

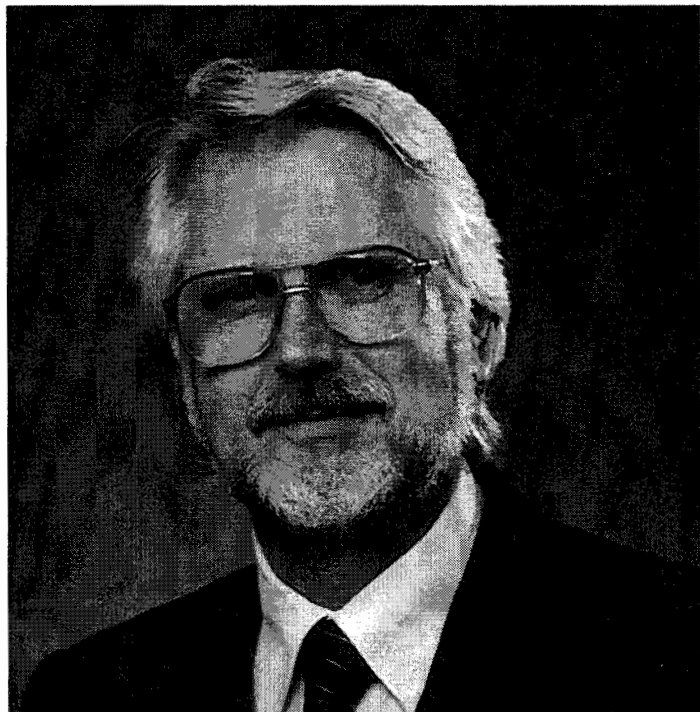
Constitutional Evolution in the Western Arctic

The division of the Northwest Territories scheduled to take place in 1999 will create a new Territory of Nunavut in the Eastern Arctic. As a result residents and legislators of the Western Arctic are presently engaged in a process that will lead ultimately to a new constitutional order. In this interview a present member of the NWT Legislative Assembly discusses some of the issues under consideration. The interview was conducted by Gary Levy in October 1996.

What is your background in the politics of the NWT?

My involvement with the north goes back many years. In 1964 I worked as editor of Hansard for the Council of the Northwest Territories which was then located in Ottawa. Later I went to work as press secretary to Stuart Hodgson the Commissioner of the NWT. In 1967 the Council was moved to Yellowknife and Mr. Hodgson asked me to stay on as his Executive Assistant. I subsequently headed the Information Service for the NWT Government and helped to establish the Interpreters Corps.

I left government in 1975 to buy a newspaper in Alberta and later added two other newspapers. My publishing interests took me back to the North in 1982 when I established a magazine *Above and Beyond* for First Air. Later I sold my interest and decided to try politics. I was elected to the Legislative Assembly in 1995.



What is the political context in which constitutional discussions are taking place?

We have a unique style of government in the North. There are 24 members elected to the legislature

but there are no political parties. Everyone sits as an independent. At the first session we elect a Speaker, a Premier and then six individuals who sit in cabinet. The other sixteen members sit as a caucus of independent members. I was elected as

Chair of this caucus. Since the ordinary members can outvote the cabinet we have a certain amount of influence and the cabinet is usually very responsive to the position of ordinary members.

Where are we now in the process that will lead to division of the North?

For many years the people of Nunavut were working toward a land claim settlement and control of their own territory in the Eastern Arctic. This was finally achieved with the passage of the *Nunavut Act* which gives them the right to their own territory and to design the make-up of the new territorial assembly.

What does this mean for the West?

Of the 24 members of the present assembly 10 are from the East so after division we will be left with 14 members in the West.

According to the federal legislation the NWT Assembly must have at least 15 members. Therefore, at the very least, we will require an amendment to this act to reconstitute the Assembly after division. This situation provided the impetus for some serious reflection about our political and constitutional situation in the west.

A Constitutional Development Steering Committee (CDSC) was established consisting of all members of the western caucus (14 members); plus representatives from 7 aboriginal groups, women's organisations and the mayors of tax based municipalities in the area.

A working group, co-chaired by Jim Antoine and George Kurszewski, was set up to develop a Draft Constitutional Package. It included options and recommendations on political and constitutional development of the western territory. Their report, *Partners in A New*

Beginning, was tabled in the Assembly on October 16, 1996.

What is the objective of the Report?

For one thing the report recognizes the inherent right of aboriginal groups that is entrenched in the constitution and land claims settlements that have been negotiated. Aboriginals in the West could set up their own government for their land but I think the report recognizes that it is preferable to try, if at all possible, to incorporate aboriginal government and territorial government.

How would this be done?

The report proposes a new Assembly consisting of 22 seats. Of these 8 would be guaranteed for aboriginals. The groups who would be entitled to a seat would be the Inuvialuit, the Gwich'in, the Sahtu, the Dogribs, Treaty 8, the Deh Cho, the South Slave Métis and the North Slave Métis Alliance.

Elected representatives would meet both separately in a General Assembly (14 members) and an Aboriginal Assembly (8 members). They would also sit together as a Legislative Assembly. Bills would require a majority of both Assemblies in order to become law. If they failed to obtain this double majority they could also become law with support of three-quarters of all members.

What are the next steps in the process?

The discussion paper will be distributed throughout the Western Arctic and consultations will be undertaken. The feedback will be completed by March 1997 after which there may be some redrafting in line with comments received. The revised proposal will be put to the

public in the fall of 1997 for ratification. It would then go to the federal government and into the parliamentary process. We are assuming it would take two years to get through parliament and lead to a new constitution for the west.

Was there not also a proposal for dual ridings to consist of one man and one woman?

This idea was suggested to the committee but was not included in the main report. However, this and many other issues are still open for discussion. The report includes two alternative models other than the one proposed.

On the whole are you optimistic or pessimistic about the political situation in the North?

On the issue of division, personally I think we are going too fast. My experience in establishing government in the North in 1967 led me to the conclusion that this is not something done overnight.

Many things have to be settled besides the structure of the Assembly. How are the assets of the present NWT going to be divided? What is the value of the NWT Power Corporation or the Workman's Compensation Board? Will there be two parallel government structures in the future? Will there be a joint structure? Will one government own assets and lease services to the other? What will happen to individual staff in the legislature and the government? Will they have to relocate? Will they be given a choice? These are large questions and need a good deal of thought if we are to deal with everyone in a fair and equitable manner.

I think citizens of the North, be they in the East, or the West, be they aboriginal or non aboriginal face common problems and will work

out solutions that are in everyone's interest. We have a strong tradition of consensus and if any direction seems absolutely unacceptable to one group or another I am confident that it will be dropped and further work will be done until we have something satisfactory to all. In that sense I am optimistic. As far as completing everything within the present time frame I suppose I am pessimistic.

Aside from the question of timing are there other aspects of the proposal for the West that cause you concern?

It is a discussion paper and as such I think it is good. Personally I be-

lieve there is going to be considerable opposition to giving some citizens, two votes when other citizens have only one.

I also have doubts as to whether the proposed model will lend itself very well to Canadian traditions of government including perhaps one day a political party system. I wonder for example about the wisdom of having a cabinet of six members with 4 chosen at large and 2 who will have been elected only by the aboriginal electorate?

We have an opportunity to rethink our whole system of government and there may well be support for electing the Premier by a differ-

ent process such as direct election by the entire population.

What is the role of the Federal Government?

The Federal Government could make a minor amendment to the NWT Act to allow the present assembly (minus the Eastern Members) to continue with 14 members. Then over a period of time the two assemblies could resolve issues relating to division while the west continues working on its constitutional options.