. To remove them from their communities and transplant them into a wage economy situation is ineffective. This was one of the problems behind the employment problems at Nanisivik. The Inuit workers felt isolated and lonely during their 8-10 week work rotation cycles. Hobart surmises that this was the single biggest factor explaining the high turnover at the mine (Hobart, 1982). However, the fact remains that wage employment on any significant scale will take place in centers far removed from many of the smaller Inuit communities.

A related issue involves a distinct difference in attitude toward wage employment. Native people, for the most part, do not have an affinity for the organization. White southerners are socialized into accepting a work ethic linked to a sense of commitment to the

organization.[3] These theories simply do not apply to aboriginal people. Development of employment-related goals and commitment to the organization are foreign concepts. This does not mean that Native people are indifferent or lazy. In fact, the opposite is true. They are very capable, industrious people. They simply view wage employment differently. For example, if one grows weary of the job--simply take some time off. In 1979, our entire construction crew in Holman Island was composed of Inuit workers, all of whom were very capable in the construction trades. The houses that the crew was building were subject to all of the fine organizational and management principles at our disposal. Despite my protests, my supervisor had me develop PERT charts and CPM analysis depicting completion and occupancy dates. In fact, the commitment was already made to permit occupancy at a specified future date. In addition, the objective was to complete the exterior work prior to the arrival of inclement weather. As soon as the ice broke up in the bay, however, the entire crew went hunting and fishing for two weeks making a mockery of the

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3An overwhelming amount of literature has been generated dealing with new management theories that incorporate individual goals into the overall organizational goal structure. Ouchi's Theory Z (1981), several of the Human Relations models(McGregor,1957; Maslow,1943; Bolman and Deal, 1987), and Organizational Development strategies (Huse and Cumming, 1988) all attempt to curb organizational pathologies by accommodating and encouraging individual participation in the management of the organization.

planning process. This example magnifies the tension between the indigenous experience and a training program premised solely upon economic development.

A second example highlights these tensions within a specific training environment. In 1978, at the request of the community, we launched a construction training program at Sanikiluaq in the Belcher Islands. I was given an additional $12,000 dollars in project funds by the NWT Housing Corporation to train local Inuit in various construction skills. Our mandate was to construct five prefabricated social housing units in the community. During the previous year, a southern contractor constructed five identical units for a total labor cost of $90,000.

The community insisted that the contract be awarded to a local Inuit man who was a very highly respected community leader. Immediately, the project costs began to soar. At one point, fifty local people were employed on the project. The optimum level for such a job is five workers. The contractor's rationale for employing these people was that they needed the extra money to provide Christmas presents for the children. The total project labor costs, therefore, amounted to $168,000. When I questioned the fact that the houses were constructed

without interior walls, and that this violated the building code, I was told that the people did not want separate bedrooms.

Despite the high costs I believe that the project was successful. The local people took satisfaction that, for the first time, they were able to construct their own houses. What is immediately apparent is the sharp difference in perception between conventional approaches and Native culture. When discussing the training of Native people we may as well throw out our southern models of efficiency and cost effectiveness. Training is both time consuming and costly, yet is vital to the success of post-claims governance.

Frances Abele is correct in stating that little is achieved by constantly pointing, in a critical manner, to historic difficulties in the training of aboriginal people. The important issue should be why did the good intentions of agencies such as the mining company at Nanisivik and the GNWT meet with less than favorable results, and how can we learn from previous experience in developing potential training strategies for the future? The challenge facing Native people is an enormous one. How do they receive the necessary training and still maintain

their Native identity? Abele captures the essence of this dilemma.

> At this stage, few people have a very concrete idea of what Native self-determination expressed through revised administrative practices will look like. It is clear, though, that any innovations will be wasted if the Native people who are trained to work in self-government do not preserve in themselves their Native heritage and their connections to Native ways of doing things. They must be able to work through their government as "Native" people, or distinct Native societies will not survive (p.21).

In other words, the training programs developed for post-claims governance must not simply replicate existing programs in southern Canada. They must revolve around a degree of "nativeness." This important element is lacking in programs such as the GNWT's training initiatives almost totally predicated upon economic development and the wage economy. Abele refers to the fusion of these concepts as "bicultural training." In other words, economic development and the distinctiveness of Native society must be fused under the broad rubric of training.

Unfortunately, the new federal initiative, The Canadian Aboriginal Economic Development Strategy (September, 1989), provides little optimism for improvement. For one thing, the program seeks to involve

aboriginal people in the national economy, yet provides little assistance for training these people to participate in the business world unless they are prepared to abandon their traditional ways and accept the wage-economy. Small isolated markets and the associated transportation difficulties in the Arctic make these types of programs impractical. Further, the problems associated with the participation of multiple federal agencies and the associated lack of coordination exacerbate the problems identified above.

Over the next five years the government will allocate $873.7 million to its national economic development strategy (p.5). The monies will be channeled through the Department of Indian Affairs (DIAND), Industry, Science, and Technology (ISTC), and Canada Employment and Immigration (CEIC). The program's goal is to bring aboriginal business and community leaders, the provincial and territorial governments, the federal government, and the Canadian business community together "to <u>bring</u> aboriginal people to a new level of economic self-reliance." (Ibid.). I underline the term "bring" to highlight the prescriptive, paternalistic nature of this proposal. Also, the chances of bringing all of these disparate groups together and attaining any degree of consensus is highly unlikely. Just trying to coordinate

the bureaucratic infrastructure created as a result of this program will be a difficult task.

One recent proposal that comes close to this goal of "bicultural training" is Tom Hoefer's Northern Training in Mineral Exploration Technology: An Education Proposal (1989). Hoefer's work is important for two reasons. First, he is a Native of the Northwest Territories, born and raised in Yellowknife. His educational and employment pursuits have allowed him to travel extensively throughout all regions of the NWT and Yukon working closely with Native people in a variety of capacities. Second, his education proposal is targeted at young Native people living in communities not normally subject to massive economic development or wage employment opportunities. These communities primarily rely upon the subsistence economy, temporary wage employment within the small local government infrastructure, or cash transfer payments from the territorial and federal governments.

The premise for Hoefer's mineral exploration training program is to marry exploratory geology field work out on the land, with the traditional pursuits of Native people. Hoefer's argument is as follows:

> The next logical step is to develop a training program to bring northern residents into the

> mining industry. Mineral exploration is an activity conducted on the land and it closely approximates traditional lifestyle. However, at the same time it also uses the latest scientific technologies. This unique quality will allow it to form a "bridging" industry, one that can span the chasm between traditional lifestyle and modern technology (p.2).

The program would consist of four training modules. The first involves a four month "hands on" basic exploration component designed to expose the trainee to the basics of camp construction, line cutting, prospecting, and so forth. Entrance requirements for this module are minimal thereby optimizing the maximum number of northern residents who can participate. Second, the trainee would receive a certification as "Prospector" once the module was completed. This is important because it would give those individuals unable to continue with the program a designation that would not only recognize their achievement, but open up employment opportunities within industry and government. Third, all training would be conducted in the north by qualified northern instructors. The other three modules, Exploration Technician, Geological Technician, and Geological Technologist follow a similar training methodology.

Training Strategies

Again, our assumption is that Native people are the only ones capable of developing concrete training strategies linked to post-claims governance in Nunavut. The section that follows, developed in the spirit of Hoefer's training philosophy, presents various options that may assist in this endeavor.

One of the most important factors affecting training programs for the Native people of the NWT is time. Since aboriginal claims came to the forefront, a generation has been lost in terms of adequately planning for training strategies pending the settlement of claims agreements. In addition, once training strategies are formulated, the implementation phase often takes several years. Several of the difficulties experienced in the training programs associated with the Norman Wells pipeline are directly attributable to an inadequate timeline. As Frances Abele (1989) states:

> In short, planning for native employment training began at least two years too late and was conducted in a political firestorm fanned by the struggles that had accompanied approval of the Norman Wells Project by the federal Cabinet (p.65).

Recently, Native groups have taken some initiative in the area of training. For example, the Tungavik Federation of Nunavut(TFN), the claims negotiation agency for Nunavut, should be commended for its training program, Nunavut Sivuniksavut Tusagaksat. There are currently ten Inuit enrolled in the nine month program designed to teach them how the new Inuit organizations spawned out of the claims process will fit into the political system. However, much work is left to be done.

A second important factor affecting training is funding. As mentioned above, the federal and territorial governments control the purse strings. Alternative funding arrangements are critical to the success of training initiatives in the North. Although it is inevitable that Native people will still be required to coordinate their activities through various agencies, they must be allowed to have a proactive role in the planning, funding, and implementation of <u>their</u> training programs. Abele's (1989) empirical work supports this contention. She advocates a shift in funding strategy from short term training to a long term approach. Second, "block funding" arrangements would allow Native organizations more direct involvement in the planning of training programs. Third, funding allocations are desperately needed to enhance local training expertise and information analysis (pp.201-203).

A number of important policy changes are required if training initiatives for post-claims governance are to be successful. First, time is of the essence. The settlement of the Nunavut claim is not far off. An enormous amount of land and up to a billion dollars will soon come under the management of the Inuit. In order to ensure an effective implementation phase, a number of on-the-job training programs in the various management processes of public administration(accounting, budgeting, planning, and personnel) is essential. These could be offered at both the regional and community levels. For example, a number of Inuit could be rotated within the existing territorial government organization in Iqualuit. In addition, local government administrative training could be provided in some of the larger communities--Pond Inlet, Cape Dorset, Rankin Inlet, Baker Lake and Pangnirtung. Finally, Arctic College has a key role to play in the process. This type of training would give the Inuit crucial exposure to the complexities of public administration. Also, this training would be a precursor to effective participation on the various management boards that will be established to deal with environmental, resource, and wildlife considerations.

