

**CONTOURS OF THE MODERN STATE
IN THE TERRITORIAL NORTH:**

Policies, Institutions and Philosophies

July 1996

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RCAP NOTES

This paper was prepared as part of the research program of the Royal Commission on Aboriginal Peoples. Research carried out for the paper was conducted in accordance with the Commission's ethical guidelines for research, and the paper was reviewed under the Commission's peer review procedures.

The opinions expressed in the paper are those of the author and do not necessarily reflect opinions or positions of the Royal Commission on Aboriginal Peoples.

The following documentation, which was included in the final report submitted by the author, does not appear in this CD ROM version but is available through the National Archives of Canada:

Map 1: Northwest Territories, Settlements and Trading Posts

Map 2: Territorial and Intra-Territorial Boundaries, 1882-1898

Map 3: JBNQA and NEQA, Categories of Land

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Executive Summary

This study examines the evolution of state structures in the Territorial north. The study period extends from 1930 to the present. Although the geographical focus is on the Northwest Territories, parallel developments are also considered in the Yukon and in Arctic Quebec.

The analysis is organized around three key variables: policy thrust, institutional configuration, and philosophical outlook. Each offers certain insights into the aims, instruments and impacts of the state presence in the Territorial north. It is evident that a complex set of competing socio-economic interests back each new strategy or policy perspective.

The first section examines a succession of strategic policy thrusts in the period since the depression. These include administrative minimalism, military-security planning, industrial economic growth, political devolution and welfare state development, and indigenization. While they follow an approximate chronological order, no strict watersheds separate these initiatives, which are in practice more cumulative than exclusive.

The second section examines the institutional arrangements by which decisions on policy were taken and applied. Here again the state has evolved dramatically over the study period. Six distinguishing variables are explored here, including executive, legislative and administrative organization, the judicial system, local and regional government, and land claims institutions.

The third and final section considers the philosophical outlooks or socio-political assumptions which underlay policies and institutions. In some instances single philosophies may shape entire policy epochs, while in others rival world views may account for the character of grand policy. Four working frameworks are considered here: pre-liberal, classical liberal, welfare state liberal and post-liberal communitarian. While this sequence unfolded in the same approximate order in the north as in southern Canada, the timing and duration of the phases was particular to the north. Not until after the Second World War did the classical liberal and welfare state liberal outlooks assume importance. Moreso than in southern Canada, these two outlooks have co-existed

throughout a period of marked institutional change. Whether by design or not, state agencies can absorb and internalize such outlooks in the course of their work. As a result, the distribution and the interaction of these frameworks can help to explain the often contradictory outcomes and impacts of northern state policy.

Introduction and Approach

This study examines the patterns of state structure in the modern north. Over the past half century, this state has undergone a dramatic transformation, under the influence of many forces. Its growth has been characterized not by a single continuous logic but by a series of contradictions and competing impulses, which continue to shape the political life today. For the purposes of this work, the "modern" state refers to the post-war structure in all of its complexity. The "contemporary" state captures the most current version of this ongoing configuration, one whose distinguishing features have emerged over the past decade.

Given the breadth of this subject, and its inherent complexity, some guiding parameters are necessary. For purposes of investigation, three are distinguished below. While they could never claim to be exhaustive, they do illustrate certain important directions, and dialectics, of state activity.

At one level, the northern state unfolds as a series of institutions. This refers to the formalized procedures, usually assuming an organizational form, by which political leaders are selected, legislative decisions are taken, and administrative programs are delivered. The institutional terrain of the north today would be unrecognizable to its central protagonists one half century ago. Ottawa officials have long since ceased to dominate the fine detail of northern policy, though they continue to hold a crucial role in framework-setting policies. In their place, entire new orders of government and mass politics have appeared. A discussion of the direction and the tempo of such changes may render familiar relationships in a new light, as well as suggest possible trajectories into the future.

While institutional practices may be of some interest in their own right, they are intimately connected to the actual decision-making outputs, or policies by which the state effects social life. These are the allocative levers of public power. By any standard, they have broadened in scope and deepened in their penetrative capacity. Moreover as the state expands, there is greater

probability (perhaps inevitability) that its multiple initiatives collide and conflict with one another. Clearly it is impossible in a survey of this type to compile a comprehensive index of policies, much less an appraisal of their cumulative impact. However it is possible to identify policy areas of sufficient importance to highlight the major goals, and contradictions, which have driven the northern state across the study period.

This points to yet another basic feature of a state, the ongoing role of ideas in the governing process. It is the possibility of an underlying philosophical outlook which is of interest here. This is less a question of refined and formal theory than of clear operational assumptions and practical reasoning about the objects and purposes of state intervention. Understood in this way, singular philosophies may shape entire policy epochs, or rival world-views may be simultaneously reflected, within or across policy areas. In the north, it can be argued that a fascinating succession of foundational ideas has shaped the governing process. Over the first half of the twentieth century, a "pre-liberal" outlook informed most major state initiatives. To the powers of the day, northern peoples fell into a special, primitive category, which required both protection and direction. This often led to a self-assured paternalism by which state officials sought to preserve the cultural status quo. After World War Two, this outlook was challenged increasingly. From one direction came a nascent "liberal" program based on political self-determination. From another quarter came the spread of "welfare state liberalism" to the north. This combined assault succeeded in eliminating most vestiges of pre-liberal policy over the next generation. Today both forms of liberalism are themselves under challenge, by a new outlook which is described here as "post-liberal communitarianism". All of these frameworks will be explored in greater detail in the third major section of the study.

PART ONE:

PERIODS AND STRATEGIES IN NORTHERN POLICY: 1930-1995

The aim of this section is to survey the broad policy thrusts of the northern state in the years since the depression. In any period, the sum of state action will include a wide range of concrete actions. Here we attempt to characterize policy not by the specific initiatives but by the overall thrusts which are shared widely enough that they may typify a period of time. Often it is a shared set of goals which give coherence to an era. This points to deliberate and co-ordinated purpose rather than random and isolated efforts. It allows us to speak of strategies, to inquire into the origins, the authorship and the outcome of strategic action. These are the questions which will be posed below.

At the same time, it is important to guard against a simplified schematic portrait in which events unfold in an uncomplicated linear fashion. No strategic model ever holds complete way. However comprehensive its scope or systematic its provisions, strategies remain inherently open-ended and incomplete. At best they help explain how particular groups of power-holders endeavour to impose their preferred version on northern life. The succession of phases reveals competing interests and conflicting goals, which inevitably interpenetrate over time. The actual result is cumulative and hybrid at the same time. It is cumulative in the sense that each phase helps set the stage for those which follow, and hybrid insofar as the legacies of earlier stages persist, coexisting with and sometimes challenging those which follow. Here we attach a tentative date to each era according to its origins or the moment when it congeals. The end-points are far less determinate and therefore go unspecified here. The fact is that each dominant thrust only trails off slowly. Its central provisions are often well embedded in the legal and bureaucratic foundations of the state. Consequently they can persist into future eras, and their spirits continue to find expression in certain limited policy contexts long after decline sets in. This is what injects the complexity into state policy in the north.

Administrative Minimalism, 1930 --

The Wall Street crash of October 1929 signalled an economic transition of massive proportions. The boom of the 1920s which had touched both the fur trade and the search for industrial resources was over. The depression that followed forced a major retrenchment in public sector activities throughout Canada, as tax revenues plunged and unemployment soared. By 1931 this trend had reached the state in the north, bringing a most severe curtailment of commitments. The Department of Interior (in which the Northwest Territories and Yukon Branch [NWT & YB] had been born in 1921) was an early casualty of depression era retrenchment.ⁱ Already much of the Department's central mandate to administer prairie settlement had been accomplished, signalled by the transfer of resource jurisdiction to the prairie provinces in 1929.ⁱⁱ In its place, a new Department of Mines and Resources (M&R) acquired responsibility for the Northern Territories, as part of a polyglot mandate which included the Immigration Branch, the Geological Survey, and the Parks Service.

Despite the fact that the deputy minister of M&R (Charles Camsell) had been born at Fort Liard, and held the position of N.W.T. Commissioner, Ottawa's commitment to the Territories declined during the 1930s.ⁱⁱⁱ Territorial Affairs was downgraded from Branch to Bureau status. Its budgetary allotment was slashed, the field investigators who were so active in the previous decade were let go, and the few permanent Bureau officers settled in to "administer" their domain with minimal resources and few inclinations toward positive intervention.

This did not necessarily imply a program of hands-off laissez-faire. It was informed by a definite set of assumptions and goals, though these were to a large degree defined by the climate of fiscal austerity. If the Dominion could no longer expand its range of direct activities in the northland, it could nevertheless maintain a selective presence (both in Ottawa circles and in the field), while at the same time enlisting non-governmental agencies to serve public purposes through financial incentive. Since a rudimentary (and highly uneven) program framework was already

established in several fields such as policing, the regulation of game and trading, medical services and native schooling, one alternative to abandonment was to maintain these commitments at minimal cost.

This approach is reflected in several of the policy decisions which marked this decade. Ever since 1922, the R.C.M.P. posts in the eastern arctic had been re-supplied each summer by cargo ship in what became known as the Eastern Arctic Patrol.^{iv} A government vessel departed Montreal in June, loaded with provisions and carrying a group of federal officials charged with inspection duties. Three months later the ship returned after calling along the Ungava coast, Hudson's Bay, and Baffin Island. This annual re-supply was vital to maintaining any field presence above the treeline. Yet in 1932 Ottawa ceased to send its own vessel, in another economy measure. Instead it contracted space from the Hudson's Bay Company and the Anglican and Roman Catholic churches, whose vessels supported their own field stations. Not until after World War Two did a new federal ship resume the task.

A similar arrangement was fashioned with the Hudson's Bay Company on the broader issue of stabilizing the hunting and trapping economy. The foundations for this collaboration had been set by the regulatory system which Ottawa had established after 1918 for game harvesting and trade.^v This included the permitting of trade posts within the massive Arctic Islands Game Preserve. In the 1930's Ottawa used its licensing power to influence post locations and to enlist traders in the service of government policy. At the simplest level, federal officials could link approval for the Company's preferred new post locations to the opening of additional posts at sites which the government wished served. In a more elaborate way Ottawa could enlist the Company traders to dispense emergency relief in districts not served by a Police post, and to submit regular reports on harvest and market conditions which Ottawa could not otherwise easily acquire. In the most elaborate form of mutual support, Ottawa encouraged several initiatives of "colonization" in which Native people (accompanied by a trader or federal agent) were transported from their home areas to other districts

regarded as abundant in game. During the depression this occurred in several places, including Dundas Harbour and Southampton Island.^{vi}

Finally the administration entered financial arrangements with the two church groups, for the operation of several small hospitals and residential schools. Again the preferred strategy was to "piggy-back" services on private Euro-Canadian institutions.

Ottawa's northern commitment during the depression years has not been favourable judged in the policy literature. Typically it is portrayed as an abdication of responsibility, and a retreat from the modest but promising beginnings of civil administration which had been achieved in the 1920s. Jenness characterized the Depression decade as one of "bureaucracy in inaction".^{vii} While Ottawa's aversion to spending is evident in virtually every field, this need not imply an absence of policy goals. In fact a positive program emerged out of these iron fiscal constraints, one aimed at stabilizing northern Native society by keeping people active in hunting and trapping on the land. This impulse, graphically described by Coates ("best left as Indians") and Diubaldo ("keeping the Native Native"), was the consistent underlying thrust for federal policy in the 1930s.^{viii}

This strategy has been criticized for its self-interested impulse and for a notable bluntness of application, factors which undoubtedly apply. Without question, Ottawa saw the perpetuation of a land-based aboriginal social economy as its best defence against soaring relief expenditures, should the northern population follow the same fate as its southern counterpart during the depression. Since the fur market, which provided commercial purchasing power for the great majority of northerners, had crashed along with the rest of Canadian industry, some concern was not unfounded. In response the state decided to promote continued self-sufficiency based on subsistence harvesting, which meant drawing food, shelter and clothing from "traditional" techniques. The crude measure of adherence to life on the land was, conversely, time spent at trading posts. Anything more than minimal sorties to collect supplies raised the spectre of indolence and its corollary, welfare-dependence. Police, traders and other designated officials for dispensing

relief rations received directives on the eligible products, the circumstances which warranted issue, and the injunction for self-sufficiency to be coupled with "temporary support". Moreover traders were informed further that they were expected to bear directly the cost of supporting their "productive hunters" who experienced temporary distress.

