# LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES 8<sup>TH</sup> ASSEMBLY, 62<sup>ND</sup> SESSION

TABLED DOCUMENT NO. 4-62
TABLED ON May 9, 1977

The attached letter given to the following Local Government employees on 22 April 1977:

Mr. Dave Molstad

Mr. Ed. MacArthur

Ms. Lois Little

IIs. A. Foster

Miss K. Rome

Mr. Howard McDiarmid

Mr. D. Sullivan

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# OFFICE OF THE COMMISSIONER NORTHWEST TERRITORIES CANADA

22 April 1977.

On Wednesday last I asked you to come to see me in connection with what can best be described as either a breakdown in communications, or a difference of opinion you seem to have with the programs, policies (or interpretations of those policies) by the Council of the Northwest Territories and the Government of the Northwest Territories' Executive Committee.

At that time I told you of my concerns, and explained that I had not involved myself in the controversy, feeling that perhaps with patience, understanding and good faith, the matter would shortly work itself out. I am the first to acknowledge that differences of opinion within this government occur from time to time. This in itself is not necessarily an unhealthy situation. What does become an unacceptable situation is when members of the Public Service, in their enthusiasm to have their point of view confirmed regardless of what the situation is, take the matter outside the internal government mechanism established for working out or solving minor or serious differences of opinion. This will not be tolerated.

Before going any further, perhaps it would be well to review the reason for the existence of the Northwest Territories Government and purpose of its establishment.

# Territorial Responsibilities:

# The Purpose:

The prime purpose in creating ongoing government resident in the North is to encourage the development of goals, objectives, and policy in northern Canada by Canadians living in the North who are interested particularly in providing a meaningful social, economic and political development throughout the length and breadth of the North.

# The Principle:

Equal and meaningful participation for all of Canada's territorial citizens, regardless of station, in the political, social and economic activities, and in the traditional ways of life in accordance with the ability, desires and wishes of the individual.

# The Goals:

- Controlled growth, expansion and development in the North in keeping with the aspirations of the people, their culture, tradition, pursuits, life styles and skills, while affording useful and meaningful employment opportunities at all levels of society.
- 2. The re-affirmation and encouragement of the development of local responsible government in and for the territories by giving the territorial government control over the provision of social services so as to ensure:
  - a) the provision of proper physical and mental health care facilities;
  - b) the provision of adequate municipal services consistent with the needs of a growing population and yet reflecting the fiscal capacity of government to provide these services;
  - c) the provision of adequate housing and recreation facilities:
  - d) the provision of adequate social welfare services including counselling services;
  - e) the development of a system of justice, including the availability of counsel, which reflects the traditional ways of life and sense of justice in the North;
  - f) the provision of a broad system of education available to all territorial residents, with a view to raising basic literacy and to facilitate full participation in contemporary life.
- Improved information, communication and transportation services so as to ease the sense of isolation felt by many residents of the North and to develop ties between the North and the rest of Canada.

# The Policy Guidelines:

Emphasis at this time will be given to policy guidelines . which give priority to:

- The increase in employment of native people, not only through controlled economic development, but also by providing training to raise the level of skills of those who wish to participate so that all residents of the North can share in the benefits of the economic development of their region of Canada.
- Preservation of northern life styles and all aspects of human environment in keeping with the wishes of the northern people.
- 3. The controlled development of municipal (or community) services adequate to meet the needs of growing populations and consistent with good health and sanitation standards.
- 4. Development in communities of design and construction methods to provide for the centralization of facilities and services that provide for the minimum use of power, heat, water and sewerage, and the maximum use and benefits from municipal facilities in keeping with the capability of the community, the availability of resources, and the wise use of the land.
- The increase in participation and responsibility of native people within the institutions of government in the Northwest Territories.
- The successful transition to a new form of territorial government which will permit major involvement by elected representatives in the governmental processes.
- 7. The introduction of improved efficiency in government operations consistent with responsive service to the residents of the North and taking into account the limited financial resources available to the government.

One may wonder on what basis the Covernment of the Northwest Territories was established and under whose authority. The road to responsible government within the Northwest Territories has extended well over a century. The transfer of meaningful government authority and responsibility from the Government of Canada to an institution and/or territorial or provincial-like government has taken place largely within the last ten years.

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It all came about as a result of the recommendations of the Advisory Commission on the Development of Government in the Northwest Territories in their 1966 report. It might be worthwhile to quote from part of the summary titled "Postulates" written by Dr. Carrothers:

The nearly is full of dilemman unresolvable without the guidance of value fudements, and not easily resolvable - nome perhaps not at all resolvable - over them. The postulates are value judgments that were devised in order to give direction to our studies and to break into manageable dimensions the attack on the vast problems of the north. They form the foundations of our recommendations.