Second, the vast, cumbersome territorial and federal training bureaucracies must be streamlined or better

coordinated to allow the Inuit to get on with their training agenda. Some form of over-arching coordinating mechanism should be established--for example, a territorial training board, initially composed of Inuit and government representatives familiar with the various programs. Ultimately, the government representatives would be phased out as the Inuit become trained in understanding the interrelationships that exist at the various levels of government.

Third, "block funding" provisions in addition to cash compensation arising from the claim settlement, would not only reduce the degree to which the Inuit would have to deal with government, but would also allow for more effective long term planning. This type of financial arrangement has met with some degree of success in the south.

Fourth, additional research is needed in determining the specifics of training requirements across different sectors. For example, how can resources be more effectively applied to stimulate opportunities at the community level in those areas not subject to large resource projects? In order to understand the potential training needs of a community such as Clyde River, one

needs to study the economic and social fabric of the community.

Fifth, training must come from northerners. In the past, southern consultants have often received large amounts of money, but have produced little in the way of tangible results. The reader will recall that this was certainly the case in Alaska, and has definitely occurred in the NWT. Funds must be allocated and strategies formulated to train the Native trainers.

Finally, the GNWT should give serious consideration to altering the structure of its existing Equal Employment Directorate. Presently, although the Director reports to a Minister, the role of the Directorate "is very much one of review and coordination" (Bell, 1989; p.17). In addition, it is understaffed with only one employment officer in each district outside of Yellowknife. The Directorate needs an amount of responsibility and authority commensurate with the high priority the territorial government has placed on affirmative action.

Financing Nunavut

There are two important components that must be addressed when discussing the financial aspects of the

Nunavut claim. The first concerns the cash settlement that will be paid to the Inuit in the form of compensation. The second related to continued program financing. These, in turn, are addressed below.

The Nunavut claim settlement will allow for the transfer of $552 million to its Inuit recipients--approximately $30,000 per person. Our previous analysis revealed that other aboriginal groups have squandered even larger sums in a matter of a few years. Obviously, the Inuit need to not only safeguard the base, but invest wisely for the future.

One method of accomplishing these goals lies in the creation of a trust fund. Examples include the Alberta Heritage Fund(AHF) established by the Lougheed government and the Alaska Permanent Fund(APF), both established in the 1970's. In both instances, these funds were created out of revenues secured from energy developments as a means to safeguarding quality of life for the residents of the future once non-renewable resource development curtailed(Pretes, 1988).

The need for the APF became apparent once the state of Alaska had spent in excess of $900 million in revenues received from Prudhoe Bay oil and gas leases. Politicians

and citizens alike soon came to realize that large sums of money disappeared quickly especially when capital intensive projects such as roads and schools were factored into the equation(Smith, 1987). Alaska voters approved the funds creation during a 1976 special referendum. The resultant constitutional amendment stipulated that 25% of all State revenues derived from non-renewable resource development be allocated to the Fund. Second, the Fund's principal cannot be utilized except by approval through public referendum(APF Annual Report, 1987).

The accumulated assets of the APF were $8.6 billion as of September 1987--$7.9 billion in principal and $700 million in discretionary funding. The Fund's investment portfolio is immense and diverse. Assets range from government bonds to common and preferred stock, real estate investments, and various certificates of deposit. The legislature is authorized to allocate portions of the unreserved account(the $700 referred to above) to the general fund of the State or to dividend payments to residents of Alaska(Pretes. 1988; APF, Financial Report, 1987).

The Alberta Heritage Fund was also established to promote quality of life for Albertans. The fundamental difference between the AHF and APF is that the former

comes under the direct control of the provincial legislature. The AHF acts almost like a bank in lending money to municipalities and provincial corporations. The majority of the Fund's $15.3 billion is invested within the province(Pretes, 1988; AHF Annual Report, 1988).

In essence, there are two basic types of trust fund--developmental and "pure" trust(Robinson, Pretes, and Wuttunee, 1989). By definition the AFP is a pure trust because its directors emphasize savings, security of principal, and income generation. Investments are predicated upon pristine financial criteria. High yield low risk strategies become the foundation for investment analysis. Robinson, Pretes, and Wuttanee stipulate that "trust models emphasize stability, diversification of the portfolio and guaranteed return"(p.271).

The developmental model, on the other hand, incorporates a different investment strategy. These types of funds(AHF) tend to invest in economic development within a specific region. The Alberta government's loans to the Alberta Housing Corporation to assist in the construction of social housing is a good example. Under such a scenario subjective factors such as "social equity" become part of fund management.

The Inuit of Nunavut need to plan carefully their future financial strategies. The following considerations are meant to assist in the planning process. There is no reason why the Inuit cannot select a trust model that incorporates the positive elements of both the pure and developmental models--a hybrid trust model. It is imperative that the principal--the $552 million to be received once the final agreement is signed--be protected. As is the case in Alaska, a public referendum is ultimately the best democratic vehicle for decision-making. By requiring that expenditures of the fund's principal be subject to ratification by the voters, the Inuit will be given a real voice in the financial affairs of the territory. Fund managers become responsive to community needs and local community groups become educated in the intricacies of financial management. Therefore, this approach has democratic and educational overtones.

The fund should be managed by a board of directors representing each region within Nunavut. Again, this promotes equity and accountability to the grass roots electorate. The Board should be mandated to invest a percentage of the unreserved portion of the fund in small Native businesses linked to the traditional economy.

It is absolutely imperative that those Inuit who choose to participate in the indigenous economy be given the financial means to do so. For example, secondary animal, hide, and fish processing industries may be viable. A marketing structure to promote Native art and to train young Inuit in the artistic and spiritual elements of soapstone and whalebone carving may be important. In addition, loans from the discretionary portion of the fund could be made to local small business groups. A Native elders program should be explored. Monies from other investments could be channeled directly to those beneficiaries who are most deserving--the older Inuit who patiently waited for decades for an equitable claims settlement. Fund managers should exercise caution in becoming involved in high risk capital-intensive projects. Investment strategies should be selected in accordance with the most advantageous taxation provisions. Finally, the principal must be maintained to allow for inflation. In other words, if the fund generates a return on investment of 4% and inflation is 5%, a portion of the accumulated unreserved funding should automatically be used to offset the reduction in principal.

A second area that relates to funding concerns the manner in which the Inuit do become involved in long term capital-intensive projects--resource development, for

example. Entering into joint venture schemes with the private sector, other governments, or other Native groups may be a viable alternative to utilizing trust fund revenues for these types of developments. An example of such a venture is the Inuvialuit agreement with Esso resources regarding oil and gas exploration in the Tuktoyaktuk Penninsula. Venture capital could be raised through the same procedures as in the South. The fiscal viability of each project would be judged utilizing conventional business practices.

The Inuit must ensure that their access to continued federal program funding is assured. The federal government must not use the claim settlement as a vehicle to cutback on its long term funding commitments in areas such as health care and training. An example will serve to illustrate the point. Recently, the federal government signed accords with the Yukon and NWT governments allowing for resource revenue sharing from off shore oil and gas developments in the Beaufort sea. However, Ottawa is explicit in reducing formula funding commitments once these revenues become available(DIAND, 1988). The Inuit want to avoid the long term implications of such a strategy.

A fourth funding consideration relates to existing

partnership arrangements between the federal government and client groups. The Inuit want to maximize these opportunities. For example, Canada Mortgage and Housing Corporation(CMHC) enters into partnership agreements under Section 40 of the National Housing Act with government and non-profit corporations for the purpose of constructing social housing across the country. Under these partnership agreements, CMHC contributes up to 90% of the capital cost and 50% of continued operations costs for new construction and rehabilitation projects. The Inuit, through a non-profit housing agency, may want to maximize this type of opportunity and safeguard continued future access.

Fifth, in areas where the federal or territorial presence will remain prominent(ie:medicare, environmental protection) the Inuit should work out a formula funding agreement. Funding would be based on a formula arrangement and would not have to be negotiated each year. Program revenues and expenditures could easily be reconciled.

The Inuit should be given some control over the generation of internal revenue. For example, business license fees, vehicle registration fees, and local taxes sould accrue to the Inuit and not the territorial government.

Many Canadians view the transfer of cash at the conclusion of claims agreements to be a one time, lump sum payment in lieu of continued program funding. This is not the case. The cash payments are compensation for turning over traditional Native lands to the government. The government still has an obligation to provide continued support for various social, educational, and economic development initiatives. As Franks (1987) points out, the need for continued support in aboriginal communities is even higher than in other Canadian municipalities. He further states:

> So far, the devolution of service delivery to bands, and the financing of aboriginal self-government, have proven to be full of difficulties in determining appropriate levels of financial support. Wide disagreement, has arisen between government and aboriginal peoples over the appropriate data base, the costs of units of service, the method of calculating capital and other unusual items, and how and when monies ought to be transferred (P.63).

As we discovered earlier, these very problems were experienced by the Inuit and Cree of Northern Quebec and the Inuvialuit of the western Arctic. How can Nunavut's public administrators avoid the pitfalls experienced by their colleagues in other parts of the country? Although Franks does not develop a model for ongoing program financing, he does define five critical components that

any model must address. First, equity must exist not only between aboriginal communities, but also between aboriginal and non-aboriginal communities. Second, the special needs of aboriginal governments, including program development and administrative costs must be included. Third, any funding formula must include All of the costs. Fourth, the negotiation process with respect to funding should not overburden the political and administrative resources of the aboriginal people. Finally, the methodology must respect local autonomy (Ibid).