Perhaps the most revealing aspect of this era is the utter lack of administrative understanding of what "life on the land" entailed. Native peoples were widely viewed as possessors of a generalized set of universally portable skills by which they could survive as hunters, trappers and fishermen. However their world was also seen to be extremely severe, manifest in constant nomadic movement, periodic resource scarcity and the disciplined productive effort required to survive by such a livelihood. Consequently any cultural corruption, whether it stemmed from intensive commerce or from unemployment relief and welfare, could fracture this complex. The great fear was that this would induce Native peoples to choose the easier and more secure condition of idle consumption, in proximity to trading post and settlement. In this way two rigid abstractions were fused: one an analytical error which ignored the social and spatial contextuality of game harvesting; the other a heavily moralistic judgement about cultural worth and compatibility. The two were sealed by the considerable force of bureaucratic self-interest as it groped for a viable mandate in depression conditions. Despite its reigning status in the 1930s, the doctrine of administrative minimalism persisted well beyond the Second World War. Though it was increasingly challenged, isolated initiatives continued to reflect this impulse well into the 1950s, most graphically in the Inuit relocation programs of that era.

The Military-Security Initiative, 1939 --

The minimalist approach to the internal administration in the north continued throughout and beyond World War Two. Its institutional centre was the Lands, Parks and Forests (LPF) Branch of the Department of Mines and Resources, where the NWT&Y Bureau was housed. However in

the wider state context it was joined and for a time overshadowed by wartime policy imperatives. Here the catalyst was the strategic position of the north in relation to several theatres of war. In the east, Ungava and Baffin Island gained importance as staging sites in an air supply route (via Greenland) to Europe. This meant the construction of several large new airbases, at Fort Chimo, Quebec, and Frobisher Bay, N.W.T. In fact, Canada's commitment to the eastern Arctic went much further. After Denmark fell to the Nazis in 1940, the supply of Greenland was assumed by the Eastern Arctic Patrol, while the civil administration of Greenland fell to Canada as well.

On the other side of the continent in the north-west, the wartime impact was even greater. Even before Pearl Harbour, the Americans were ferrying military supplies to the Soviet Union. Once America declared war against Japan, the defence of Alaska assumed paramount importance.^{ix}

Again there was an immediate need for supply lines. The air transport infrastructure was met by constructing strings of airstrips across the northern bushlands, in both the Mackenzie Valley Air Route and the Northwest Staging Route. Equally pressing was the need for an avenue of ground transport, with the result that an all-weather highway was carved from northern Alberta through the Yukon to Alaska. Fuel supply was also problematic. Here local resources could play a role, and in this case strategic dictates joined with the domestic policy of promoting resource investment. A small diameter pipeline was laid between the Norman Wells oilfield and a new refinery located in Whitehorse, to supply aviation and motor fuel. Under the terms set by Canada-U.S. agreement, the United States government bore most of the costs, and the U.S. Army Corps of Engineers handled much of the logistic and construction work. The buildup of men and materials was extraordinary. By June of 1943, some 43,000 Americans were at work in the Canadian north.

It is important to note that the new wartime initiatives were designed and implemented in almost complete isolation from the civilian administration. The tiny NWT and Yukon Bureau was entirely overshadowed by the new defence programs, whose sponsors were the Defence Departments of Canada and more importantly the United States. These new policies were pursued

with great sensitivity to the physical geography of the north (which dictated the location of new facilities) but in virtual isolation from northern society. Given the scale of the military occupation, the first concern was to limit disruptive contacts. Not until well into the war effort, when most of the critical commitments had been made, were efforts made to explore links between military and civil administration.^x

After 1945, the military and strategic concern with the territorial north did not recede.^{xi} Rather it was adjusted as part of the geo-politics of Soviet containment which was formalized in the era of Cold War. As aerospace technologies evolved, the north assumed importance as a reconnaissance site in the defence of North America across the pole. As the Soviet inter-continental bomber threat became increasingly potent and sophisticated, three radar surveillance networks were erected across northern North America. The first of these (the Pinetree line) lay along the Canada-U.S. border, while the second (the Mid-Canada line) ran roughly along the 55th parallel. However the Canadian portion of the final installation, the Distant Early Warning (DEW) line, transected the territorial north along the arctic coast and across the eastern arctic islands.^{xii}

In the immediate post-war years, before Cold-war alignments had been officially declared, there was considerable bureaucratic and diplomatic concern to conceal the extent of the new security infrastructure. Not only could this deflect public awareness from the military build-up, but it also enabled Canadian authorities to assert their jurisdiction over projects and works which were effectively American-sponsored. This effort to "civilianize" the security system marked much of Ottawa's post-war initiative. Furthermore it provided the pretext for a major boost in the civil administration of the north after 1949, when the new Department of Resources and Development designated "Northern Administration" as one of its leading Branches.

There remains significant room for debate about the forces which powered Canada's heightened post-war concern with the north. Grant poses the question as a dichotomous tension

between "sovereignty" and "security". The first thrust, which was vigorously supported by a new generation of post-war senior officials (the "new northern nationalists"), aimed to defend Canada's legal and effective jurisdiction over the northern Territories, which were seriously compromised by the sweep and determination of American policy. The second, also acknowledged by the administrators, was the urgency of an integrated continental defence system which only the Americans could provide. For Grant the period from 1936 to 1950 was dominated by the resultant tension. This bi-polar framework may fit the 1940s, however it is certainly too narrow for the following decade, in which a third set of forces indigenous to the north played a dominant if not determining role.

This is not to say that the military-security thrust had no part in shaping the new socio-economic programme which emerged in the 1950s. Under the guise of civilianization, it enhanced the roles and resources available to civilian departments in the administrative build-up after 1949. It was also linked to the efforts of the Advisory Committee on Northern Development (ACND) in 1948, in the hope of co-ordinating the work of the many departments operating north of Sixty. Indeed Dosman contends that the ACND's most effective work was in the security field.^{xiii} In addition to these structural influences, the military apparatus had a substantive impact on civil administrative thinking which deserves notice. Throughout the 1940s, the military services offered periodic observations on the social distress observed among Native Peoples. The NWT&Y Bureau tended to dismiss these reports (which in effect challenged the efficacy of the "life on the land" policy), by discounting them as the ad hoc and ethnocentric observations of naive or ignorant soldiers. Yet the potential loss of international prestige, not to mention diplomatic status in human rights forums, were well appreciated by foreign policy officials.^{xiv}

The next section will outline the major administrative restructuring and policy reorientation which took place in the 1950s. From this point forward, the defence infrastructure was linked to civil policy goals with increasing frequency. It was viewed both as a principal site of managed

cultural contact, and a potential source of wage employment for Natives in transition. As a measure of reversing priorities, it is instructive to note that by the 1970s, considerations of northern defence and sovereignty were defined increasingly in terms of their domestic policy impact. The posting of a Northern Army Command to Yellowknife was justified largely by its prospective roles in Dew-line cleanup, civilian search and rescue, and regional procurement benefits. Canada's renewed assertion of sovereignty after 1968 was similarly in response to commercial encroachment: the journey into the Northwest Passage of the American oil carrier *Manhattan*, the contribution of Polar 8 icebreakers to arctic marine transport, and the need to advance and defend a broader offshore pollution zone.^{xv} With the renewed Cold War tensions of the 1980s, the "militarization of the arctic" was a topic of increasing concern. The North Warning System emerged as a fourth generation line of radar defence. The Innu protest against NATO training flights based at Goose Bay, and the American Crusie missile test program in the Mackenzie region are two prominent cases in point. Yet in retrospect it could be argued that despite these lingering threads, the military-security paradigm was on the wane by the late 1950s.

The Industrial Economic Strategy, 1954 --

The 1950s saw a major redirection of policy, as the civil administration for the northern Territories assumed a new importance. This meant the end of the minimalist approach enshrined twenty years earlier, and the formulation of a new strategy of socio-economic (though not yet political) development. For the first time, the state in the north became committed not to the preservation but to the transformation of native society. The sources, substance and consequences of this reorientation are explored in this section.

The academic literature is not in agreement about the timing, the coherence or the impact of this new strategy. Writing in 1962, Jenness criticized the northern administration for its lack of systematic recognition or response to the social crisis in the north. His portrait of drift and evasion

suggested a continuation of the interwar era. He saw the 1950s as a time of ad hoc experimentation in promoting both small scale local commerce and wage employment in the industrial resource fields. Indeed so pessimistic was Jenness about the long-term economic prospects of the far north that he advocated a program of "southern colonization" by which Inuit would be relocated (preferably in community groups) for training and employment in southern towns and cities.^{xvi} Despite his long-time proximity to the northern administration, Jenness had overlooked a pivotal reorientation of northern policy in the decade prior to his writing.

On the other hand, Grant sees the foundation of the new northern philosophy as early as 1947, in the planning of the new Department of Resources and Development begun by the senior mandarin Hugh Keenleyside. This agency was responsible for the Dominion forests, waters, parks and northern territories. In effect, it managed the remaining lands and resource endowments in the federal domain, together with the peoples of the Yukon, Ungava and Northwest Territories.^{xvii} This account is open to question on its timing. While Ottawa was clearly moving toward a recognition of the inadequacy of its old policy, it had neither the resources nor the resolve as yet to launch in new directions. Indeed it could be argued that other departments, such as Health and Welfare, Defence or even Transport, carried greater programme weight in the north in the late 1940s, during the early moments of this transitional period. Similarly while it is true that the seeds of some notable initiatives including handicrafts can be found in the Keenleyside years, the definition, funding and delivery of the general programmes remained for the future. It is more accurate to state that the late 1940s brought a growing recognition of the looming social crisis in the north.

However there could be no systematic response until both political will and administrative capacity were more sharply focused. The first required Ministerial endorsement of northern priorities. This began in 1953, with a Cabinet shuffle which saw Robert Winters replaced by Jean Lesage in the Resources portfolio, and Gordon Robertson replacing Brig. Gen. Hugh Young as

deputy-minister. Ottawa's awakening interest received statutory expression late in 1953 when the Department was renamed Northern Affairs and National Resources, and designated the lead agency for co-ordinating all administrative activities north of Sixty. Prime Minister St Laurent's strong statement of commitment in the Parliamentary debate was matched by his set of written instructions to Lesage and Robertson. Within the department, Territorial Affairs had been upgraded from Bureau to Branch standing. Over the next fifteen years, the Northern Administration and Lands Branch expanded into a veritable provincial administration for the N.W.T. (though to a lesser degree for the Yukon), reflected in its increasing fiscal weight within the Department.^{xviii}

It is interesting to note how many of the senior northern officials of this pivotal period were appointed from central policy-making agencies. Not only did this serve to inject new perspectives into the portfolio, but it improved considerably the status the northern department within Ottawa's mandarin network. Of the deputy-ministers, Hugh Keenleyside (1947-49) came from External Affairs, Hugh Young (1949-53) came from National Defence, while Gordon Robertson (1953-63) came from the Privy Council Office. Other long-serving officers to be recruited from External Affairs included Ben Sivertz (1949-65), and R.A.J. Phillips (1953-65). Of the senior northern officials only Branch Director Frank Cunningham (a Saskatchewan lawyer) defied the trend.