- 1. Every citizen of Canada has a claim to participate in the institutions of responsible covernment under the Canadian constitution; it is a goal of political development of the Northwest Torritories that the optimum number of Canadian citizens resident in the Territories should, at an optimum speed, participate in government as fully an Canadian citizens resident in the provinces.
- The competence of political institutions should be commensurate with the dimensions of the social and economic problems in the political unit.
- 3. The structure and technique of government should not be foreign to the Canadian political tradition.
- 4. Every resident of the Northwest Territories for whom freedom of movement within and without the Territories is not a realistic fact has a claim to economic opportunity that will provide a standard of living that does not deviate substantially from the Canadian norm.
- 5. So long as the Hornhwest Territories remains a political unit or units separate from the provinces, the federal government has a major, although not necessarily an exclusive, responsibility for its economic development.
- 6. The Eskimos and Indians, as indigenous minorities, should be free to maintain their cultural and ethnic identities, subject to fundamental human rights as recognized by the Canadian constitution.

We have sought to state this premite in the form of choice, in the form of freedom to chooce, recognizing that the decire to take advantage of economic opportunity may involve the individual in paying the price of giving up an appreciable measure of his

cultural and othnic identity, and resognizing also that there may be within those identities ingredients which are not consistent with fundamental human rights as recognized by the Canadian constituion."

Later in his report, Dr. Carrothers and his colleagues recommended that a number of departments be established for the new government to be located in the Northwest Territories. One of these departments was in fact the Department of Local Government. In conjunction with this, he stated that there should be a simple procedure for incorporation of communities and the creation of local community councils, and that there be a cadre of local government advisors. All of this was envisioned as crucial to the economic, social and political development of the The purpose, of course, was to develop a simple procedure for the formalization at the settlement level (other than the town or village) of a Local Government Advisory Council and community councils. He suggested that council could have both a decision making and advisory function, and that the scope of their jurisdiction could be subject to extension by administrative act within the Department of Local Government in co-operation with other departments having responsibility within the community. The report outlined the possible formation of regional councils (incidentally we are only now witnessing their formation).

In all, the principles suggested by the Carrothers Commission form one of the principal policies, along with judicial, administrative and legislative responsibilities for government within the Northwest Territories.

Having restated this and accepting this as the starting point, then I believe we are in a position to evaluate the favourable progress made to this date. There is, of course, one other major document the government in the north should be guided by, and that is the Strategy for the 70's as approved by the Government of Canada on the recommendation of the Minister of Indian and Northern Affairs.

Working from this background, it was then possible to develop the goals of the Northwest Territories, which are in total in keeping and compatible with those of the Government of Canada. The goals, purpose, principle and policy guidelines have been recognized by the senior government and the Northwest Territories Council. While it is necessary to give greater emphasis from time to time to specific goals and objectives, in the main our principal goals and objectives should remain in effect until completed or rendered redundant or replaced by different goals and objectives as new horizons develop or Executive direction is given, or new thrusts are developed by the Council of the Northwest Territories.

Shortly after the establishment of the Government of the Northwest Territories in Yellowknife, it became apparent that some new form of government was needed between that of a city, town or village, and "Local Development District" or settlement. The form developed was that of a hamlet, and a series of responsibilities and authorities were developed. For the first time considerable responsibilities for municipal government were transferred to the community level. The hamlets hired their own Secretary-Manager, their own Works Foreman, prepared their own budget, and have the right to impose a community service charge if they so choose.

In settlements the position of Settlement Secretary was created as a means of training a person to understudy the Settlement Manager, with the idea that the person would qualify as Secretary Manager as soon as the settlement became a hamlet. Recently the responsibility and funds for hiring and paying the Settlement Secretary has been turned over to those settlement councils requesting this authority.

I realize that much or all of this is well understood by you, perhaps better than by the public service in other departments of the Territorial Government. Nevertheless I think it is important that it be restated in order that I can properly review the policies as they have been developed and are within the Department of Local Government.

There is one thing that should always be kept in mind, and that is that it is the Government of the Northwest Territories, not the "Government" of Local Government, the "Government" of Economic Development, or even the "Government" of Education. Local Government is one department, and although it is an important department it has no more power unto itself than does any other department. It is part of the Government of the Northwest Territories and must follow the policies of the Government as developed and recommended by the Government of the Northwest Territories' Executive Committee.

# Department of Local Government

One of the major functions of the Department of Local Government is primarily that of a co-ordinator. I am sure Council must have noted that in the last two budgets the Department of Local Government was the only one whose capital estimates exceeded its 0. & M., and did so by a fairly healthy amount. To a large degree, the Department depends for its success on the work done outside the Department. The budget of the Department of Local Government in 1976-77 was \$11,721,379 for 0. & M., and \$13,930,874 for Capital; and in 1977-78 it was \$12,339,000 for 0. & M., and \$14,827,000 for Capital.