The major source of problems surrounding funding arrangements relates directly to DIAND. Every aboriginal group in Canada complains about this agency. The numerous errors made by DIAND staff in calculating funding requirements, coupled with an enormous and inefficient bureaucracy have prompted many groups to call for the elimination of the Department. These conclusions were corroborated by the Penner Committee (1983).

The implementation of the following strategies might serve to allow for more effective planning, coordination, implementation, and evaluation of program funding once program responsibilities are transferred to Nunavut. First, remove the DIAND from the funding cycle. This would accomplish three goals: the Inuit would have greater input

into the preparation of financial estimates and forecasts; long term financial plans could be developed (ie: five years); the current complexities associated with DIAND audit procedures could be streamlined and made more intelligible.

This type of initiative is essential if the Inuit are to eventually accept responsibility for expenditures. Otherwise, the current confusing, paternalistic system will continue, and Inuit will be forced into complacency. In a word, self-government cannot exist independent of financial accountability. Nor can policy and decision-making operate in such a vacuum. If the Inuit public administration is to become more than a mere service delivery apparatus it must be allowed the degree of financial flexibility required to truly plan and manage its own programs.

In addition to ongoing program funding, some arrangement is required for capital funding. The costs associated with large capital infrastructures in the North can be staggering. Funding arrangements for the construction of schools, houses, utilidor systems, and so forth should be determined during the claims negotiation phase. It is important that specifics be worked out now to avoid conflict in the future.

A second key strategy, directly linked to the notion of accountability, is the need to develop some mechanism for formula financing. This type of arrangement allows the recipient organization to spend the funds as it wishes, and guarantees some measure of predictability in terms of amounts received (Morse, 1986). Formula financing would eliminate the present system of negotiating funding with several different government agencies. In 1982 the federal government negotiated such an arrangement with the GNWT. In Greenland, the home rule government of the Inuit receives unconditional transfers from the Danish Government.

Malone (1986) defines thirteen possible revenue sources for aboriginal governments:

-direct income tax powers
-direct sales tax powers
-sharing federal and provincial tax
-revenues from resource development
-municipal and regional taxation power
-unconditional block funding
-transfers based on per capita calculations
-indirect taxation
-program administration funding
-special purpose grants

-profits from special ventures, utilities, and enterprises

-recourse to government spending powers

Very few of the above options are realistic for the Inuit of Nunavut. There is a limited tax base, resource revenue is subject to the swings in supply and demand, and per capita grants fluctuate with changing demographics. Furthermore, high costs and the high risks of investment in the North have resulted in limited investment potential for the corporations established by the Inuvialuit, James Bay, and Alaska settlements (Robinson et al, 1989). The only realistic options relate to formula financing, and recourse to existing government spending in areas such as defense and health care to supplement any revenues generated through investment. The report of the Special Committee on the Northern Economy, Coping With the Cash, provides four recommendations applicable to Nunavut:
1) details of claims implementation strategies with respect to cash and land settlements should be specified in clear, concise terms; 2) a balanced investment strategy is essential; 3) invest the cash principle in an interest yielding trust fund; and, 4) education of beneficiaries in the implementation process should begin immediately (p.42). An additional strategy that deserves consideration is the creation of a territorial financial agency charged with

providing both expertise and venture capital for Native ventures at the community level.

The litmus test for successful implementation strategies in Nunavut will depend on whether these goals can be attained while concurrently supporting the traditional economy. The Special Committee on the Northern Economy Report, A Strategy for Supporting the Domestic Economy of the Northwest Territories (Usher and Weihs, 1989) provides a series of recommendations that will allow a significant number of people to return to the land-based economy. This partially fulfills Brody's (1982) vision of a "cultural ark" whereby compensation from claims settlements is invested in the traditional economy. Wildlife harvesting and management strategies could be developed, and money could be invested to establish viable secondary food and animal processing capabilities.

Legal Infrastructure

Consideration should also be given to developing a legal system that is premised upon the Inuit concept of justice. During my interviews with TFN officials, the question of an Inuit justice system struck a chord of discontent. Apparently, the federal government refused to consider an aboriginal system of justice during the

negotiation phase. The Inuit succumbed to federal demands in order to preserve the integrity of the entire process.

There may be an alternative. Rather than including the legal framework in the claims negotiations, the Inuit could develop legislation recognizing traditional law after the final negotiations are concluded. The Nunavut legislative body would then have the power to pass statutes establishing the new legal system. Greenland is an example of how this was effectively operationalized(Schechter, 1983). In my discussions with Dr. Howard MacConnel, professor of law at the University of Saskatchewan, the constitutional implications of such an approach were considered.

The first issue is whether the Canadian parliament has sole constitutional jurisdiction over the legal system. A strong argument can be made that it does not. The reader may recall that Section 35 of the Canadian Constitution affirms "existing" aboriginal rights. When a final agreement is signed between the Inuit and the federal government, and parliament passes the associated enabling legislation, the right to develop a government infrastructure in Nunavut will "exist". Therefore, part of this existing right to develop such public institutions relates to a system of justice.

A second constitutional consideration involves equal rights protections guaranteed by Section 15 of the Charter of Rights and Freedoms. Given that Nunavut will be a "public" government, a legal system premised upon traditional aboriginal law must also allow for the protection of non-native people living in Nunavut. At present, non-natives comprise approximately fifteen percent of the total population. As Haysom and Richstone(1987) correctly point out, Section 15 does not preclude treating different classes of individuals differently. The Charter becomes relevant only in cases of invidious discrimination. Therefore, there is no reason to assume that non-natives cannot be accommodated within the Nunavut system of justice. In addition, Section 25 of the Charter specifies that aboriginal rights cannot be diminished by any Charter guarantee.

Finally, precedent exists in other parts of the world. Australia, for example, enacted special legislation with respect to aboriginal rights. The Gehardy(1985) case challenged a land rights statute that excluded people based upon race. The High Court of Australia ruled that equality does not imply that all citizens should be subject to the same law(Haysom and Richstone,1987). The legislation was upheld. In New Zealand, the Maori land

courts represent another example of an aboriginal legal system(Commission, 1980).

Summary and Conclusions

This chapter examined the complexities associated with training aboriginal people in the skills needed for post-claims governance. Second, the importance of program financing was stressed. Third, a method for establishing a legal system for Nunavut was presented. After providing background information with respect to historic training and funding initiatives in the NWT, a series of potential strategies was presented for consideration in the post-claims governance model ultimately incorporated by the citizens of Nunavut.

Training Inuit public administrators was viewed as essential to successful governance. Specifically, given that large amounts of land, capital, and responsibility for program delivery will be transferred during the implementation phase, it is imperative that the Inuit be able to effectively manage and coordinate the complex bureaucratic structures (boards, commissions, agencies) that exist and will be developed. Second, an overall training coordination mechanism might alleviate some of the problems inherent in the current multi-level system of

planning and delivery. Third, training must be focused in areas other than large resource development projects. Training and associated employment prospects must have a general community orientation as well as a "bicultural training" focus. Fourth, a system of "block" funding for training programs might allow for more effective long-term planning and delivery. Fifth, training must be delivered by northerners. Sixth, additional research is needed to determine effective strategies across a variety of sectors. Finally, a more proactive Equal Employment Directorate may succeed in mitigating historic employment discrimination practices.

In addition to training, we discovered that financing Nunavut is a quintessential element in its success. A formula financing arrangement, similar to the GNWT's current funding agreement with the federal government, would allow the Inuit to more adequately determine their own funding needs and allocations. Second, DIAND must be removed from the funding and audit processes. Third, a suitable long-term arrangement should be negotiated with respect to capital funding. Fourth, the establishment of an investment trust fund, similar to the Alberta Heritage Fund, would ensure continued growth in equity. Dividends could be paid directly to residents of Nunavut or reinvested. Fifth, a territorial financial agency with

membership in the Federal Deposit Insurance Corporation (FDIC) would provide the expertise and venture capital needed to stimulate Native enterprises.

The importance of a legal system incorporating the Inuit concept of justice was considered. Once final negotiations are concluded, legislation recognizing traditional law could be passed.

Finally, time is probably the most critical element in the entire process. Inadequate planning vis-a-vis the implementation phase has seriously constrained the efforts of other Canadian Native groups to truly attain self-determination.

CHAPTER SEVEN

SUMMARY AND CONCLUSIONS

Chapter Seven

In the previous six chapters, the reader has been exposed to a number of issues and problems related to the complexities associated with governance in the eastern Arctic territory of Nunavut. The Inuit of this region, located in Canada's Northwest Territories, entered into negotiations with the Canadian federal government almost fifteen years ago. The basis for these discussions related to the Inuit assertion that their culture, lands, and traditional way of life were being eroded by the encroachment of non-natives and the development of non-renewable resources in the North. They demanded that the federal government negotiate an aboriginal claims settlement whereby the Inuit would receive cash compensation, title to ancestral lands, and the right to self-determination.

In April of 1990 an Agreement-In-Principle between the governments of Canada and the Northwest Territories and the Inuit was finally signed. This dissertation addressed a number of issues associated with the selection and implementation of a model of governance that will allow the Inuit of Nunavut to remain active partners in Canadian federation and at the same time protect their traditional

culture. For the Inuit, the realization of this goal is synoymous with self-determination.

Several major issues were introduced that relate to aboriginal claims in general and Nunavut in particular. The demographics of the Northwest Territories including the unique attributes of the aboriginal population was discussed in some detail. Problems associated with the high unemployment rate in many of the communities is a definite target of the land claims process. We discovered that Native people in northern Canada are indeed a diverse and interesting group.