By the time these changes in organization and personnel had taken place, the Department was well on its way to an appreciation of the northern "problem", which carried several overtones of crisis. The most severe symptom was the Inuit starvations and near-starvations. From 1947 onwards there were a number of such cases each year, occurring at a sufficiently wide range of sites in the Ungava, the Keewatin and on the central arctic coast.^{xix} This extreme deprivation was attributed to the failure of the nomadic seasonal cycle, leaving people short of food for sufficiently long periods of the year that their ability to forage collapsed. It took very little time for this desperate spiral to unfold: shortages of food led to the death or killing of dogs, which impaired the ability to hunt effectively and to travel, which prevented a remedy to the initial shortages. Another

dimension of this syndrome was sickness, as Native peoples continued to be ravaged by epidemics and illnesses related to undernourishment. The ongoing concern with tuberculosis was a compelling instance of this.^{xx}

While Ottawa's immediate response was to mount emergency airlifts, more frequent patrols, and more local medical treatment, the longer term response was more fundamental. Within the Department, the Eskimo Affairs Division (created in 1949) was concerned about the fluctuating role of both the commercial trade and the new social transfers in underpinning the Inuit economy. In 1950 James Cantley completed a comprehensive study into the combined impact of these receipts.^{xxi} He confirmed the sharp decline in fur returns over the recent market downturn, which had the effect of undermining the trapping enterprise. Ultimately his proposed plan of consolidating all sources of cash income into family trading accounts under government supervision was not accepted as policy. Yet Cantley's overall appraisal well documented the commercial side of the Inuit mixed economy, and demonstrated the centrality of key commodities to effective hunting and trapping.

The subsistence hunting side of the Inuit economy was also under study, but from quite a different perspective. Prompted by a resolution of the Federal-Provincial Wildlife Conference of 1947, the Dominion Wildlife Service undertook the study of the barren-ground caribou population of the N.W.T. mainland. The first aerial survey was conducted by A.W.F. Banfield during the summer of 1949, and Banfield's data were circulated within the LPF Branch of which the Wildlife Service was part. The findings set a baseline level of 670,000 head for this staple of northern native life, a figure which was judged far below any previous "estimates". This prompted more than a decade of follow-up studies which became ever more pessimistic in conclusion. By the spring of 1955 the mainland population was estimated at only 300,000 animals. By now the situation was perceived as a "caribou crisis".^{xxii} This prompted an elaborate program of conservation measures directed by several inter-jurisdictional committees. It also figured centrally in the strategic policy

re-appraisal which the Lesage-Robertson team was conducting in 1954-55.

It was only at mid-decade that state policy moved from identifying problems to devising long-term solutions. What was being proposed was a comprehensive program of socio-economic development. This was clearly spelled out by Jean Lesage in a 1955 article in which he called for an integrated program of health, education and economic measures.^{xxiii} While action was already underway on the first two tracks, the greatest uncertainty concerned economic development. Over the next several years the DNANR set out the desired foundations for a new northern economy. Here the policy assessments of the wildlife industries intersected with those of the modern industrial resource industries. There seemed little point in trying to repair the traditional economy, which was judged to be in irreversible decline. Yet if Canada's post-war boom in mining and petroleum could be extended to the north, Native People could be offered the basis for stable, wage-earning employment and thereby could be grafted onto the emerging industrial society. The "social" problem of the north would be solved to the extent that industrial capitalism succeeded.

The mechanics of this program were spelled out in Robertson's 1955 submission (as N.W.T. Commissioner) to the Gordon Royal Commission on Canada's Economic Prospects.^{xxiv} He argued that since rich resource endowments could be taken as given, the problem was one of comparative costs in the far north. A well-designed set of state incentives could do much to tilt the calculus in favour of early commercial exploitation. He advanced a three-pronged thrust for transport infrastructure, including a railway to Great Slave Lake, a network of development roads, and a program for upgraded airstrips. Although it has been suggested that the St. Laurent Cabinet looked favourably on this program^{xxv}, its prospects as a coherent strategy improved significantly once it was incorporated in the "Northern Vision" embraced by the new Diefenbaker Government.^{xxvi} One centrepiece of the strategy was the Great Slave Lake Railway, approved in principle in 1961, and opened at mid-decade as a prelude to Cominco's Pine Point mine.^{xxvii} It was Prime Minister Diefenbaker himself who championed the Roads to Resources program in 1958. Coinciding with

these came a revision to the regulatory regime for exploration, development and royalties on northern crown lands exploration system.^{xxviii} Ottawa also established crown corporations to provide hydro-electricity and marine transport services.^{xxix} Over the next decade, the prospects for northern economic development were reviewed at triennial National Northern Development Conferences.^{xxx}

Despite its formal application to the entire N.W.T., the industrial development program had its greatest impact on the Mackenzie District. North of the treeline, the situation was quite different.^{xxxi} The Department acknowledged this first in the establishment of its Eskimo Division and subsequently by convening the Eskimo Affairs Conference of 1952. Attended by delegates from the churches, trading companies and federal agencies (but not by Inuit), the Conference suggested the need for major new policy initiatives. To this end, a continuing Eskimo Affairs Committee was struck to advise the Deputy Minister/ Commissioner.^{xxxii} The EAC played two roles for the Department, providing a regular consultative channel to the main institutional actors in the Arctic, while offering a means of legitimating decisions aimed at a region unrepresented on the Territorial Council.

It was in this way that the programme emerged to bring Inuit peoples into settlements. Beginning with the areas of most acute dislocation (northern Quebec and Keewatin), a new field group of Northern Service Officers (NSOs) were assigned after 1955 as social animators to assist these transitions.^{xxxiii} On one level, this involved designating sites and building settlement infrastructure such as housing and public services.^{xxxiv} Several Rehabilitation Centres were built to house and train socially dislocated Inuit. Several entirely new communities were planned and built.^{xxxv} At another level it involved building an economic base. In the wage employment sector, Ottawa was optimistic that Dew-line sites and new resource projects (such as the North Rankin nickel mine) would begin to fill the gap.^{xxxvi} A number of training programs were launched at centres in the north and in the south, and recruits were relocated within and between regions.^{xxxvii}

However the economies of most other new settlements would be mixed, combining wage and subsistence production. To this end, the Arctic Division (later Industrial Division) commissioned a cumulative series of Area Economic Studies to assess the renewable resource economy prospects for the incipient communities.^{xxxviii} At the same time, project officers were assigned to northern communities to facilitate the new productive ventures. These included a generalized expansion of the arts and crafts workshops pioneered by James Houston in the early 1950s, the sponsorship of various local country food and small scale industry projects, and the promotion of multi-purpose community co-operatives as an enterprise form for local efforts.^{xxxix} By 1968 there were twenty-seven co-operatives in the arctic region.

By 1960 then, two quite different economic strategies were being advanced within the same department. The industrial staple resource and wage employment option held pride of place, measured both in fiscal allocations and official statements. According to the department, only this could offer long-term structural stability to northern society. On the other hand, the small-scale renewable resource initiative was spatially concentrated in the arctic region and was seen as an bridging measure. Indeed it rested on a foundation which the department already had written off as non-viable. Despite the DNANR expectations of an early exploration boom north of Sixty, the results were tepid for more than a decade. Only after the 1968 oil strike at Prudhoe Bay did these ambitions begin to be fulfilled. However by this time the architects of the wage employment strategy had passed from the scene, and the subsequent resource boom was effectively de-coupled from northern Native employment. In fact the capital-intensive exploration of the 1970s and 1980s was directly challenged by the emerging aboriginal political movements discussed below. On the other hand, most elements of the local renewable resource strategy passed to the GNWT after 1967. Here however, the systemic planning framework was lost in the transfer to a GNWT regime where small private resident enterprise became the guiding model.

Political Devolution and the Welfare State, 1965--

The next period was characterized by a remarkable explosion of political initiatives, as a series of new channels were opened to convey an increasingly complex range of organized interests. This included the maturation of the N.W.T. Council as a representative body, the extension of local council government to virtually all northern communities, and the emergence of aboriginal associations which challenged the primacy of Territorial and Federal authorities.

The chief recommendations of the Carrothers Commission were enacted in 1967, when a Territorial Government for the entire N.W.T. began its move to the new capital of Yellowknife.^{xi} This applied immediately to the Mackenzie District and extended to the eastern arctic three years later. In effect the Northern Administration Branch was shifted to the north as an embryonic provincial bureaucracy, into which was folded the very modest existing NWT office. Henceforth this newly structured GNWT grew rapidly through major personnel additions to both headquarters and the field.^{xli} Significantly, the GNWT did not include the Northern Economic Development (NED) Branch which Ottawa retained as the custodian of federal crown lands. In this way the Department remained strongly committed to its staple resource strategy, which suddenly gained new life. It was spurred by the dramatic Arctic oil strikes beginning in 1968, as well as the global commodity price boom following 1973. The result was more than a decade of frenetic investment in resource exploration and development, and a partial fulfilment of the goals set out in the 1950s.^{xlii} Significantly however, this was no longer linked explicitly, in federal eyes, to extending Native wage employment. By this time, responsibility for education and training had passed to Territorial authorities in Yellowknife.

The timing of the GNWT build-up was very significant in defining its mandate. This was primarily one of administrative consolidation: to elaborate and extend to some fifty settlements a set of programmes whose parameters were often firmly set. For the most part, the GNWT would concentrate in five "program" areas: education, social welfare, local government, economic

development, and housing.^{xliii} All were inherited from the old NAB, which had modelled many of its efforts on provincial precedents. (The only exception here was the GNWT's somewhat mis-titled "Economic Development" Department, which actually carried over the NAB Industrial Division's small enterprise and co-operatives focus.) In effect, Ottawa had devolved administrative responsibility to the Commissioner of the N.W.T. in Yellowknife, to consolidate a modern welfare state in the north, though without the commensurate levers of economic growth. Despite this vastly expanded mandate, the Commissioner's role continued to be problematic, given the tension between his role as federal official on the one hand and Executive head of a Territorial government (with fixed jurisdiction) on the other. On any fundamentally new policy initiatives, the Commissioner was subject to direction by the Minister of Northern Affairs. As the N.W.T. Council soon discovered, the key levers of capital investment and resource exploitation remained in Ottawa.

During the next three Councils following the move to Yellowknife (the 6th to 8th Councils, 1966-1979), political leadership shifted to a new element centred on the elected members from towns in the Mackenzie region. For the most part, theirs was the outlook of the private sector white business segment.^{xliv} With the 1966 addition of three eastern arctic members, southern Canadian appointed Councillors were reduced to a clear minority and played an increasingly modest role until their ultimate disappearance at the end of the 8th Council in 1975. It would be another four years before the collective weight of an aboriginal political majority prevailed in the Assembly.

As a result, the political dynamics of the post-1967 period sprang from two sets of tensions. One was the inter-governmental pull between Yellowknife and Ottawa, as the new provincial authority in-the-making chafed against its continuing constitutional, jurisdictional and fiscal constraints. This was articulated more by the Council than by the Commissioner's office. The former set out an aggressive program, with resolutions calling for early provincial status and responsible government, resource control, and full powers of taxation. To the extent that this was an explicitly "southern" model of political evolution, it had no need to question the basic outlines of

the southern welfare state. However this coalition was also rooted in a conservative, small-business outlook whose suspicion of big government led it to question both the pace and scale of public sector expansion. This was not without a material basis, since the northern labour market was fundamentally transformed by the relatively superior terms of employment available to Territorial public servants. Resident small businesses found it impossible to compete in this market, and the proprietor class expressed an understandable resentment.