When we last talked, I told you I was going to spend several days reviewing and summarizing the various existing policy directives provided to the Department of Local Government, and after I had completed this work I would restate them in a letter to you, to determine whether or not you see the situation as I do. The purpose of this, of course, is to determine whether or not we see things the same way, or if perhaps for one reason or another you find yourself unable to accept the course charted by the Territorial Government as a result of authorities and responsibilities turned over to us from the Government of Canada, or programs and policies where we act as agents of the Canadian Government, keeping in mind that all programs and policies, if they are to be funded, must have the support of the Government of the Northwest Territories' Executive Committee and the approval of the Council of the Northwest Territories.

Perhaps I should confirm that several weeks ago the Director of Local Government, with the approval of the Executive Committee, decided to separate from what was formerly called the Research and Development Division, the research component, and subsequently a new division now exists within that Department titled "Research and Planning Division". The name of your division is now "Development Division". I understand there have been a number of meetings held between members of the Development Division and members of the Executive Committee. Numerous memoranda have been exchanged, much of which I have seen and part of which has been made available to the public. I have made it clear to all Departmental Directors that no internal government documents are to be released without the knowledge and the approval of the Executive Committee.

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Now to the task at hand--that of clearly stating the direction from the Executive Committee as to what is the policy as it pertains to the Department of Local Government. First may I briefly review the development of policy in general and its application over the last few years. The initial thrust of the Department was very much oriented toward the development of political awareness of northern residents within the Canadian constitutional framework. This program, as has already been stated but is worth restating, resulted in the formation of settlement, hamlet or village councils in every community, with fully elected members incidentally who have accepted responsibilities and increased levels of authority.

Within the last few years a second phase was entered, which included a thrust towards stepped-up social and economic awareness to complement that which had already been developed. We have been somewhat hampered in fully exploiting this thrust because of a genuine desire on the part of the administration not to interfere with the various ethnic organizations in the development of their land claims and their subsequent negotiations with the Government of Canada. Also, of course, there has been an unofficial economic development moratorium in certain regions or areas.

Two years ago I issued instructions to the Department of Local Government for a change in emphasis from that of creating political awareness to working within the structure of government already set up, to assist the people in the operation of their councils in order that they might play an ever-growing role in the management of their affairs. This, of course, is now being actively pursued and developed by a Special Task Force on Devolution and Decentralization. Within Local Government, the goal of this phase that I ask to be pursued is, of course, tempered by the progress of communities at a rate of their own choosing to a level of self-government that they feel is suitable to their needs and aspirations. This changing emphasis and role, which was largely assumed by the Development Division, was clearly indicated in my memorandum of December 12, 1975 to the Director of Local Government.

There is one other vehicle for making major changes to the direction in which Council, the Administration or communities might wish to move, towards greater autonomy, authority and responsibility outside of our recently announced program of decentralization, and that is the Municipal Ordinance. It must be remembered that the Municipal Ordinance is not engraved

in stone. Legislation must be regarded as a dynamic instrument unich can be and will be adapted to suit northern people through representation by touncils and regional associations to members of the Territorial Council and to the Territorial Administration. Changes to the Municipal Ordinance, the development of a program of decentralization and the devolution of functions and authoritics of the Territorial Government to regions and communities, and the goals and objectives of this Government will not be achieved through confrontation and discord within Government, but rather with a spirit of co-operation and good will to be fostered within the communities and in relationships with Territorial residents.

In Canada, each citizen, each individual, has the right to participate in the choice of representatives for each level of government through democratically run elections. The Council of the Northwest Territories represents all residents of the Northwest Territories regardless of race, colour or creed. The Council has a major role to play and much greater powers and authority than perhaps the members themselves recognize. Be that as it may, we must and will recognize Council, unless of course some other form of government or system of government is decided upon to discharge the responsibilities for what has been and is at the present moment delegated from the Government of Canaca to the Council of the Northwest Territories and the Government of the Northwest Territories.

Over the past few weeks one or two Territorial public servants have asked for a statement of Territorial Government policy with regard to self-determination of native residents of the Northwest Territories. As I have said on many occasions, the Territorial Government fully supports the cultural, social and economic self-determination of its native residents, as it does for all Territorial residents. As a matter of fact, on the overwhelving majority of the elements of self-determination as the Executive seas it, there is full agreement between the Government and the officers of the Development Division. The difference appears to be restricted to two major issues—the nature of the political component of self-determination and the role of public servants in areas of political activity.