The importance of the history and normative foundations of land claims was emphasized including the pertinent common law, case law, and constitutional provisions affecting Native people in Canada. Both the European and Native perspectives were presented. The former cite common and case law in granting a usufructuary right to the original inhabitants of North America. Natives, on the other hand, do not accept any rights "granted" by the white man. Rather, they vociferously argue that their rights, predicated upon occupancy of the land since time immemorial, are endowed by the creator. The tensions inherent in these two perspectives have manifested themselves throughout the long and arduous struggle by the

indigenous population in attaining self-determination.

The history of the treaty period in Canada directly impacts Native groups in the Northwest Territories, but for different reasons than their southern aboriginal counterparts. First of all, the Inuit of the NWT have never entered into any treaties with government. Second, although treaties 8 and 11 were signed with the Dene, the terms and conditions related to these agreements were never applied. Therefore, the Dene correctly argue that these treaties are null and void.

A number of critical and important concepts were defined that are unique to Native people. First, the term "aboriginal" was defined and a clear distinction was made between this term and the term "ethnic" as it applies, for example, in the province of Quebec. Also, the terms "self-determination", "self-government", and "culture" were defined. We saw that self-government is one aspect of self-determination that allows Native people to govern themselves on their own terms. Both the European and Native perspectives on culture were highlighted. Emphasis was placed on safeguarding the land and the traditional economy as a means to protecting aboriginal culture.

The reader received a brief introduction and orientation to some of the aboriginal claims that have already been settled in Canada. Furthermore, the theory behind the claims process--the fact that Native people view their claims as the only vehicle through which they can avoid assimilation-- was detailed. Finally, a number of questions were raised concerning the ultimate development of a model of governance acceptable to the people of Nunavut.

A detailed analysis of the political, social, and economic factors affecting aboriginal claims in northern Canada was presented. The dominant model of colonialism, assimilation, and racism set the tone for the discussion that followed. Politically, the federal government has possessed total power in dealing with its northern "colonies." The fight for self-determination on the part of both the territorial government and aboriginal people has occupied much of the northern policy agenda.

Economically, Ottawa has viewed the North as a hinterland, useful primarily to develop non-renewable resources for export to southern markets. The impacts of development and the traditional economy of the Native population, have until recently, been relegated to a secondary position. The protection and development of

the phenomenon known as the dual or mixed economy was considered a primary pillar in the success of Nunavut. One will recall that for Native people, the traditional subsistence lifestyle of gathering, trapping, hunting, and fishing takes precedence over wage-based employment activity.

The federal government became proactively involved in providing social services to the indigenous population in the North during the 1950's as a policy initiative designed to resolve the growing health, housing, and economic problems of the times. Community infrastructures were constructed across the North where Native people were in a sense urbanized. Today, all northerners witness daily the repercussions of these earlier policies. Land claims settlements are touted as the only means through which aboriginal people can shed the chains of the social welfare system.

We examined aboriginal claims from a comparative perspective. Nunavut is not the only claim agreement to be negotiated and eventually implemented. Although Nunavut is unique, we discovered a number of valuable lessons that can be learned from a close analysis of a number of other claims. Specifically, several difficulties were experienced with the corporate model of governance. Examples to

substantiate this contention were drawn from the Alaska Native Claims Settlement Act, the James Bay and Northern Quebec Agreements, and the Inuvialuit settlement in the western Arctic. In addition, the Navajo of the southern United States, the Aborigines in Australia, the Dene/Metis, the Sami of Scandinavia, and the Inuit of Greenland were briefly discussed. The Navajo have had some success in restoring tribal law and in educating Native school teachers. Through sucessful negotiation with the Australian government, the Aborigines of Australia now own title to ten percent of that continent and have attained a certain degree of autonomy.

Potential alternative models of governance were were then explored. The traditional model of governance that was predominant prior to the arrival of Europeans was considered because of its focus on culture, Native values, and collective decision-making. The Navajo model in the United States and the Inuit "Home Rule" framework were highlighted in terms of the positive effects attributed to self-government. The corporate model of governance was developed in considerable detail as the antithesis to traditional aboriginal values.

Even though the Dene/Metis and Council for Yukon Indians are looking at the corporate model, the Inuit

should be very careful in avoiding the pitfalls associated with this system of governance. We discovered throughout the course of our analysis that this corporate model and its various derivatives exacerbated the problems experienced by aboriginal groups in Alaska, the NWT, and northern Quebec.

The Inuit view the Nunavut settlement as a catalyst for a "New Federalism" model in Canada. In order to ultimately realize this goal, however, a number of organizational considerations need to be addressed.

First, the Department of Indian Affairs and Northern Development has reached the stage in its organization's evolution where it should transfer its responsibilites to the various aboriginal groups including the Inuit. The agency has long outlived it usefulness and in fact, is responsible for much of the bureaucratic nightmare facing Native people in all parts of Canada. Despite numerous calls from a variety of sectors for the agency's dissolution, DIAND lives on. Once all northern agreements have been finalized, DIAND's role in the North should be phased out.

Second, effective decision-making is a critical component in our equation. It is obvious that Nunavut will

allow for the design and delivery of education, social services, and local services by the Inuit. In keeping with traditional aboriginal values and the cooperative model discussed above, the Inuit of Nunavut must inevitably adopt a concensus framework to decision-making. This ensures community input. Elders play a significant role in Inuit society and will probably continue to do so once Nunavut is created. Whether the Inuit adopt a series of portfolio specific management boards(like the Cree school board in Quebec or the Dene/Metis environmental management board) or some other institutional entity such as a council, consensus and input from elders are extremely important.

Third, the Inuit want to avoid the pitfalls associated with establishing complex bureaucratic infrastructures such as those spawned out of the James Bay Agreements. What the Inuit should consider is a consociated-cooperative type model of governance, where individual traditional goals work in harmony with aboriginal culture to promote societal objectives on terms dictated by the Inuit. Achieving a suitable organizational infrastructure obviously relates to DIAND's role, the role that the territorial government will play, and whether a consociated-cooperative type model of governance is ultimately employed.

The importance of training, finance, and an aboriginal system of justice were critical components to the success of Nunavut. The argument was made that without specific financial arrangements such as formula financing and block appropriations, and without a massive training program no model of governance can succeed. A number of potential training and finance strategies were raised for consideration in the adoption by the Inuit of their ultimate model of governance. Specifically, the limited success of previous training initiatives and the importance of specialized training in the management processes areas associated with public administration were discussed.

Training should be planned and funded for the long term. Block funding provisions should be negotiated as a separate issue from the compensation portion of the settlement. This approach will inevitably require a more streamlined bureaucracy. The present territorial and federal bureaucracies are cumbersome, more often than not resulting in serious delays in program and funding approvals.

The development of training programs at the community level is important. On-the-job training programs could be established in conjunction with the formal training

supplied by such agencies as Arctic College. It is imperative that the local "talent pool" be increased dramatically, and with some degree of urgency, if the Inuit are to avoid paying handsomely for consultants only too eager to lend a helping hand. The reader will recall that large numbers of consultants bled the Alaska regional corporations dry. Finally, more research is required in terms of helping Native people develop more effective training strategies.

Training linked solely to industrial development can prove to be dangerous. In discussing the overall impacts of linking the future of Native people to industrial development, Weick(1988) acknowledges that the Cree, Inuit, and Inuvialuit have become more proactive players on the northern scene, yet he cautions that the rules of the game are prescribed by "those of industrial capital backed by government."(p.321).

Financial management is an integral part of the governance process. The Inuit must not only safeguard the $552 million received as compensation, they must also negotiate ongoing program agreements with the federal and territorial governments. The Inuit should consider establishing a trust fund aimed at protecting their principle compensation monies. Investment strategies

utlizing the interest from the claims compensation could be used to initiate programs aimed at bettering the way of life of the elders in the communities, and to support traditional pursuits such as fur processing and marketing of Inuit artwork. The Inuit must also take advantage of the myriad of federal and territorial programs that provide capital and operation costs for ongoing programs. The construction, rehabilitation, and energy subsidy programs offered by Canada Mortgage and Housing Corporation is an example of the types of funding available to the Inuit.

From the time that I moved to the Northwest Territories sixteen years ago, I was fascinated with the struggle of aboriginal people toward attaining self-determination and the protection of their culture and language. Initially, my mood was one of pessimism given the tremendous pressures being brought to bear during the 1970's vis-a-vis large non-renewable resource development. At that time, few non-natives in the North, including myself, would have been able to predict the tremendous advances made by aboriginal people in all sectors of northern society. The Berger Commission's ten year moratorium on pipeline development in the Mackenzie Valley changed the mood from pessimism to optimism. It became evident that Native people did have the means to influence

government.

At the outset of this project my analysis was tempered with both enthusiasm and optimism. After completing my research and traveling once again to the North, the inevitable element of realism is eventually winning the day. The facts are clear. It is going to be very difficult for the Inuit of Nunavut, or any other aboriginal group for that matter, to stop the tide of assimilation. The claims process has at best met with only partial success everywhere else in the world. Second, the role that the Meech Lake discussions will have concerning ultimate provincial status for the NWT add a significant element of uncertainty to the entire claims process.

It is unrealistic and probably naive at this time to expect that the settlement of the Nunavut claim will immediately represent some quantum leap in the development of Native political and public administration infrastructures. It is interesting to note, however, that what the Inuit hope to attain has its roots in what Dwight Waldo(1952) referred to almost forty years ago as a "postbureaucratic" society. He envisioned a time when bureaucracy in the Weberian sense would be supplanted by more democratic, flexible organizational forms in which culture occupied a dominant position. Waldo was prophetic

in stating:

> In rare moments of optimism, one permits himself the luxury of a dream of a society of the future in which education and general culture are consonant with a working world in which all participate both as "leaders" and as "followers" according to "rules of the game" known to all. Such a society would be post-bureaucratic. Bureaucracy in the Weberian sense would have been replaced...Culture as a whole would be adapted to post-bureaucratic organization...(p.103).