A second, equally basic line of conflict was rooted in the political awakening and mobilization of northern Native Peoples, beginning in the late 1960s. This flowed from two quite divergent forces. The first was rooted in Ottawa's new proposal, expressed in the 1969 White Paper, to rescind the Indian Act and extend full citizenship to Indian People across the nation. In the face of an overwhelmingly hostile response from an invigorated Indian movement, the federal government abandoned the White Paper in favour of an extended consultative process which spanned the next decade. Part of this involved the provision of public funding to facilitate Indian, Metis and Inuit organizations to participate politically. By 1972 the Indian Brotherhood of the N.W.T. (Dene Nation after 1975), the Metis Association of the N.W.T. and the Inuit Tapirisat of Canada were all involved in efforts to mobilize their constituencies and articulate political programs in the "new" Territorial north.^{xlv}

For the aboriginal groups of the Northwest Territories, this process was heavily conditioned by the new exploration boom which saw control of huge tracts of land committed by lease to resource firms. All three aboriginal groups opted to challenge this encroachment on their traditional lands by advancing legal claims based on the doctrine of aboriginal title. Ottawa's initial denial of these claims was abandoned after the 1973 Calder decision in the Supreme Court of Canada. A novel political institution of negotiated claims settlement (defined as an exchange of compensation benefits for the extinguishment of aboriginal title) began with the first formal submissions in 1976.

In a profound sense, the Mackenzie Valley Pipeline Inquiry served politically to crystallize these multiple contradictions.^{xlvi} This was reflected in Justice Berger's interpretation of his mandate, (which insisted on a full and openly participatory investigation), in the structure of the public hearings (which addressed the technical impact of the pipeline and its social impact in turn), and in his findings and recommendations (centred on a ten year moratorium on pipeline construction across the northern Yukon and the prior settlement of aboriginal claims. Yet this far from halted the resource juggernaut, as Beaufort Sea-Mackenzie Delta oil and gas, high arctic island oil and ship transport, the Norman Wells oil pipeline and the Alcan pipeline projects all advanced in the 1970-80 period.^{xlvii} Only the petroleum price collapse of 1982 undercut this momentum, creating an economic recession from which the north has yet to recover.

Political and Economic Indigenization: 1979-

The past decade and a half have seen a remarkable series of developments within the northern state. Put simply, the centre of creative initiative has shifted into the north. In part this captures the growth of responsible government set in motion during the 9th Legislative Assembly (beginning in 1979). However it is also reflected in the substantive policies which have emanated from the Yellowknife Government in such areas as constitutional design, aboriginal claims settlement, regional economic co-ordination, and indigenization of the public service. Equally this period is distinguished by the return of economic policies to the forefront. This consisted of several threads. The late 1980s saw the Legislative Assembly launch a major review of the Northern Economy, which led to a formal strategy of emphasizing community enterprise. At the same time the GNWT committed itself to an aggressive northern hiring and training program, recognizing the central economic role of the public sector and attempting to bring a cross-section of northerners into the public service. Finally, after more than twenty years of steadily increasing resources, Yellowknife confronted a full-blown fiscal crisis when Ottawa moved to cap the financial transfer

regime. This triggered a fundamental review of departmental, program and personnel structures, with a plan to re-orient service delivery toward the community level.^{xlviii}

These policy initiatives have not emerged easily or without trenchant conflict. Their viability hinges upon maintaining a volatile political coalition involving an Assembly subject to regional and ethnic cleavages, as well as a set of aboriginal associations which claim political legitimacy (and by times hegemony) outside of the Assembly. The political balance within the N.W.T. rests precariously between two contrary tendencies. Territorial unity has been effectively maintained in the face of external challenges, mounted regularly in federal resource, constitutional and fiscal initiatives. In such cases most northern interests unite in an effort to achieve or preserve effective autonomy north of Sixty. On the other hand, questions of internal priorities, whether they involve Cabinet recruitment, expenditure priorities, or relations among aboriginal groups, can prove intractable and threaten to stall the political agenda indefinitely.

PART TWO:

INSTITUTIONS OF THE NORTHERN STATE

While the state can be explored in terms of its guiding public policy aims, it can also be written as a history of institutional forms. By institutions we refer to the formal procedures, normally assuming a fixed organizational form, by which decisions are taken and implemented in the public domain. This usually begins with the mechanisms for selecting political leaders, enacting legislation, and delivering administrative programs. All of this applies to the northern territories. At the same time, the range of relevant institutions extends much further. Particularly in the contemporary period, one detects a marked experimental impulse in seeking new arrangements for ordering political life. This is manifest in the growing role of the courts as an avenue of political adjudication, in the interest to redefine local government in terms of regional and tribal forms, and in the plethora of new bodies emerging as part of aboriginal claims settlements. Together they make the point that the northern political domain is one of the most flexible and dynamic to be found anywhere in Canada.

The sections below will review various paths of institutional evolution since the quasi-colonial "territorial" model emerged in the Dominion northland at the turn of century. It is revealing that the Northwest Territories of the early 1900's consisted of what territorial hinterland remained after new provinces were established in Saskatchewan and Alberta (1905) and existing provincial boundaries were extended northward in Manitoba and Quebec. This is illustrated on Map 1. For just as the provinces advanced in their drive for modern government, the territories were deliberately held back. For them the achievements measured by representative government (electoral politics), responsible government (accountable executives), fiscal autonomy (powers of taxation and expenditure) and constitutional sovereignty (within the framework of Canadian provincehood) remained for future determination. Consequently the key moments for the colonial state in the north, as in much of the Third World, would be marked by the attainment of these

institutional milestones.

Executive-Legislative-Administrative Institutions

In the Territorial state, the ultimate constitutional reality is the federal crown jurisdiction over the far north. It was the Parliament of Canada which determined the shape and evolution of northern institutions. Consequently when Ottawa enacted the Yukon Act of 1898 and the Northwest Territories Act of 1905, it gave expression to not one but two distinct state forms. Most of the salient differences turned on the fact that the Yukon Territory was inundated with thousands of southern Canadian and American immigrants during the 1890s gold rush, whereas the N.W.T. remained a quiet frontier populated overwhelmingly by Native People engaged in traditional hunting and trapping pursuits. The conventions of liberal-democratic politics seemed more essential to the former than the latter.

For the Yukon, the Governor-in-Council (i.e. the federal Cabinet) appointed a Commissioner, whose job it was to direct the government under instructions from Ottawa. The seat of government was located at Dawson, and subsequently moved to Whitehorse in 1953. The Commissioner was also empowered to proclaim legislation (as the Commissioner-in-Council) on certain enumerated subjects carrying over from the nineteenth century Northwest Territories Act. This quasi-federal arrangement was constrained by an accompanying prerogative for federal disallowance of the Council's Ordinances. Over the decade following 1898, the Council evolved from a federally appointed body, to a partially elected one, to a fully elected body of ten Councillors.^{xlix} Later on when the 1920s saw the Yukon population plummet, it was only a vigorous popular protest by the whites that prevented the elimination of representation altogether. In any case, the Commissioner's role resembled the classic colonial Governor. His executive orientation was further underlined by his distance from the legislature. It was more than half a century before the Commissioner first sat with the Council, in 1960. Equally significantly the

Commissioner held a second title of "Controller", under which he directed the federal administration in the Yukon. In sum, a dual leadership role was vested in a resident authority, instructed by Ottawa for federal affairs and advised by a Council for Territorial ones. It contrasted strongly with the political arrangements applied further to the east, in the N.W.T.

By any standard, the 1905 Northwest Territories Act marked a step backwards from both the old prairie Northwest (which had attained responsible government before 1905) and the Yukon (where representative government was established).¹ True, there were certain similarities. Once again a Commissioner was vested with executive and legislative responsibilities. However for the next sixty years the position was filled on a part-time basis by a senior federal civil servant. Similarly the N.W.T. Council as legislature was dominated for the next half-century by the federal bureaucrats who were designated Councillors. Only in 1946 was the first private citizen appointed to Council, in 1951 were the first members elected, and in 1975 were the appointees terminated. Again by contrast, the seat of government was located in Ottawa where it remained until 1967.

Whereas the resident Yukon Commissioner directed two separate administrations (federal and territorial), the Ottawa-based N.W.T. Commissioner fused the two roles in practice. First, there was no distinct Territorial service outside of the federal Northwest Territories and Yukon Branch, established in the Department of Interior in 1921. Secondly, the Commissioner of the N.W.T. was very much a part of the N.W.T. Council, sitting as its Chair. However it was under his more important title as federal Deputy-Minister with northern responsibilities, that the N.W.T. Commissioner directed the civil federal administration. The broader federal presence in the north (consisting of a growing number of departments) was co-ordinated through the N.W.T. Council, which the Commissioner chaired and which functioned until 1951 as an inter-departmental committee. This opportunity for co-ordination was more than hypothetical, since program delivery in the N.W.T. was often tri-partite, with the Indian Affairs Branch funding the costs for Indians, the Northern Administration Branch for Inuit, and the N.W.T. Council for Metis and White residents.^{li}

Considerable consultation was necessary if duplication was to be avoided. It was only after World War Two that a small Territorial administration began to develop along Yukon lines.

The colonial-administrative character of territorial institutions began to give way in the 1950s. This marked the beginning of a forty-year process of halting and incremental change which continues today. It is reflected on all four dimensions distinguished earlier.

Perhaps the most conspicuous anomaly lay in representative channels. In the Yukon, the elected Council had atrophied to a minimum of three members, while the N.W.T. still awaited its first elected politician. In the former, the Council gradually expanded in size, to five (1951), seven (1970), and sixteen (1978).^{lii} The effect was to reduce the size of constituencies, often to the scale of single communities, thereby strengthening the bond between constituents and representative. By the 1980s it also began to yield a more diversified representation, embracing urban and rural, Native and White, business and public sector interests. This also contributed to a more mature approach to legislative affairs, as the sometimes frivolous ambience of the 1960s gave way to more serious and sophisticated deliberations.^{liii} Despite these very real political differences, the Yukon Legislature operated free of partisan alignments until 1978. The electoral results since that time have produced three Conservative governments and two for the New Democratic Party, operating in a three party system which has assumed recognizably southern dimensions.

In the Northwest Territories, the challenge was to reconcile the two contradictory principles of appointment and election. In contrast to the Yukon, the complete transition required a quarter-century to effect.^{liv} During the decades of developmental administration, when Ottawa judged it premature to devolve political control into the north, the appointed members offered a means to politically socialize frontier politicians, as well as a buffer against unexpected legislative activism. The first elected members from the Mackenzie District took office in 1951, the first members from the eastern arctic in 1966 and a fully elected Council was first returned in 1975. Meanwhile, the federal civil service lost its monopoly on the appointed seats, and private citizen

appointees gradually assumed a secondary role. As in the Yukon, the expanded representative base opened the way to a plethora of interests. In the 1979 election, a majority of the twenty-two members were Native politicians, a situation which has continued in the period since. Other relevant cleavages have been regional (west versus east) and small settlement versus larger town. Yet unlike the Yukon case, the Legislative Assembly of the N.W.T. has rejected partisan solidarities, preferring to operate on "consensus" principles which most closely resemble a parliamentary committee of the whole.^{lv}

It should be stressed, however, that any advances in representation taken in isolation would have had a limited impact at best. It was the parallel advent of responsible government that added greater force. Here the challenge was to link executive and legislative operations in the classic parliamentary form, with the ultimate goal of drawing a Cabinet from the Legislative Assembly. As in nineteenth century Canada, this began when the Governor-in-Council instructed the Commissioner to invite Councillors to serve as advisors. Once again the Yukon served as prototype when a collective Executive Committee was established in 1969, consisting of the Commissioner, his two Assistant Commissioners, and two Councillors. By 1977 the legislative representatives held a majority of the executive positions and after the following year's election the Conservative Party head adopted the title "Government Leader."