The Inuit seek to realize Waldo's dream utilizing their aboriginal claims settlement as the catalyst. Hopefully, by adopting a successful model of governance the two Inuit children portrayed on the cover, Etoolook and Donna, will be afforded the opportunity to embark upon adult life with their culture intact.

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APPENDICES

APPENDIX A

Population, Northwest Territories
Estimates, by Region and Community
June 1987: number of persons

	Population Count		Population Count		Population Count
Northwest Territories	51,744	Kitikmeot Region	3,916	Fort Smith Region	24,685
Baffin Region	10,321	Bathurst Inlet	16	Detah	131
		Bay Chimo	62	Enterprise	56
Arctic Bay	496	Cambridge Bay	1,062	Fort Liard	398
Broughton Island	444	Coppermine	913	Fort Providence	581
Cape Dorset	944	Gjoa Haven	676	Fort Resolution	465
Clyde River	469	Holman	318	Fort Simpson	984
Grise Fiord	104	Pelly Bay	313	Fort Smith	2,468
Hall Beach	475	Spence Bay	512	Hay River	2,858
Igloolik	898	Kitikmeot, Unorg.	44	Hay River Reserve	181
Iqaluit	3,057			Jean Marie River	64
Lake Harbour	332	Inuvik Region	7,759	Kakisa	30
Nanisivik	292			Lac La Martre	375
Pangnirtung	1,041	Aklavik	789	Nahanni Butte	86
Pond Inlet	846	Arctic Red River	103	Paradise Gardens	42
Resolute	177	Colville Lake	52	Pine Point	1,083
Sanikiluaq	449	Fort Franklin	537	Rae Lakes	186
Baffin, Unorg.	297	Fort Good Hope	577	Rae-Edzo	1,414
		Fort McPherson	752	Reliance	11
Keewatin Region	5,063	Fort Norman	352	Salt Plains	14
		Inuvik	2,676	Snare Lake	122
Baker Lake	1,022	Norman Wells	590	Snowdrift	281
Chesterfield Inlet	270	Paulatuk	209	Trout Lake	54
Coral Harbour	495	Sachs Harbour	172	Wrigley	166
Eskimo Point	1,200	Tuktoyaktuk	945	Yellowknife	12,039
Rankin Inlet	1,401	Inuvik, Unorg.	5	Fort Smith, Unorg.	596
Repulse Bay	437				
Whale Cove	225				
Keewatin, Unorg.	13				

Source: "Stats Quarterly," Bureau of Statistics, GNWT.

Education Statistics, Northwest Territories
Schools and Teachers
Annual: number of schools and teachers

	1987-88	1986-87	1985-86	1984-85	1983-84	1982-83	1981-82	1980-81
Schools	72	72	74	71	71	71	71	71
Teachers	765	769	761	743	733	731	719	712

School Enrollment, Northwest Territories
Students, by Level
Annual: number of students

	1987-88	1986-87	1985-86	1984-85	1983-84	1982-83	1981-82	1980-81
Total Enrollment	13,386	13,296	13,446	13,224	12,894	12,761	12,581	12,494
Elementary	9,356	9,268	9,518	9,412	9,320	9,302	9,140	8,827
Kindergarten	1,256	1,214	1,285	1,315	1,174	1,211	1,165	1,080
Grades 1-6	8,100	8,054	8,233	8,097	8,146	8,091	7,975	7,747
Junior High	2,368	2,372	2,440	2,575	2,345	2,278	2,272	2,553
Senior High	1,391	1,425	1,333	1,116	1,229	1,181	1,169	1,114
Special	271	231	155	121	..	..	..	..

APPENDIX B

Table 1 Native and Non-Native Labor Force Activity, by Region
Northwest Territories, Winter 1989

	Persons 15 Years & Over	Labor Force	Partici-pation Rate	Employed	Unem-ployed	Unem-ployment Rate	Job Wanted	Worked in 1988
	(no.)	(no.)	(%)	(no.)	(no.)	(%)	(no.)	(no.)
Northwest Territories	34,650	24,250	70	20,328	3,922	16	8,776	26,216
Natives	19,611	10,990	56	7,668	3,322	30	7,782	12,430
Non-Natives	15,039	13,259	88	12,659	600	5	995	13,785
Baffin Region	6,308	3,999	63	3,145	854	21	2,274	4,376
Natives	4,898	2,713	55	1,877	836	31	2,192	3,108
Non-Natives	1,410	1,286	91	1,269	17	1	82	1,268
Keewatin Region	3,195	1,846	58	1,452	394	21	1,293	2,090
Natives	2,723	1,415	52	1,031	384	27	1,273	1,649
Non-Natives	472	432	92	421	11	3	20	440
Kitikmeot Region	2,458	1,372	56	953	419	31	981	1,595
Natives	2,136	1,068	50	654	414	39	973	1,288
Non-Natives	322	304	94	299	5	2	9	307
Inuvik Region	5,531	3,808	69	3,123	685	18	1,319	4,167
Natives	3,672	2,135	58	1,519	616	29	1,228	2,465
Non-Natives	1,859	1,672	90	1,604	68	4	91	1,702
Fort Smith Region	17,159	13,224	77	11,654	1,570	12	2,909	13,987
Natives	6,183	3,658	59	2,587	1,071	29	2,116	3,921
Non-Natives	10,976	9,566	87	9,067	499	5	793	10,067

Table 2 Male and Female Labor Force Activity, by Region
Northwest Territories, Winter 1989

	Persons 15 Years & Over	Labor Force	Partici-pation Rate	Employed	Unem-ployed	Unem-ployment Rate	Job Wanted	Worked In 1988
	(no.)	(no.)	(%)	(no.)	(no.)	(%)	(no.)	(no.)
Northwest Territories	34,650	24,250	70	20,328	3,922	16	8,776	26,216
Males	18,213	13,850	76	11,512	2,338	17	4,685	14,889
Females	16,437	10,399	63	8,815	1,584	15	4,091	11,327
Baffin Region	6,308	3,999	63	3,145	854	21	2,274	4,376
Males	3,309	2,328	70	1,840	488	21	1,160	2,580
Females	2,999	1,672	56	1,306	366	22	1,115	1,796
Keewatin Region	3,195	1,846	58	1,452	394	21	1,293	2,090
Males	1,640	1,020	62	795	225	22	681	1,184
Females	1,555	826	53	657	169	20	612	906
Kitikmeot Region	2,458	1,372	56	953	419	31	981	1,595
Males	1,255	795	63	549	246	31	505	950
Females	1,202	578	48	404	174	30	476	645
Inuvik Region	5,531	3,808	69	3,123	685	18	1,319	4,167
Males	2,892	2,189	76	1,769	420	19	726	2,349
Females	2,638	1,620	61	1,355	265	16	593	1,819
Fort Smith Region	17,159	13,224	77	11,654	1,570	12	2,909	13,987
Males	9,117	7,519	82	6,560	959	13	1,614	7,827
Females	8,042	5,705	71	5,094	611	11	1,295	6,160

Table 3 Labor Force Activity, by Ethnic Group and Sex
Northwest Territories, Winter 1989

	Persons 15 Years & Over	Labor Force	Partici-pation Rate	Employed	Unem-ployed	Unem-ployment Rate	Job Wanted	Worked in 1988
	(no.)	(no.)	(%)	(no.)	(no.)	(%)	(no.)	(no.)
Natives	19,611	10,990	56	7,668	3,322	30	7,782	12,430
Males	9,981	6,175	62	4,172	2,003	32	4,166	7,035
Females	9,630	4,815	50	3,496	1,319	27	3,616	5,396
Inuit	9,662	5,166	53	3,540	1,626	31	4,407	5,970
Males	4,898	2,925	60	1,989	936	32	2,279	3,498
Females	4,764	2,242	47	1,551	691	31	2,129	2,471
Inuvialuit	1,797	1,055	59	766	289	27	579	1,279
Males	919	587	64	411	176	30	317	701
Females	878	468	53	355	113	24	262	578
Dene	5,715	3,059	54	1,975	1,084	35	2,236	3,295
Males	2,879	1,695	59	997	698	41	1,250	1,791
Females	2,836	1,364	48	978	386	28	985	1,504
Métis	2,437	1,709	70	1,387	322	19	560	1,887
Males	1,285	968	75	775	193	20	320	1,044
Females	1,152	741	64	612	129	17	240	843
Non-Natives	15,039	13,259	88	12,659	600	5	995	13,785
Males	8,232	7,675	93	7,340	335	4	520	7,855
Females	6,808	5,584	82	5,319	265	5	475	5,930

Table 4 Labor Force Activity, by Region and Age Group
Northwest Territories, Winter 1989

	Persons 15 Years & Over	Labor Force	Partici-pation Rate	Employed	Unem-ployed	Unem-ployment Rate	Job Wanted	Worked in 1988
	(no.)	(no.)	(%)	(no.)	(no.)	(%)	(no.)	(no.)
Northwest Territories	34,650	24,250	70	20,328	3,922	16	8,776	26,216
15-24 Years	9,633	5,453	57	3,964	1,489	27	4,182	6,822
25-44 Years	17,296	14,386	83	12,549	1,837	13	3,334	14,785
45-64 Years	6,208	4,228	68	3,656	572	14	1,190	4,411
65 Years & Over	1,513	181	12	157	24	13	71	197
Baffin Region	6,308	3,999	63	3,145	854	21	2,274	4,376
15-24 Years	2,123	1,048	49	689	359	34	1,212	1,348
25-44 Years	2,899	2,250	78	1,893	357	16	751	2,305
45-64 Years	1,095	681	62	552	129	19	292	704
65 Years & Over	191	19	10	10	9	47	20	19
Keewatin Region	3,195	1,846	58	1,452	394	21	1,293	2,090
15-24 Years	1,162	555	48	384	171	31	642	726
25-44 Years	1,356	1,007	74	849	158	16	433	1,060
45-64 Years	536	260	49	199	61	23	204	287
65 Years & Over	141	23	16	19	4	17	14	17
Kitikmeot Region	2,458	1,372	56	953	419	31	981	1,595
15-24 Years	844	428	51	217	211	49	522	543
25-44 Years	1,037	768	74	604	164	21	324	821
45-64 Years	444	167	38	125	42	25	127	206
65 Years & Over	133	9	7	7	2	22	9	26
Inuvik Region	5,531	3,808	69	3,123	685	18	1,319	4,167
15-24 Years	1,393	814	58	583	231	28	519	1,022
25-44 Years	2,875	2,335	81	1,970	365	16	607	2,441
45-64 Years	955	621	65	535	86	14	180	670
65 Years & Over	308	38	12	35	3	8	12	34
Fort Smith Region	17,159	13,224	77	11,654	1,570	12	2,909	13,987
15-24 Years	4,111	2,608	63	2,091	517	20	1,287	3,184
25-44 Years	9,128	8,026	88	7,233	793	10	1,219	8,158
45-64 Years	3,178	2,499	79	2,245	254	10	387	2,544
65 Years & Over	742	92	12	86	6	7	16	101

Table 5 Labor Force Activity, by Region and Community
Northwest Territories, Winter 1989

	Persons 15 Years & Over	Labor Force	Partici-pation Rate	Employed	Unem-ployed	Unem-ployment Rate	Job Wanted	Worked in 1988
	(no.)	(no.)	(%)	(no.)	(no.)	(%)	(no.)	(no.)
Northwest Territories	34,650	24,250	70	20,328	3,922	16	8,776	26,216
Baffin Region	6,308	3,999	63	3,145	854	21	2,274	4,376
Arctic Bay	285	170	60	130	40	24	93	202
Broughton Island	284	141	50	119	22	16	121	187
Cape Dorset	571	310	54	217	93	30	269	314
Clyde River	300	172	57	114	58	34	165	193
Grise Fiord	56	43	77	38	5	12	9	45
Hall Beach	275	178	65	108	70	39	134	180
Igloolik	514	283	55	192	91	32	230	313
Iqaluit	2,023	1,398	69	1,207	191	14	515	1,490
Lake Harbour	201	110	55	79	31	28	85	130
Nanisivik	216	196	91	191	5	3	20	203
Pangnirtung	658	417	63	283	134	32	281	478
Pond Inlet	498	294	59	205	89	30	240	339
Resolute	134	120	90	105	15	13	21	120
Sanikiluaq	293	166	57	156	10	6	90	183
Keewatin Region	3,195	1,846	58	1,452	394	21	1,293	2,090
Arviat	718	347	48	273	74	21	365	417
Baker Lake	707	369	52	273	96	26	309	406
Chesterfield Inlet	187	109	58	94	15	14	61	140
Coral Harbour	305	167	55	135	32	19	144	196
Rankin Inlet	884	619	70	529	90	15	221	685
Repulse Bay	248	155	63	91	64	41	126	147
Whale Cove	146	80	55	57	23	29	67	99
Kitikmeot Region	2,458	1,372	56	953	419	31	981	1,595
Bathurst Inlet/Bay Chimo	51	5	10	4	1	20	7	18
Cambridge Bay	671	476	71	389	87	18	178	550
Coppermine	598	284	47	179	105	37	231	313
Gjoa Haven	394	213	54	102	111	52	221	217
Holman	214	126	59	110	16	13	49	169
Pelly Bay	200	116	58	64	52	45	114	131
Spence Bay	329	152	46	104	48	32	181	196

(cont'd.)

Table 5 Labor Force Activity, by Region and Community (concluded)
Northwest Territories, Winter 1989

	Persons 15 Years & Over	Labor Force	Partici-pation Rate	Employed	Unem-ployed	Unem-ployment Rate	Job Wanted	Worked in 1988
	(no.)	(no.)	(%)	(no.)	(no.)	(%)	(no.)	(no.)
Inuvik Region	5,531	3,808	69	3,123	685	18	1,319	4,167
Aklavik	526	322	61	169	153	48	207	342
Arctic Red River	79	38	48	21	17	45	41	53
Colville Lake	45	12	27	11	1	8	20	33
Fort Franklin	375	212	57	149	63	30	83	203
Fort Good Hope	364	238	65	195	43	18	97	258
Fort McPherson	533	293	55	176	117	40	256	329
Fort Norman	254	149	59	128	21	14	53	184
Inuvik	2,119	1,732	82	1,634	98	6	179	1,817
Norman Wells	391	326	83	304	22	7	35	348
Paulatuk	139	64	46	56	8	13	52	86
Sachs Harbour	110	74	67	52	22	30	49	92
Tuktoyaktuk	597	350	59	229	121	35	246	422
Fort Smith Region	17,159	13,224	77	11,654	1,570	12	2,909	13,987
Detah	101	42	42	21	21	50	57	63
Enterprise	29	22	76	19	3	14	3	19
Fort Liard	274	150	55	122	28	19	58	157
Fort Providence	422	189	45	121	68	36	173	224
Fort Resolution	359	187	52	110	77	41	162	190
Fort Simpson	739	543	73	407	136	25	209	573
Fort Smith	1,816	1,257	69	1,063	194	15	341	1,356
Hay River	2,142	1,754	82	1,482	272	16	330	1,895
Hay River Corridor	76	65	86	56	9	14	9	68
Hay River Reserve	133	72	54	49	23	32	51	100
Jean Marie River	47	24	51	14	10	42	19	22
Kakisa	29	7	24	7	-	-	12	11
Lac La Martre	241	117	49	55	62	53	134	144
Nahanni Butte	55	33	60	25	8	24	14	36
Rae-Edzo	934	498	53	287	211	42	426	417
Rae Lakes	134	39	29	17	22	56	60	53
Snare Lake	78	34	44	16	18	53	40	34
Snowdrift	195	87	45	53	34	39	105	121
Trout Lake	45	21	47	15	6	29	19	26
Wrigley	116	78	67	62	16	21	23	87
Yellowknife	9,194	8,008	87	7,655	353	4	664	8,392

APPENDIX C

CHRONOLOGY OF IMPORTANT TREATIES

Pre-Confederation

Year	Place Made
1693	Massachusetts Bay
1713	Saint John River, NB
1728	Annapolis Royal, NS
1749	Chebucto Harbour, NS
1752	Halifax, NS
1763	Royal Proclamation
1778	Windsor, NS
1779	Halifax, NS
1790	Southern Ontario
1817	The Selkirk Treaty
1850	The Robinson Superior Treaty
1850	The Robinson Huron Treaty
1850	Sooke Treaty
1852	Sanich Treaty

Post-Confederation

Treaty Number	Date
Treaty #1	1871
Treaty #2	1871
Treaty #3	1873
Treaty #4	1874
Treaty #5	1875
Treaty #6	1876
Treaty #7	1877
Treaty #8	1900
Treaty #9	1905
Treaty #10	1906
Treaty #11	1921

Sources: Compiled from Bradford W. Morse(ed). Aboriginal Peoples and the Law: Indian, Metis and Inuit Rights in Canada. pp. 122-271 and James S. Frideres. Native People in Canada: Contemporary Conflicts. pp. 39-79.

APPENDIX D

THE NUNAVUT AGREEMENT-IN-PRINCIPLE

GENERAL

General Provisions

These provisions provide that:

- the parties will negotiate to conclude a Final Agreement within eighteen months of the ratification of an AIP,
- the Final Agreement will be a land claims agreement within the meaning of Section 35 of the Constitution Act, 1982,
- close consultation between the government and the Inuit shall take place in the preparation and/or amendment of legislation proposed to ratify or implement the Final Agreement,
- that in exchange for the rights and benefits in the Final Agreement, the Inuit of the Nunavut Settlement Area as represented by the Tungavik Federation of Nunavut (TFN) will cede any aboriginal claims and title they may have to lands and waters in Canada,
- that any other existing or future constitutional rights that the Inuit may have are not affected, and the ability of Inuit to benefit from government programs is not affected, and
- that the devolution or transfer of jurisdiction or powers from Canada to the territorial government will not be restricted, provided Inuit rights delineated in the Final Agreement are not abrogated.

Nunavut Settlement Area

The boundaries of the settlement area are defined as shown on the attached map. Certain portions of the boundary remain to be finalized after discussions with adjacent aboriginal groups.

Political Development

The TFN, the GNWT and the federal government acknowledge support in principle for creation of a Nunavut Territory consistent with their previous positions. Within six months of the AIP, the Government of the Northwest Territories and the Inuit will develop a process to pursue creation of a Nunavut territory and government outside the claims process. The process will include a boundary plebiscite.

WILDLIFE AND CONSERVATION

Wildlife

The provisions provide for conservation and management of wildlife and recognize rights Inuit will enjoy with regard to harvesting of wildlife (including plants) subject to conservation requirements. Inuit will have preferential harvesting allocations including rights to harvest to meet their basic needs as determined by a harvest study. Inuit will also have economic opportunities related to guiding, sports lodges and commercial marketing of wildlife products. The instrument of wildlife management will be a Nunavut Wildlife Management Board, with equal Inuit and government/public membership plus a chairperson. The Board will oversee the harvest of wildlife, subject to the principles of conservation, and will be empowered to make management decisions subject to disallowance by appropriate Ministers. Provision is made for wildlife harvesting by non-Inuit.