In 1975, a parallel process began in the N.W.T. when a joint executive was struck following the election of the 8th Legislative Assembly. Four years later the MLA's achieved a majority in the Executive Committee (later known as the Cabinet), while the Government Leader and the Commissioner shared the Chairman's duties. New Commissioner John Parker made clear his intention to accelerate the move to responsible government, ceasing to sit in the Assembly in 1979, giving up the Chair of the Committee of the Whole in 1984, and the co-Chair of the Executive Council in 1986. In both Territories, the Commissioner's role now closely approximates that of a provincial Lieutenant-Governor, where very powerful statutory powers have devolved by

convention to an elected executive enjoying the confidence of the Legislature.

However the mechanism for selecting the Executive and measuring confidence differs in the two cases. In the Yukon Assembly, party solidarity tends to simplify the recognition of the Government Leader (a term which Tony Penikett changed to "Premier" in the late 1980s), as the head of the largest legislative caucus. It is the Leader's prerogative to select Ministers and assign portfolios, while confidence is gauged by formal vote. This very lack of partisanship complicates the procedures in the Northwest Territories.^{lvi} Here a singular set of conventions are evolving, by which a Legislative Members' caucus meets following an election to select an executive membership from within their number, and to designate the Government Leader. A formal election is held from a pool of aspiring ministerial candidates. Every two years the caucus meets to review the performance of Ministers and to select a new executive. At present, the Government Leader holds the prerogative of assigning and reassigning portfolios.

The slow resolution of issues of responsible government has not prevented Territorial Councils from emerging as vigorous advocates of rapid evolution toward provincehood. This theme emerged earlier in the Yukon, given its lengthy electoral tradition, but was also on the N.W.T. agenda by the late 1950s, as Council members from the Mackenzie District supported east-west territorial division as a means to accelerate the western region's advance along the Yukon model. There are actually several methods of augmenting territorial government scope.^{lvii} One involves program transfer: the shift from federal to territorial hands of administrative programs mounted under the authority of Territorial legislation. As this simply remedied the anomaly of a single (federal) administrative structure, it was particularly relevant to the postwar N.W.T, which apart from its Liquor System had relied almost completely on the Departments of R & D and DNANR. The most dramatic instance of this form of program transfer came in 1966, when Ottawa decided to merge most of its Northern Administration Branch with the GNWT, in response to a recommendation by the Carrothers Commission.

Another type involved the administrative delegation of functions previously delivered by the federal bureaucracy under federal law, but now judged more appropriate to a territorial authority. In the period following the war, this took place periodically in the Yukon in the areas of hospital construction, highway construction and maintenance. It also facilitated the uniform delivery of social and educational programs for all northern residents, despite a complex three way financial structure. Since it required no change in legislation, it was a flexible way to avoid overlap, to move service delivery (in the case of the Yukon) closer to the ground, and even to experiment prior to formally amending any statutes.

The third technique involved formal amendment of the Yukon or Northwest Territories Act, which legally extended a territory's constitutional base by transferring jurisdiction. In this way the GNWT acquired jurisdiction over terrestrial game in 1949, and both territories acquired responsibility for Territorial Courts.

The case of Arctic Quebec is particularly intriguing, since here Ottawa transferred its jurisdictional powers not to a territory but to a province. The 1912 Agreement transferred jurisdiction to Quebec, but confirmed Ottawa's continuing responsibility for Native Peoples. Initially Ottawa continued to deliver certain limited social benefits to Quebec Inuit. However it became involved in a protracted legal battle during the 1930s, when Quebec refused to pay the costs of Inuit medical and relief measures. Quebec's position was vindicated by the Supreme Court of Canada, in its 1939 decision Re: Eskimos, which found Inuit to fall under federal jurisdiction under the Indian Affairs title of section 91 of the British North America Act. This enabled the federal Northern Administration Branch to undertake such post-war initiatives as settlement planning, day schools, small scale industry and co-operative development. Only with the election of Jean Lesage and the beginnings of the Quiet Revolution did Quebec reverse its stance and assert wider jurisdictional claims to Nouveau-Quebec.

The 1980s saw a return to the question of jurisdictional devolution. This appeared to be animated as much by the mounting fiscal constraint in Ottawa than it did to renewed territorial demands. Indeed the Yukon and N.W.T. experienced considerable difficulty in responding to Ottawa's "offers". On one hand, the northern governments were sensitive to the political anxieties of aboriginal peoples about new jurisdictional transfers in advance of comprehensive claims settlements. On the other hand Whitehorse and Yellowknife were wary of federal ambitions to "off-load" potentially expensive program commitments to the territorial level of government. Consequently, the devolution negotiations of the 1980s involved incremental negotiations, only some of which led to agreements. While they encompassed several of the types outlined above, any formal amendments to the Yukon Act and Northwest Territories Act will be deferred until the claims agreements have been enshrined in legislation.

In the discussion of jurisdiction, financial powers occupy a special place. Given the history of rivalry between crown (here Commissioner) and legislature over money matters, it has become a key index of political autonomy. For northern governments, this is complicated by the further factor of a chronic deficiency in fiscal capacity. The result is an unparalleled dependence on federal financial assistance. As late as the post-war period, when Territorial Government expenditures remained very modest, their revenue needs could be met from the proceeds of the Liquor System. However by 1947 the Yukon had already shifted into a deficit position from which it appealed for federal assistance. Following the pattern of the federal-provincial tax rental agreement, Ottawa offered an annual formula grant with escalator provisions, in return for rental of the personal income, corporate and succession duty fields, and an undertaking to maintain traditional levels of local taxes.^{lviii}

In the Northwest Territories, where no Appropriations Ordinance had been passed before 1950, a similar five-year program was struck in 1952. These provisions were designed by an interdepartmental committee which sought to adjust revenues to program functions (thus

demonstrating the close tie between jurisdiction and finance). Parallel to these funding arrangements were more precise accounting systems. In this period, each Territory was allocated a separate revenue account within the federal Consolidated Revenue Fund. The Yukon led in obtaining the power to borrow funds (subject to federal approval) in 1955. It also took the first moves to bring elected representatives into the budgetary process. An Advisory Committee on Finance was established in the 1960s, enabling several Councillors to sit with the Commissioner's office in preparing the expenditure plans. While this may have been advanced in the hope of dampening tensions between the executive (which managed finances) and the Council (which approved them), the result was far more ambiguous. A more formal step in financial planning occurred when Standing Committees on Finance were struck in each Council, to facilitate detailed oversight of budgetary matters. The extreme case would see a Council reject a budget outright, an eventuality which was strenuously avoided.

Once a rudimentary form responsible government prevailed, with a Finance Minister drawn from the Government Party in the Assembly, this problem was largely solved in the Yukon. However under the consensus system in the N.W.T., it remains quite possible for budget measures to be voted down. But in so much of Territorial politics in the 1980s, internal tensions can pale into insignificance in the face of external threat. Here the progressively tighter fiscal regimes imposed by Ottawa, as it adopted expenditure caps, transfer caps and more stringent revenue sharing agreements, has redefined the financial issue.^{lix} Now territorial finances are linked to the promotion of industrial megaprojects, to (royalty-sharing) energy accords, and to the putative impact of equalization schemes in weighing the viability of provincial status.

Recently the force of federal fiscal constraints have penetrated the heart of Territorial politics. In the 1990s the Northwest Territories faced its first budget deficit in more than twenty years. This triggered a comprehensive management and expenditure review by a team of outside consultants, and a system-wide reorganizational plan which to which the Cabinet (and to a lesser

extent, the backbenchers) of the 12th Assembly are now committed.^{lx}

Legal System and Courts

It is significant that the RCMP were the first agents of the legal system to arrive in the north around the turn of the century. Though this was driven by several policy imperatives, the appearance of police constables was quickly followed by several cases of arrest and trial of Inuit. Both here and in subsequent cases the state prosecuted Natives for actions which contradicted Canada's Criminal Code, but which fell within the accepted range of Inuit cultural practices.^{lxi} In addition to the goal of "showing the flag", these cases were justified as socializing exercises with acculturative goals. Yet the primitive legal processes of the frontier were striking. The trials were directed by stipendiary magistrate, with all of the informality associated with early magistracies.

Not until 1955 was a distinct Territorial Court system established in the N.W.T. The first judge, J.H. Sissons, proved to be extremely sensitive to both the cross-cultural setting in which his court operated and to the massive social transformation underway across the north in the 1950s and 1960s.^{lxii} He also campaigned against the colonial vestiges which Ottawa allowed to compromise the quality of Canadian justice north of sixty. The deficit which aboriginal people faced in law was also striking, as illustrated by the withholding or restriction of rights to vote, purchase and consume liquor, and hunt game.

It was only after 1965 that the Euro-Canadian justice system was slowly modernized. During this time a range of specifically northern institutions began to grow. A distinct Court of Appeal was named, responsibilities for court administration and a northern correctional service passed to the GNWT. Eventually a Territorial Department of Justice began to exercise provincial-type functions, aspiring to (if not attaining) the full status of a provincial Attorney-General.

It was during the 1970s that the court system acquired a new political significance for

Aboriginal peoples, as a channel for the mediation of disputes and definition of the policy agenda. Several organizations launched legal actions seeking judicial recognition of land rights and aboriginal title.^{lxiii} While the resulting rulings were mixed, the rulings of the Supreme Court of Canada in the Calder case, the Northwest Territories Supreme Court in the Paulette case, the Quebec Court of Appeal in the James Bay case, and the Federal Court of Canada in the Baker Lake case, brought positive results for aboriginal politics.^{lxiv} Indeed so significant was the progress in redefining policy agendas that the courts became a preferred site of political action for aboriginal peoples. The successes achieved here often contrasted favourably with the stop-go pace of land claims negotiations, or the general failure of the national constitutional process. This pattern extends into the contemporary period with the Supreme Court rulings in the Sparrow and Sioui cases, bringing important interpretations of aspects of aboriginal title. It is true that in the Canadian court structure, the Territorial Appeal Courts occupy an intermediate position. At the same time, N.W.T. courts have shown a marked tendency for innovative judgements within their own jurisdiction.^{lxv}

If the 1970s revealed the appeal courts as a new avenue of for political mobilization, the 1980s saw a more fundamental questioning of the cultural basis (both procedural and substantive) of Canadian law.^{lxvi} Central to this was a growing appreciation of the differences between western (Euro-canadian) and aboriginal applications of law. This extended to the codification of legal rules, the procedures for fact finding and adjudication, and the function of applying sanctions. It was underlined by an equally broad recognition of the failures of the Canadian legal system in cross-cultural situations. Again, the impact on the Northwest Territories has been part of a national trend, triggered in southern provincial jurisdictions such as Nova Scotia, Manitoba and Alberta. The northern Canadian debate has included several themes, including the possibility of including customary law in aboriginal claims settlements^{lxvii}, the role of distinct aboriginal justice institutions, and the articulation of aboriginal charter rights of a non-western character.

Local and Regional Government

If we define community government as a procedure for organizing the affairs of local societies, then they have a lengthy history in aboriginal society. Regional bands numbering hundreds of people have convened for caribou hunts and fisheries, as have smaller hunting bands and bush camp communities for winter trapping. Though they lacked the specialized forms and fixed authority structures associated with the nation state, these aboriginal communities possessed a special kind of leadership by elders, shamans, hunting chiefs and trading chiefs.

In the more recent era of the northern state, such forms of aboriginal group organization have persisted, despite being ignored or undermined by western institutions. It was only in the post-war era, when fixed settlement residence patterns grew, that the state turned its attention to specifically local institutions. During the first decade when physical facilities were being built, administrative authority prevailed. However two distinct non-aboriginal models were emerging in prototype. The first was the southern municipal model, with which most state officials were familiar. Its jurisdiction covered a limited number of public services, delivered to all residents and financed by a local tax assessment. As Northern Service Officers were transformed into Area Administrators and later to Settlement Managers, the basis for this model took form. Although some early experiments occurred with Advisory Councils, the question was very much open at mid-decade.

An alternative community institution also developed in Arctic settlements in the 1960s, in the form of the co-operative society. This was the multi-purpose organization promoted by DNANR's Industrial Division, as a vehicle for community based enterprise, retail trade and finance in the instant settlements lacking necessary infrastructure. Like the settlement councils, they were organized at Ottawa's initiative, though their logic was one of linking rather than segmenting community activities. Consequently if a co-operative opted to pursue local service contracts for

road or housing maintenance, water and sewage, or even to treat the co-op as the community's core political institution, it would be fully consistent with the co-operative philosophy.

In the event, it was the forceful recommendations of the Carrothers Inquiry, together with the program design of the new GNWT, which established the southern Council-Manager system as the predominant model. Local Government acquired departmental status and a major budget boost, while co-operative development was confined to one section of one branch of the Department of Economic Development. Only in Quebec was the co-operative momentum maintained. However it was also embroiled in the federal-provincial jurisdictional fight. Quebec provided financial support for a Co-operative Federation of Nouveau-Quebec, at a time when Ottawa refused a similar call from the N.W.T. co-operatives. In Quebec, differences in political outlook between vigorous co-op communities and other communities have continued to fuel regional rivalries for much of the past several decades.

In the N.W.T. the municipal model deepened after 1967, as settlements, hamlets, villages and towns acquired a range of local assets, and community residents gained Council experience. Local jurisdiction was defined spatially by the reservation of Commissioner's Lands for townsites. One southern characteristic which did not accompany this institutional growth, however, was a local revenue base. With the exception of the towns and cities, local councils depended almost exclusively on revenue transfers from Yellowknife, mirroring the Yellowknife-Ottawa relationship.

In the 1980s a potential new field of regional government emerged. The Baffin Regional Council was a prototype, from which followed more general Regional and Tribal Council legislation. While it may have originated for purposes of inter-governmental liaison and exploring economies of service delivery, the regional interests were soon exploring the possibility of regional economic planning and co-ordinated municipal action on a far wider range of political concerns. By the late 1980s the GNWT had decided to retrench, asserting the role of local governments as "prime public authorities" in any system of decentralization or program delegation.

Aboriginal Claims Settlements

At first glance it may not be clear how the institutions of claims settlements qualify as part of the state structure. The most prominent part of the negotiated terms of compensation is awarded to the aboriginal beneficiaries as private individuals, and is administered by private organizations, corporate or otherwise, that are established for the purpose. While this claims machinery has had a major impact on political life in the north, by establishing large pools of resident investment capital, and the largest non-governmental land-holdings in the Territories, it has occurred outside of the state per se.

At the same time, the patterns of claims settlement which has proved most acceptable over the past decade includes a new innovation: the joint decision-making agency in which aboriginal claimant representative and state appointed representative formulate and implement public policy jointly. Such bodies have been established under the terms of claims agreements to cover a wide range of resource matters, including wildlife management, fisheries, land and water use, and environmental impact. These arrangements have only been part of claims discussions since the early 1980s. However they are now disseminated sufficiently widely, in the Inuvialuit, Nunavut, Yukon, and regional Dene claims, that they may constitute a core provision in today's generic land claims settlement.

Their effect is to establish a special right of aboriginal claimants to participate in the co-management of northern resources, as an equal partner to state officials. To the extent that such Boards and agencies possess genuine political autonomy, the aboriginal right of access may confer significant new leverage over state decisions. The advisability of such arrangements has been a controversial point for both negotiating strategies and ratification campaigns. For aboriginal peoples, one danger lies in co-optation, whereby their involvement in joint forums becomes formal rather than substantial. This risk increases to the extent that the joint management bodies are

defined in advisory rather than executive terms. Similarly, the concern increases to the extent that the bodies are enclosed in an elaborate network of state agencies which channel the research data and oversee implementation of board decisions.

PART THREE:

PHILOSOPHIES

This section will explore some of the ideas which underlay the framework policies and institutions reviewed above. Here the term philosophy refers to values and assumptions which appear sufficiently frequently that they may be said to characterize either a period, an organization or a policy area. There is certainly room for argument about which sources constitute the most definitive evidence. In this discussion, none is taken to be privileged above others. Ultimately it is the underlying values which are paramount, and these are reflected in the writings and speeches of influential public figures, as well as in the laws and policy statements which emanate from the state.

As earlier, no strict temporal or administrative boundaries distinguish these outlooks. Their coexistence testifies to the tensions, both overt and latent, which animated state decision-making. In some cases it happens that specific agencies, branches or departments nurture and even champion particular outlooks. But in other cases the internal bureaucratic politics, no less than the broader political domain of organized interests, is an open field for ideational combat. At such times, the political disputes themselves embody the diverse and competing philosophical claims.

The four categories applied here are broadly sketched, to be sure. They include a pre-liberal, a classical liberal, a welfare state liberal and a post-liberal communitarian point of view.

Pre-Liberal

Perhaps inevitably, the literature on the classical period of colonial state in the Northwest Territories features its heroes and its villains. The verdicts here are never unanimous. However by some standards in the current literature, positive appraisals go to the founding figures of the NWT&Y Branch (such as Director O.S. Finnie), and to the founding deputy-minister of Resources and Development (Hugh Keenleyside), while more critical measures are taken for the likes of Director of Lands, Parks and Forests (L.F. Gibson) and his associate (Major C. McKeand). More

qualified judgements are offered on the R.C.M.P. Commissioner (L.H. Nicholson), and many senior officials of the 1950s. All were powerful individuals who are judged largely according to the uses to which their power was put. I would argue that a more important standard of analysis is the underlying set of assumptions which many if not all these individuals shared. From this foundation flowed actions which could be benevolent or punitive, altruistic or self-indulgent. In short, one cannot argue that all initiatives in the pre-liberal period were inherently reactionary.

The northern peoples with whom state agents began to deal after 1918 were the least acculturated of all Aboriginal Canadians. Large parts of the central and eastern arctic remained terra incognita, and much social reconnaissance had to be done for the first time. Federal officials were struck by the cultural gap which separated Native and white residents. But there was none of the confident expectation, which flourished later, that Natives could be absorbed readily into the larger society. Indeed, a guiding premise in dealing with the territorial north was that it had been "set aside" from mainstream. This was the rationale given by Laurier for the delineation of prairie provincial boundaries, as well as for the northern Indian Treaties (No. 8 and No. 11) which acknowledged the continuation of a land-based hunting and trapping economy.^{lxviii} Here even the Indian Affairs Department relaxed its expectation for early assimilation through reserves and farming. In the north the state's goal was, as Diubaldo aptly puts it, "to keep the native Native". It was this goal which animated many early initiatives, from the drafting of an elaborate set of Game Regulations, to sending police detachments to the Klondike and the Mackenzie Delta.^{lxix}

In effect, it was assumed that northern peoples were neither ready to face modern Euro-Canadian life, nor capable of choosing should alternatives be offered. It seemed almost self-evident to the authorities of the day that the status quo should be reinforced. On the one hand this exemplified a pre-liberal paternalism sufficiently confident in its assessments that further consultation with the principals was unnecessary. This was of considerable consequence, since it rested on a partial and selective vision of Native society which would not hold up well under close

scrutiny. It held that Natives continued to lead what was labelled a "traditional life", which meant little more than that they continued to hunt, trap and fish as had their ancestors. Sharply juxtaposed to tradition (in the eyes of the authorities) was the "modern life" of southern Canada. But missing altogether from the pre-liberal assessment was an understanding of what the "traditional" life involved, what variations it could take, and the foundation upon which it rested.

So long as fur prices remained buoyant in the 1920s, the hunting life appeared to be self-sustaining. The state needed only protect it from external threats: from white immigrants (by means of the game preserves), rapacious traders (by means of post licensing) and excessive harvests (by means of seasonal and bag limits). Yet once the market crashed in the depression years, and hunting peoples appeared more frequently at the trading posts in ever more desperate conditions, state officials (both in the field and at headquarters) drew consistent but erroneous conclusions. This was viewed as a cultural, rather than economic, collapse. It was judged ever more urgent that Native hunters return to the land to support themselves in the traditional ways, rather than slip into a demoralized form of post-dependency. This of course carried a cluster of moral implications for the Native personality. Lacking strength of character and pride of independence, the Native could be expected to abandon his or her birthright at the earliest difficulty.

During the depression years, the NWT&Y Bureau launched a number of schemes to re-stablize traditional society. By linking the distribution of relief provisions to cultural decline, the Bureau was able to limit its financial exposure to only "the most deserving cases." A distinction was drawn between the true indigent and the merely idle. The traders were informed that they were responsible for the short term support of able bodied trappers on whose efforts they had previously prospered. What "legitimate relief" Ottawa was willing to dispense was widely delegated to church, police, and trade officials. While this could be justified by vesting discretion to "on the ground" observers, it also reveals a community of interest among non-Native officials, whose cultural compatibility qualified them for control functions.

In still other cases the Bureau collaborated more actively with the RCMP and the Hudson's Bay Company, in a number of schemes aimed at re-stabilizing traditional society. The first state-sponsored Eskimo "colonization" schemes were cases in point. Given the assumptions that Natives were naturally "hunters", state authorities saw no difficulty with the idea of shifting groups of people from "overpopulated" to "underpopulated" areas, sometimes thousands of miles apart. Similarly they showed no qualms about defining social boundaries by plucking the prospective colonists out of their de facto community settings. In 1933 the Bureau sponsored a relocation of Eskimo peoples to Dundas Harbour, where they could hunt for the new RCMP detachment. In other cases, the Bureau used its licensing powers over traders to influence the Hudson's Bay Company in opening new posts or maintaining old ones. The point here was to secure the widest possible dispersion of Native hunters on the land. In some cases the Bureau authorized the Company to relocate Inuit to these new locations, as at Southampton Island in 1938.

Again it is entirely consistent with this form of pre-liberal authoritarianism that vast transformations in the social life of Native subjects could be contemplated, with very little consideration of self-determination in return. Indeed when it came to questions of the rights and privileges of citizenship, state authorities again exercised the colonist's prerogative. On the subject of political rights, the longstanding Indian Act dictated the standards. The logic was one of wardship and control. Nowhere in this period were Indians offered the franchise. Nor were they allowed to purchase liquor, a rule which greatly complicated frontier policing. While Inuit were not affected directly by the Indian Act, they were considered to be Indians under the Constitution thus the terms of the Act were relevant by analogy. Consequently when the Northern Administration established a continuing Eskimo Affairs Committee in 1952 to advise on policy, it included representatives from government agencies, churches and the Company, but no Eskimos!

There was another kind of right, however, which could not be so easily dismissed. When Ottawa began to implement universal social programs following the Second World War, the

Bureau found itself in a difficult position. The income transfer programs such as Family Allowances and Old Age Pensions stood to inject a major source of unearned cash income into the Native economy. While the terms of these programs meant that they could not be denied by law, the Bureau launched a sustained campaign to limit their application to the far north. In the event, the need to solve special administrative problems led to delay, and the concern to defend traditional life led in some cases to redefinition from payments in cash to payments in kind. As late as 1950 the Eskimo Branch of the Department of Resources and Development considered a scheme to consolidate each Eskimo family's income into a single trading account which could be administered by the traders and supervised by government officials.