Wildlife Compensation

Inuit will be entitled to compensation where developers cause provable damage to property or equipment used in wildlife harvesting, or present and future loss of income or loss of wildlife harvested for personal use by claimants. Where a developer and the Inuit are unable to agree upon compensation for damages within 30 days of a claim being made, either party can refer the claim to the Surface Rights Tribunal for determination of liability and compensation. These provisions apply to onshore and offshore development and to shipping directly associated with development.

Outpost Camps

The provisions allow Inuit to establish and occupy outpost camps (temporary sites for the purpose of wildlife harvesting) on Crown lands where they have wildlife harvesting rights.

Parks

At least three National Parks are to be established in the settlement area within a reasonable time following the Final Agreement. Inuit and other local residents shall be included in the planning of the National and Territorial Parks in the claims area. Prior to the establishment of a National or Territorial Park, Inuit and the federal or territorial governments respectively are to conclude impact and benefit agreements dealing with such matters as training, hiring and business opportunities. As well, Inuit will receive first option on certain contract and business opportunities related to the establishment, operation and maintenance of park facilities. Information about National and Territorial Parks in the claims area will also be available in Inuktitut, and Inuit history relating to the parks will be recognized.

Conservation Areas

Provisions of the National Parks agreement dealing with impact and benefit agreements, economic opportunities, information in Inuktitut and recognition of Inuit history generally will apply to conservation areas, including national wildlife areas, migratory bird and wildlife sanctuaries and a number of other reserves and sites of biological, ecological or historical significance.

LAND AND RESOURCE MANAGEMENT

Establishment of Certain Structures

In order to manage the agreements reached in the AIP, provision is made for the establishment through legislation of structures within a certain timeframe. These are:

(a) Nunavut Wildlife Management Board (upon ratification of Final Agreement),

(b) Surface Rights Tribunal (within six months of ratification of Final Agreement),

(c) Nunavut Impact Review Board (within two years of ratification of Final Agreement),

(d) Nunavut Planning Commission and a Nunavut Planning Policy Committee (within two years of ratification of Final Agreement), and

(e) Nunavut Water Board (within two years of ratification of Final Agreement).

Land Use Planning

This section outlines the structures and process for developing and implementing land use planning in the claims area. The provisions include principles which will guide the development of land use plans and specify the structure and roles of a Nunavut Planning Commission (NPC) and the Nunavut Planning Policy Committee (NPPC). The NPC will have major responsibility for the development of land use plans and monitoring conformity with land use plans. The NPPC would establish broad planning goals, policies and objectives. NPC and NPPC each will have an equal number of government and Inuit members with the NPC having a chairperson in addition. Appropriate government departments and agencies would be responsible for the implementation of land use plans.

Development Impact: Screening and Review

The provisions provide for the establishment of a public government body called the Nunavut Impact Review Board (NIRB). NIRB would screen project proposals to determine whether there is a need for a public review of ecosystemic and socio-economic impacts. If NIRB determines that a review is required, the Minister with primary responsibility for approving the project will refer the proposal either to the Federal Environmental Assessment Review Office (FEARO) or to NIRB for public hearings. There is to be no duplication of hearings.

Where NIRB conducts a public review, it would determine if the proposal should proceed and, if so, with what terms and conditions and issue a report to the Minister. The Minister has the overriding authority to approve or reject projects in the national or regional interest or to modify terms and conditions that are more onerous than necessary to mitigate impacts to an acceptable level. NIRB will issue a project certificate containing terms and conditions accepted or varied by the Minister. NIRB may be assigned project monitoring functions.

NIRB will have an equal number of government and Inuit nominees and a chairperson. FEARO panels operating in the settlement area will contain at least 25 percent Inuit nominees and 25 percent territorial government nominees, satisfactory to the Minister of the Environment.

Water Management

A Nunavut Water Board (NWB) will be established which will have responsibilities and powers over use and management of water in the settlement area. The NWB will function with responsibilities at least equivalent to the present Northwest Territories Water Board and will contribute to the development of land use plans as they concern water. The NWB will have an equal number of government and Inuit nominees and a chairperson.

Municipal Lands

The provisions ensure that municipal boundaries will encompass lands required for municipal needs, and specify the way in which municipal governments in the settlement area will hold and control municipal lands in relation to Crown lands and Inuit lands. The provisions allow municipalities by referenda to impose restrictions on the sale of land.

Marine Areas

These provisions extend the application of various components of the AIP to marine areas; including wildlife rights and management, land use planning, impact development, resource royalty sharing, parks and conservation areas and certain other elements. Inuit will not be able to own seabed as part of their land quantum. In recognition of Inuit interest in migratory species outside the marine area of the claim, Inuit will be involved in wildlife management, harvesting and research matters in Hudson Bay, James Bay, Davis Strait, Baffin Bay and other adjacent marine areas.

Marine Boundary: East Baffin Coast

The boundary of the settlement area on the East Baffin Coast will follow the twelve mile limit of the territorial sea. However, wildlife harvesting, development impact, land use planning and resource royalty provisions will also apply in a defined land fast ice zone beyond the territorial sea along a portion of the Baffin Coast.

INUIT SETTLEMENT LANDS

Land Identification

The provisions recognize that the primary purpose of Inuit Settlement Lands will be to promote Inuit economic self-sufficiency consistent with cultural and social aspirations. To achieve this purpose, title is expected to include a mix of areas of value for both renewable and non-renewable resource reasons. Criteria are set out governing the identification of Inuit Settlement Lands. They include consideration of third-party interests, government needs, public purposes, overlapping claims and geographic configuration of selections. The land quantum for the Inuit communities and regions has already been negotiated (see below). The identification of lands Inuit will own and protection of identified lands will be negotiated before Final Agreement according to provisions of the AIP. The Sverdrup Basin area is excluded from identification as Inuit Settlement Lands.

There may be interim withdrawal of certain critical lands from surface and sub-surface disposition during land ownership negotiations. The land withdrawn under interim protection will not exceed 20 percent of the quantum in each region. Arrangements for registration of Inuit Settlement Lands in Designated Inuit Organizations upon ratification of the Final Agreement have been made. Alienation and arrangements for boundaries and surveys of Inuit Settlement Lands are also covered.

Title to Inuit Settlement Lands

The provisions define Inuit Settlement Lands and provide for title to be held in two forms: fee simple including mineral rights or fee simple excluding mineral rights. Inuit are also guaranteed special access to carving stone. The total land quantum (amount of land Inuit will own) is 135,390 sq. miles (350,633 square kilometres) plus an amount to be determined in Sanikiluaq, allocated by region as follows:

(i)	Kitikmeot West	- 25,495 sq. miles
(ii)	Kitikmeot East	- 14,275 sq. miles
(iii)	Keewatin	- 36,890 sq. miles
(iv)	South Baffin	- 25,500 sq. miles
(v)	North Baffin	- 33,230 sq. miles
(vi)	Sanikiluaq	- to be determined - out of a total area of 1317 sq. miles

Of the total quantum, 14,000 sq. miles (36,257 square kilometres) of land will be held in fee simple, including mineral rights, with the allocation among the regions to be determined in land ownership negotiations.

Water Rights

Use of water on Inuit Settlement Lands will be subject to normal regulatory approvals by the Nunavut Water Board. Public rights to navigation, innocent passage on water and use of waters for domestic and emergency purposes are guaranteed on Inuit lands. Access to and use of waters by subsurface developers is also provided for. Subject to these public rights, Inuit will have the exclusive right to the use of water on Inuit Settlement Lands. (Government may however reserve particular water bodies at the time of land selection.) Inuit will be entitled to compensation if development adversely affects the quality, quantity or flow of waters through Inuit Settlement Lands. Compensation will be determined by the Water Board if developers and Inuit do not agree.

Entry and Access

As a general principle, access to and across Inuit lands will occur with the consent of Inuit. Certain public rights of access to and across Inuit Settlement Lands are guaranteed, subject to conditions set out in the agreement. As well, government agents, employees and contractors will have a right to enter, cross and remain on Inuit Settlement Lands for legitimate government purposes without fee. Provision is also included for government to acquire sand and gravel on Inuit Settlement Lands. The provisions provide for the continuation of any existing third party interest included in Inuit Settlement Lands and describe the rights and obligations the Inuit will assume in relation to such interests.

Third parties with subsurface interests are assured necessary access to or across Inuit Settlement Lands by consent of Inuit or through an independent surface rights tribunal. The tribunal will have authority to issue entry orders and determine compensation payable to the surface rights holder. As well, other commercial operators may cross Inuit Settlement Lands with Inuit consent, or by order of the Surface Rights Tribunal where the access is essential and other means of access are impractical. Provision is made for expropriation of Inuit Settlement Lands under existing legislation subject to Governor-in-Council approval and the payment of compensation. A ceiling of 12 percent has been set on the amount of Inuit Settlement Lands that can be expropriated without alternate lands being provided. Government may expropriate two percent of Inuit Settlement Lands for public transportation purposes without compensation in any land use region.

Real Property Taxation

Within municipalities, Inuit Settlement Lands that have improvements or lie within approved sub-divisions are subject to real property taxation. Outside municipalities, Inuit Settlement Lands that have improvements are subject to real property taxation. Unimproved lands are exempt from such taxation. Structures associated with traditional activities, such as wildlife harvesting, are not considered improvements for taxation purposes.

ECONOMIC

Inuit Public Sector Employment

The provisions outline a process for increasing Inuit participation in government employment in the settlement area to a representative level. This objective will be pursued through the undertaking of an Inuit labour force analysis which would be followed by the development of Inuit employment plans and pre-employment training. Efforts will be made to increase Inuit recruitment and promotion through a number of measures designed to remove systemic and other barriers to employment.