Perhaps the last of the major pre-liberal policy thrusts came in the Eskimo relocation program of the 1950s. Once again the paternalistic inclination can be seen. The assessment of social "overcrowding" combined impressionistic field reports and abstract statistical measures. The choice of prospective new areas was dictated by state priorities (such as the siting of police detachments) and the assessment of field conditions in the new districts was far from scientific as well. As far as the recruitment of Inuit relocatees (by desired type of person), the issue of informed consent (to make the move), and the accompanying terms of relocation (possible return, ancillary assistance), the evidence suggests that the transactions were heavily tilted to state convenience.

Yet in spite of these continuing initiatives, the legitimacy of the pre-liberal outlook was rapidly eroding by the early 1950s. Since the challenge emanated from other state agencies rather than from northern interests, thus it was perhaps inevitable that a new outlook would be articulated also by state actors.

Classical Liberalism

The liberal impulse which had dominated nineteenth century politics in North America and western Europe was very late arriving in the north. In this sense it more closely resembles the

post-war politics of the developing world, which grafted liberal premises onto a political program of anti-colonialism and national independence. Yet here again the north differed, since the liberal impulse was advanced not by a social movement or mass party but from the top down, by administrative agents. The first signs appeared in the late 1940s, when the Department of Mines and Resources reviewed the political structures of the northern territories. Several measures toward modernization were considered then abandoned, in the face of opposition from the NWT&Y Bureau, which was still a bastion of pre-liberal thinking. However the issue could not be avoided for long, particularly given the efforts underway at the United Nations both to formalize political rights for minorities and to formalize the definition of cultural genocide. Canada's foreign service personnel, several of whom would assume senior positions in the Northern Administration between 1970-1954, well appreciated this.

While no precise moment marks the crystallization of the new outlook, a practical program took shape in the 1950s which was clearly grounded in liberal values. This began with a commitment to the gradual extension of representative and then responsible government. This could occur in a series of stages, with the Yukon breaking the path, the Mackenzie District following, and the eastern Arctic moving most slowly. Accordingly the Yukon Council was brought gradually into executive activities, the Mackenzie acquired its first elected Council seats, and the east was left to the Department and the Eskimo Affairs Committee. Similarly the federal electoral district of Yukon was enlarged in 1947 to include Mackenzie River, with the eastern arctic left unrepresented until the 1960s. On another track, the question of legal and political rights for Native Peoples was addressed as part of a broader national policy review. This included the right to vote, and to purchase and consume liquor.

In the following decade the liberal impulse was extended even further. With northern peoples residing increasingly in a series of some fifty micro-urban villages, the concept of community politics was being redefined. The authority structures of the hunting camp and the

regional band gathering, which had been based on kinship and hunting knowledge, did not necessarily carry over to the settlement in which government officials controlled access to most key resources. Once the basic settlement infrastructure seemed secure, the NAB turned to the question of local government institutions. As we have seen, there were two possible foundations: one drawing on the southern Canadian model of municipal government as provider of local services, another based on the multi-purpose community co-operative organizations which the NAB promoted in most of the new Inuit communities. The case for the latter rested on the advantage of focusing human and financial resources on a single multi-purpose institution. At the same time the co-operative program was subject to criticism from private business rivals and some federal officials who associated it with prairie socialism. Obviously this choice reflected two alternative visions of community life. The first was classically liberal: local government should occupy a limited portion of social life and be vested in specialized institutions. The second more closely resembled traditional life where formal differentiation was rare and core structures were multi-purpose. Furthermore the fusion of economic and political organization could be seen as an apt reflection of how country and settlement concerns were inextricably linked in local life in the north. The issue was only resolved by the Carrothers Advisory Commission, whose 1966 report used liberal arguments to endorse a southern-based local model. It argued that special-purpose elected Councils would inculcate appropriate attitudes (an acculturative function), while also providing a training ground for more senior political roles (a tutelage function). Furthermore communities could advance at their own pace through the hierarchy of increasingly responsible municipal forms, from local advisory council to full-blown municipality.

The extent to which southern models serve northern local interests has continued to draw debate over the quarter century since. To the core local councils have been grafted a variety of advisory bodies for specialized issues. In fact the question is frequently raised whether small communities of less than a thousand residents are not "over-organized" by the structure of local

council and attendant advisory committees dealing with housing, health, education, hunting and trapping and more. If one concern centres on the artificiality of specialization and its paralysing effects, another points to the trivialization of political life when Councils dwell on local water and garbage services but find themselves excluded from crucial issues of land use, employment, and environmental control of their surrounding territories. This tension came to a head in 1977, when the staff of the local government Development Division (of the GNWT) resigned in protest when its community organizing strategy was censured by the Commissioner's office.

Perhaps the high-water mark of abstract liberalism took the form of Ottawa's 1969 White Paper on Indian Policy. While it was aimed at the national Indian population rather than the north *per se*, its premise that the legal protections of the Indian Act were damaging anachronisms, delaying an overdue entry into the White mainstream, recall the themes of individuality, equal opportunity and citizenship free of social complication. Its rejection, and the ensuing assertion of a unique aboriginal commonality, were hallmarks of a new epoch.

Welfare State Liberalism

First, however, it is important to acknowledge a parallel form of liberalism which accepted and sought to extend the growing state authority which classical liberalism feared. The latter may have denied the "social" dimension of political community in its search for civic equality. However a socio-economic agenda lay at the heart of the subsequent variant of statist (sometimes called "welfare state") liberalism which emerged out of the depression in the western democracies. In these broader societies it was often viewed as a reformulation in response to a maturing industrial society. Not surprisingly in the north, it arose alongside and often in direct antagonism to the classical liberal outlook.

Again, statist liberalism was a southern import, as the Canadian welfare state extended into the north. Capitalizing on the economic surplus which the modern state could capture through its

new tax sources, it sought to erect a social safety net beneath those less fortunate persons and social segments deprived of employment, pensions and basic social services. These programs were progressive in their aims (seeking to guarantee minimal resources) and universally available to all citizens. While statist liberalism normally stopped well short of defining these as "rights", it did stretch dramatically the role of the interventionist state, well beyond the classical legal and political guarantees. It mattered little that the post-war programs for income distribution and social services were incrementally designed and were applied to the north in an unco-ordinated fashion. The point was that the state intervened at all, to counter market tendencies and address systematic inequalities.

Perhaps the most important assertion of this new liberalism in the northern context was to propose the state as an instrument of social planning. This was the role taken up by the Department of Northern Affairs and National Resources, and particularly its Northern Administration Branch, after 1953. Its first expression was the settlement scheme, the plan to draw people off the land into at least semi-permanent residence in new settlements. This was largely triggered by the need to respond to persisting reports of Inuit starvation. The process was directed on the ground by a special administrative class of Northern Service Officers. It is telling that these positions were re-named Area Administrators once the physical shift was complete. Significantly, it ran directly counter to the pre-liberal goal of supporting "traditional" life.

Of equal importance to the planned settlement process was the matter of sustaining the new communities economically. Here again a rather elaborate growth strategy was developed around a program of state supplied transport infrastructure and concessional terms for resource exploration and development on crown lands. As described earlier, the goal here was to attract capital investment which would open wage employment for the newly urbanized Natives. If the constructive phase of this program was led by the DNANR from 1954-67, then the consolidating phase followed the build-up of the resident GNWT. It did not go uncontested politically. Indeed the dominant line of discourse in the N.W.T. Council until 1979 was a classical liberal critique of

bureaucratic welfarism, delivered by the private sector small business bloc. Intriguingly, the Commissioner who presided over the new northern bureaucracy, Stuart Hodgson, tended to reply with a separate but equally liberal argument that sectional and ethnic differences should be set aside to pursue a higher set of common interests. This claim that "we are all northerners" was never firmly established, and it grew increasingly implausible during the 1970s with the new political mobilizations based not on individual or on state prerogatives but on those collective interests of communities.

Post-Liberal Communitarian

Paradoxically, this fourth philosophical outlook is both the most contemporary and the most nostalgic of the four examined here. It is current since it has grown steadily in importance as the limitations of modern liberalism have been increasingly acknowledged. In the north this coincides with the first articulation of aboriginal rights doctrines in the early 1970s. It is nostalgic in the sense that in searching for an alternative to liberalism, it often draws on societal models and arrangements from the past. Particularly for aboriginal northerners, this involves a lineage extending back to pre-contact northern life, where collective interests and group solidarities predominated.

The communitarian outlook involves a distancing from both types of liberalism. From classical liberalism it sets aside the priority on individualism and private interests, the defense of personal liberty and the view of citizenship as the right to self-determination. From welfare state liberalism, the communitarian rejects the notion of state authority as an instrument of the common interest, the centrality of state remediation, the possibility of progressive bureaucracy, and a view of citizenship rooted in social consumption. In place of these themes, one finds in communitarian thinking a re-assertion of the collective interest as an orienting principle for social life. Related to this is a renewed concern with the mapping of group solidarities. Often this exploration of collective identities involves an exploration of history and a revival of interest in the culture of

ancestors.

In the north it is from Aboriginal society that the communitarian impulse has sprung. Here there have been a number of focal points. One of these can be seen in the birth and evolution of the Aboriginal political associations. Here an ideology of national identity has been woven together with a program of legal rights and political self-determination. Across the Territorial north, these associations have been crucial in generating the symbols, solidarities and manifestos which have helped consolidate several generations of Aboriginal people. In the process, the focus of Aboriginal identity has shifted, at least in part, from a basis on band or tribal group to a recognition of pan-Aboriginal identities (extending beyond the north as well) as First People or First Nations of Canada. The inter-generational character of this social mobilization is a feature of signal importance. While the leadership for these movements was drawn from the younger (now middle-aged) segment of formally educated Aboriginals, a special place has been reserved for the Elders. Not only are they acknowledged to possess special privileged forms of knowledge, but they embody a unique link with the cultural core of the Aboriginal past.

It should be said that an account of the communitarian impulse as a contemporary phenomenon is certainly open to question. It could be argued that the communitarian ethic has never really been lost, but that it is simply being made explicit once again. Throughout the decades of cathartic change which began with the depression and continued to the present, Aboriginal communities have demonstrated a remarkable capacity for persistence and an ability to defend their integrity in many subtle yet forceful ways.

However it can also be said that this explicit political articulation of communitarian themes in the north is a product of the past thirty years. It is difficult to pinpoint a single moment when this outlook congeals, although it is not difficult to suggest a series of steps by which it has become progressively sharpened. One dimension involves the rejection of entrenched liberal patterns of political thought and action. Here the most stark repudiation of classical liberalism remains the

Aboriginal rejection of the Trudeau government's White Paper in 1968. Another significant step, particularly important to the north, involved the articulation of a legal doctrine of aboriginal title. This broke new theoretical ground, advancing as it did a set of legal rights which could not be defined in conventional property terms, nor as bundles of individual claims for state recognition. Almost simultaneous to the judicial strategy was the signal impact of the Berger Report on northern pipelines, which put the collective interest of unextinguished aboriginal rights at the core of its policy recommendations. By 1980, driven by a new Aboriginal majority in the N.W.T. Legislative Assembly, the classically liberal positions of previous Assemblies (in favour of provincial status and opposing aboriginal claims settlements) had been repudiated.

At the same time, it was imperative that the incipient communitarian logic be given substantive form. Here again one sees a pattern of change through time. It should be recalled that as recently as the 1960s, Ottawa's arctic co-operative development program was rejected as a strategy for broader social mobilization because of its incompatibility with the liberal values of the day. The notion that a single institution could provide a more appropriate means for managing the manifold interests of newly constituted Inuit communities was rejected in good part on ideological grounds. The multi-purpose co-operative was seen as overly inclusive (and thereby excessively centralist) as an institution of government, in contrast to the limited purpose institutions of the southern municipal model. Not only did the co-operative seem (to federal authorities) closer to socialist than liberal principles, but it was deemed a questionable socializing vehicle to insert into Native society.