Government Contracting

Government will reflect measures in its procurement and contracting policies and bidding processes to assist Inuit firms and firms employing Inuit to compete for government contracts in the settlement area. The provisions are to be implemented without imposing additional financial obligations on government, and the need to continue such provisions will be reviewed within 20 years.

Resource Royalty Sharing

Inuit will be paid annually 50 percent of the first $2 million of resource royalty received by government, and five percent of any additional resource royalty received by government, within the Nunavut Settlement Area.

Inuit Impact and Benefit Agreements

Inuit will have the right to negotiate employment, training and other benefits with the proponent of a major development project prior to work commencing on the project. A major development project is one that involves the development or exploitation by industry or a Crown Corporation of non-renewable resources under Inuit Settlement Lands, or water power generation or water exploitation projects in the settlement area, where such projects involve more than $35 million (1986 dollars) in capital costs or 200 person years of employment over five years. The definition does not include exploration activity. A process of arbitration is set out where the Inuit and the proponent cannot agree on a range of benefits. Negotiated or arbitrated agreements will be in the form of a contract between the Inuit and the proponent of a major development project. Government can ensure that such benefit agreements do not undermine the viability of the project or detract from the ability of others to receive benefits.

Natural Resource Development

Prior to opening lands for petroleum exploration, government will consult with Inuit respecting terms and conditions to be attached to such exploration rights. Prior to exploration, development and production of oil and gas, and prior to development and production of minerals other than oil and gas on Crown lands, proponents will be required to consult with Inuit on a range of social, economic and environmental issues identified in the provisions.

Northern Energy Accord - Interim Provisions

There is an interim provision that acknowledges that the GNWT are including Inuit in developing and implementing a Northern Energy Accord which respects the provisions of the AIP.

Wildlife Harvesting Income Support Program (WHISP)

The GNWT has established a working group with the participation of the TFN and federal government to determine the feasibility, parameters, costing and potential implementation structures of a WHISP for the Inuit settlement area. This process is outside the land claims process.

FINANCIAL

Capital Transfers

The provisions provide for the payment of $580 million (1989) to the Inuit. $3 million will be paid by April 30, 1990 and a further $2 million between AIP and Final Agreement with evidence of progress in land identification. $54 million will be the initial payment upon signing the Final Agreement and the remainder of the capital will be transferred over a 14 year period. TFN negotiation loans will be repaid during this period.

General Taxation

The capital transfer payments will not be taxed, but income earned will be subject to laws of general application. The Nunavut Trust and the recipient of any capital or income from the Trust will be subject to tax laws of general application.

Income from Inuit Settlement Lands will be taxable under laws of general application, subject to provisions for calculating costs and proceeds of initial acquisition and disposition of lands and depreciable property.

Nunavut Trust

A Nunavut Trust will be established to receive, on behalf of the Inuit, the capital transfer payments and resource royalty payments from Canada. Laws of general application will apply to the Trust, apart from the Rule against Perpetuities. Provisions are included to ensure democratic control and accountability to Inuit.

SOCIAL AND CULTURAL

Social Provisions

Government will provide Inuit with an opportunity to participate in the development of social and cultural policies and in the design of social and cultural programs and services, including their method of delivery within the settlement area. A Nunavut Social Development Council shall be established by Inuit, as a non-profit corporation, to promote Inuit interests in the social and cultural area. It may carry out its mandate through research, information dissemination, consultation with public government bodies, and provision of advice to Inuit and government in these areas. It will also prepare an annual report to territorial and federal ministers on the state of Inuit culture and society.

Archaeology and Ethnography

The provisions recognize that Inuit have a special relationship with archaeological evidence of the settlement area. Certain rights are provided for Inuit with respect to the identification, protection and conservation of archaeological sites and specimens. An Inuit Heritage Trust is to be established to facilitate the conservation, restoration and display of sites and specimens, and to carry out archaeological activity. Government agencies will, subject to guidelines, honour requests of the Trust to obtain archaeological specimens, ethnographic objects and archival materials found in the claims area for display or research purposes.

ADMINISTRATION

Enrolment

The provisions recognize that Inuit are best able to determine who is an Inuk and entitled to be enroled and benefit under the Final Agreement. To be enroled, a person must be recognized as an Inuk under Inuit custom or Inuit law, and be associated with the communities or territory of the claims area. In addition, individuals must be Canadian citizens, and benefit from only one Canadian land claim agreement. A Community Enrolment Committee (CEC) will be established in each community to decide who meets the criteria. A CEC decision may be appealed to a Nunavut Appeal Committee (NAC). Decisions of the NAC would be final.

Implementation

The provisions commit TFN and the federal and territorial governments to establish a working group to develop a detailed implementation plan before Final Agreement.

Arbitration

The provisions provide for creation and operation of an Arbitration Board to resolve disputes arising from the Final Agreement.

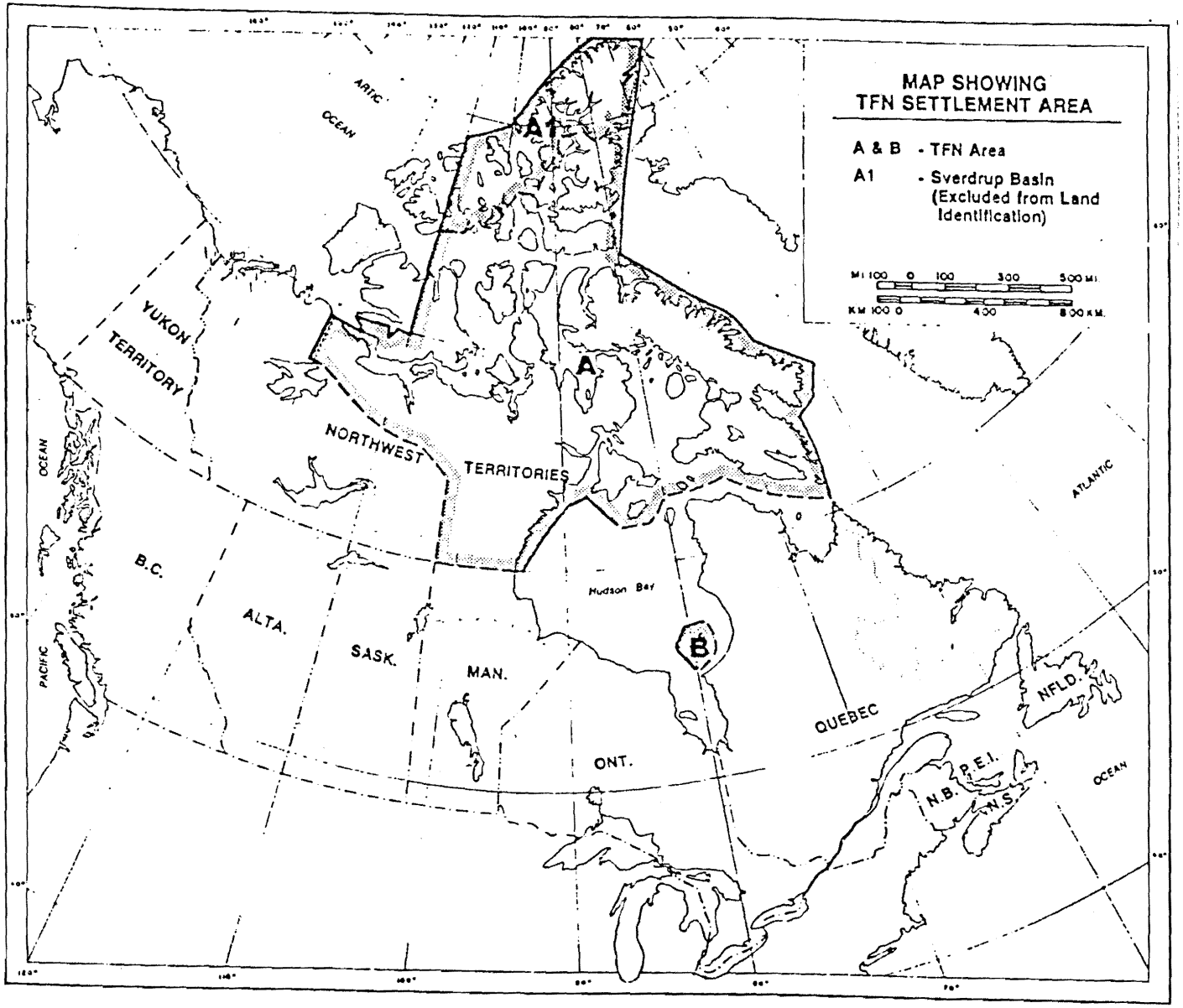
Inuit Organizations

The provisions relate to the identification of the Designated Inuit Organizations (DIOs), their relationship to Inuit and their powers and authorities in respect to the implementation of the Final Agreement.

Other Aboriginal Peoples

The provisions note that prior to Final Agreement, arrangements in respect to overlapping interests with other claims must be negotiated by the TFN.

April 1990


MAP SHOWING
TFN SETTLEMENT AREA
A & B - TFN Area
A1 - Sverdrup Basin (Excluded from Land Identification)
MI 100 0 100 300 500 MI.
KM 100 0 400 800 KM.
ARTIC OCEAN
A1
A
B
YUKON TERRITORY
NORTHWEST TERRITORIES
Hudson Bay
B.C.
ALTA.
SASK.
MAN.
ONT.
QUEBEC
NFLD.
P.E.I.
N.B.
N.S.
PACIFIC OCEAN
ATLANTIC OCEAN

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