Less than a decade later, the Dene Declaration of 1975 signalled a strong affirmation of just such an emerging communitarian outlook. Indeed it was precisely for these reasons that the Dene Declaration attracted such opprobrium from GNWT Commissioner Hodgson. He continued to espouse the liberal belief of an undifferentiated northern population, free of racial, ethnic or linguistic cleavages of any significance. In subsequent years, the number and range of issues bearing a communitarian dimension has grown. The GNWT experimented with Tribal Councils

and Charter Community authorities, in an effort to bring aboriginal institutions into the local and regional government stream.

In a different vein, certain settlements have drawn on the local plebiscite as a means of settling difficult but pressing issues such as whether to legalize the sale of alcohol, and whether to maintain satellite television connections with southern Canada. In still another field, there has been extended study of aboriginal justice procedures. Here the possibility of a separate form of dispute settlement and sentencing, reflecting Aboriginal values and local community concerns, has received increasing support. But perhaps it is in the area of aboriginal claims settlements that the most dramatic advances have been made. Here the terms of settlement have established a range of new institutions which dramatically enlarge the political space in which collective Aboriginal interests can be addressed.

In closing this section, it is important to note that while the principle of communitarian politics has been established, many fascinating and important questions remain to be settled. Not the least of these is the question of how communities are to be delineated. Twenty years ago, the notion that Dene, Inuit and Metis formed the most significant communities of Aboriginal interest could hardly be questioned. Yet today the most relevant plane of Dene community appears to have shifted to the tribal level. Similarly, the capacity of Euro-canadians to form a viable community (in the terms employed here) remains unclear. Finally it seems safe to predict that a prime driving force in northern politics will be the continuing tension between liberal and communitarian outlooks, as they coexist but also contest for dominance within northern political life.

The Case of Arctic Quebec

This section will briefly review the distinct experience of the region variously designated as Ungava, Arctic Quebec or Nouveau Quebec, referring to that portion of the province lying north of latitude 55 . Occupied by Inuit since time immemorial, legal title to this region passed to Canada at the time of the 1870 purchase of Rupertsland. As with the rest of the far Northwest, Ottawa paid it little attention in the nineteenth century. The Ungava District was designated a federal postal unit in 1896, but soon after the turn of century the region figured in the federal-provincial boundary conflicts. Quebec joined Manitoba and Ontario in seeking to extend its boundaries at the creation of the new prairie provinces in 1905. This culminated with the 1912 statute by which resource (Section 109) jurisdiction over the region passed to the province of Quebec.^{lxx} The Act stipulated that Ottawa continued to fulfil the balance of its mandate. As a result, the RCMP moved north following the First World War, the Eastern Arctic Patrol serviced Quebec posts, and NWT administration supported church schools and trader-administered relief.

As in much of the provincial north, state interest and occupation turned on the pace of resource exploitation, which meant that Arctic Quebec held little immediate interest to the Duplessis regime. This would only change when the Quiet Revolution pushed the resource frontier north of the treeline. Indeed provincial reluctance to expend funds in its north paved the way to another constitutional dispute, this time concerning jurisdiction over the Eskimos of northern Quebec.^{lxxi} After nearly a decade of litigation, the Supreme Court of Canada ruled (in Re Eskimos) that the Section 91 heading for Indian Affairs did extend to Eskimos as well.^{lxxii} Yet another territorial dispute over the region emanated from the British colony of Newfoundland, which lay claim to the eastern portion of Arctic Quebec from the height of land draining east to the Atlantic Ocean. This was settled in Newfoundland's favour, with the result that a new boundary was delineated between Quebec and Labrador.

As a result of these accumulated decisions, the jurisdictional standing of Arctic Quebec was

largely re-established by 1939. In terms of policy orientation, Duplessis' aversion to exercising Quebec's powers meant that Ottawa's minimalist bent went unchallenged until well after the war. The military-security thrust affected several enclaves, with the construction of the Fort Chimo air base and later the radar bases of the Mid-Canada line. Then the post-war recognition of the "Ungava Problem" meant that Arctic Quebec was on the forefront of the civil policy reappraisal.^{lxxiii}

When Ottawa's developmental mandate crystallized in the 1950s, its pessimistic appraisal of the aboriginal/wildlife economy applied acutely to Nouveau Quebec, which was ranked with the Keewatin as a critical region.^{lxxiv} As a result, state programs sought to relocate Inuit for both hunting and trapping and for training and wage employment.^{lxxv} In addition, the DNANR industrial Division formulated its Ungava Economic Strategy (mentioned earlier) and its co-operative development program experienced considerable early success. The social situation of the early 1960s is captured by ethnographic studies by Arbess and Balikci.^{lxxvi}

With Lesage's Quiet Revolution in full swing by the early 1960s, it was inevitable that the provincial government would re-appraise its commitment in the far north. The Direction generale de nouveau-Quebec (DGNQ) was created in 1963 as a unified administrative agency. Here the very act of introducing a parallel bureaucracy was politically controversial. A complex set of antagonisms and rivalries followed. Individually and as communities, many Inuit were determined to maintain their relationship with the english language Ottawa administration with which they were familiar. At the same time, the DGNQ was able to offer new programmes, including a major boost for co-operative enterprise at a time when Ottawa was pulling back, which brought it considerable support in other communities. By mid-decade, Ottawa was reconciled to a transfer of program mandates to the DGNQ. However it faced a difficult task in legitimating this plan to the Inuit. After Ottawa and Quebec had agreed in principle on the delegation, the Neville-Robitaille Committee toured the Inuit communities to take soundings of opinion though not to solicit consent.^{lxxvii}

Inevitably this prior issue intersected with certain national developments of the late 1960s, when aboriginal groups were mobilizing in reaction to resource megaprojects and Ottawa's White Paper. A form of regional government was already on offer for Arctic Quebec at the time the James Bay project was announced. The resolution of the federal-provincial administrative rivalry was overshadowed by wider developments in the 1970-75 period. These included the organization of the Northern Quebec Inuit Association, the court challenges to the project, and the negotiation of the James Bay and Northern Quebec Agreement.^{lxxviii} Effectively, this gave rise to the contemporary political configuration. Here the Makivik Corporation has emerged as a central economic and political force in handling the claim benefits for the Northern Quebec Inuit.^{lxxix} Also arising out of the claim, though on a separate track, was the Kitivik regional government agencies.^{lxxx}

GLOSSARY

Institution: formalized procedures, usually assuming an organizational form, by which political leaders are selected, legislative decisions are taken, and administrative programs are delivered. Some of the basic institutions considered in this study are the executive, legislative, administrative, judicial, local authority and aboriginal claims settlement.

Philosophical Outlook: the operational assumptions and practical reasoning about the objects and purposes of state intervention. In this study four outlooks are distinguished: pre-liberal, classical liberal, welfare state liberal, and (post-liberal) communitarianism.

Policy: the decision-making output of public authorities. Policies may emanate from various institutions, or combinations of institutions. Often policies are the product of conflicts as well as alliances among distinct institutions. When we speak of a policy area it refers to a field of multiple decisions which are connected by a shared substance. This may stem from a common objective (e.g. claims policy, resource development policy, justice policy). A framework setting policy is significant for the fact that it sets the limits or parameters within which ordinary policy questions will be defined, processed and resolved in the future.

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ENDNOTES

- i. For one account of this first administrative decade, see (Finnie, 1942).
- ii. (Martin, 1973).
- iii. (Camsell, 1954).
- iv. (Phillips, 1967).
- v. (Hewitt, 1921), (Foster, 1978).
- vi. (Marcus, 1992).
- vii. (Jenness, 1964).
- viii. (Coates, 1988); (Diubaldo, 1985).
- ix. (Coates and Morrison, 1988).
- x. (North Pacific Planning Project, 1947); (Dawson, 1947).
- xi. The key source on this period is Grant (1988).
- xii. (Canada, External Affairs, 1955).
- xiii. (Dosman, 1975).
- xiv. (Davis and Zannis, 1973).
- xv. (Dosman, 1975).
- xvi. (Jenness, 1968).
- xvii. Keenleyside's comments on this exercise can be found in (Keenleyside, 1982).
- xviii. Clancy in (Dacks, 1992).
- xix. (MacKinnon, 1989, 1991); (Marcus, 1992); (Mowat, 1952, 1959).
- xx. (Nixon, 1988).
- xxi. (Cantley, 1950).

xxii. (Banfield, 1956); (Clancy, 1987).

xxiii. (Lesage, 1955).

xxiv. (N.W.T. Commissioner, 1955); (Robertson, 1960).

xxv. (Pickersgill, 1975)

xxvi. (Kyba, 1984).

xxvii. (Clancy, 1987).

xxviii. (Quirin, 1961); Palmer and Hunt, 1961); (Hunt, 1970).

xxix. (Rea, 1968).

xxx. (National Northern Development Conference, 1957, 1958, 1961, 1964, 1967).

xxxi. For two accounts, see (Wilkinson, 1966) and (Harrington, 1955).

xxxii. (Clancy, 1987).

xxxiii. (Bond, 1960).

xxxiv. For a portrait of Native society before the transition to settlements, see (Helm and Damas, 1963). For the consequences see (Treude, 1975) and (Fried, 1963, 1964).

xxxv. (Honigmann and Honigmann, 1965, 1970).

xxxvi. (Williamson, 1974).

xxxvii. (Stevenson, 1968); (Williamson and Foster, n.d.).

xxxviii. (Lotz, 1976).

xxxix. (Sprudz, 1967); (Godt, 1964); (Treude, 1972).

xl. (Canada, Advisory Commission, 1966).

xli. (Dickerson, 1992).

xlii. See for example (Dosman, 1975); (Pimlott, 1976); (Page, 198_) and (McLeod, 1979).

xliii. The scope and evolution of the GNWT can be seen from the Annual Reports of the N.W.T. Commissioner following 1967.

- xliv. (Clancy, 1992a).
- xlv. (Orvik and Vanderhaden, 1977); (Dacks, 1981).
- xlvi. (Abele, 1985).
- xlvii. (Bregha, 1979); (Crane, 1982); (Gibson, 1978).
- xlviii. (Clancy, 1992b); (NWT, Project to Review, 1991).
- xlix. (Morrison, 1968).
- l. (Zariwny, 1973); (Zaslow, 1958); (Robertson, 1963).
- li. On the Indian Affairs Branch operations, see (Canada, Citizenship and Immigration, n.d.).
- lii. (Coates and Morrison, 1992).
- liii. (Lotz, 1970); (Michael, 1989).
- liv. (Phillips, 1967).
- lv. (O'Keefe, 1989).
- lvi. (White, 1991).
- lvii. (Dacks, 1992).
- lviii. (Fingland, 1966).
- lix. (Stabler, 1987); (Aird, 1989); (Robertson, 1985).
- lx. (NWT, Project to Review, 1991).
- lxi. (Diubaldo, 1985).
- lxii. (Sissons, 1968).
- lxiii. (Cumming and Mickenberg, 1972).
- lxiv. (Elias, 198).
- lxv. (Hunt, 1988).
- lxvi. (Finkler, 1985, 1988).

- lxvii. (Haysom, 1987).
- lxviii. (Fumeleau, 1975).
- lxix. (Diubaldo, 1985).
- lxx. (Hastings, 1983).
- lxxi. (Vanast, 1991).
- lxxii. (Diubaldo, 1981).
- lxxiii. (Dunbar, 1952).
- lxxiv. (Cantley, 1950).
- lxxv. (Marcus, 1992); (Stevenson, 1968); (Williamson and Foster, n.d.)
- lxxvi. (Arbess, 1967); (Balikci, 196).
- lxxvii. (Crowe, 198).
- lxxviii. (Quebec, 1976).
- lxxix. (Makivik, 1988-1993).
- lxxx. (Rostaing, 1984).