On the first point, political self-determination along racial lines, regardless of the race, is not acceptable unless the rights of minority groups are recognized and fully protected, and such political self-determination falls within the scope of the Canadian constitution. Let me explain. This Administration and the Council of the Northwest Territories are part of the constitutional framework of Canada, and both accept and endorse that framework. Both understand that the framework

has been accepted by the native people, and the Administration insists that its own activities and those of all its employees recognize and accept these understandings in carrying out their work. This Administration also supports cultural, economic and social self-determination by native people and any other ethnic group, both philosophically and through its programs, and encourages the use of political processes by native people to maintain and enhance their cultures. This Administration recognizes and accepts that in future, political units might very well be created by the Parliament of Canada or the Council of the Northwest Territories, with the objective in mind of ensuring that one race, or ethnic group or groups, would represent a sizeable numerical majority in a geographically defined political unit.

However, this Administration does not believe that aboriginal people or any other racial or ethnic group in Canada should have the right to form its own constitutional political jurisdiction or racial political unit, as these are incompatible with our constitution, particularly with universal franchise. There is no political unit in Canada for English Canadians; there is no political unit in Canada for French Canadians; and we see no reason why Canada should ever consider creating one. (The proposed "Kativik" regional government is not a racial state or constitutional political jurisdiction based on race.) As political units along racial lines involve denial of minority political rights, their advocacy or development are not supported by this Government or any of its policies or programs. As aboriginal political self-determination represents an ethnic political unit rather than a geographically defined political unit, this Government does not support this basic feature of political self-determination. In Canada, political units are defined geographically, and in any political unit all residents have equal political rights without regard to race, colour or religion.

I believe that the above philosophy is consistent with federal policy on aboriginal rights. At his press conference in Ottawa on December 23, 1976, the Prime Minister indicated:

"I remember fighting the 1968 election on the basis that there were not two nations in Canada in the political sense, but if one wanted to use the word in a sociological or ethnological sense, then there were many nations in Canada. Therefore, one can talk of one Canadian nation or community, but if one wants to lock at particularities one can talk of linguistic communities, of which I say there are two main ones in Canada, or one can talk of many

ethnic communities in Canada, and I even add regional communities in Canada. Perhaps the ethnic composition of the Albertan and the Manitoban is not all that different, but I would not hesitate to say that they do form two different communities. The Indians and Eskimos make up two communities. We have to take that into cognizance, the existence of such communities, and that is exactly what our multiculturalism policy has attempted to do.

"I have always thought it was a mistake--I still think it is a mistake--to try and define collective or communal rights by referral to the term of sovereignty. I think it is a mistake to identify political sovereignty with either blood, language, race, religion or colour. That is where you get into the very deep troubles that are, essentially, seen everywhere. I have given examples of this previously, such as the situation in Cyprus. The Turks have defined themselves as an ethnic group and the Greeks as another ethnic group, with the result that there is no Cypriot community. They are at war with each other. The same principle applies to Northern Ireland where you have a division on the basis of religion, and the same is true today in Lebanon vis-a-vis the Moslems and the Christians.

"I have always rejected, and continue to reject, the idea that these communities of which I have spoken, whether they are linguistic or ethnic, should seek political incarnation."

The April 4, 1977 "Globe and Mail" quoted the following remarks of the Prime Minister:

"And recently Prime Minister Pierre Trudeau threw cold water over the self-determination idea. In rejecting a Quebec claim for self-determination as based solely on ethnicity, Mr. Trudeau said: 'That's why I oppose the idea of certain Eskimos who want a nation of lnuit or certain Indians who want a nation.'"

On the second point, it is clear that our constitution protects the rights of individuals and groups to advocate political change, including if one wished, the advocacy of creating racial or ethnic states. The political process in Canada provides avenues for any such change to be advanced, considered and implemented. The right to advocate change applies to individuals who are public servants, and the avenues of change are open to them. However, a public servant's freedom to act while carrying out his duties as a public servant are limited by the policies and programs of the government for whom he or she works. For those who are employees of the Government of

the Northwest Territories, the Executive's instructions are that those who are engaged to make local government structures work, must restrict their activities to supporting that objective.

In the area of the behaviour of individuals within the public service, it is a principle that a public servant must not take a public stance on political matters if that person is to maintain credibility with the public and avoid placing himself in a position of conflict of interest. In recent months some members of the Development Division have made public statements and have taken positions in public which oppose government policy, and this is not acceptable. It is the Executive's position that in carrying out responsibilities, the policy and program framework of the Council and subsequently the Government of the Morthwest Territories as outlined above does not provide for public monies to be spent on, or public servants to be engaged in activities advocating fundamental constitutional changes which only the Parliament of Canada can make. Our job has been and must continue to be to make not only local government structures work, but all programs and policies of Council and the Administration, and to seek through well-established channels internal to the Government of the Northwest Territories, only those changes to structures which the Council of the Northwest Territories has the authority to make.

Specifically, within the Development Division, the division is to concentrate on the mechanism of making local government work and provide service, advice and assistance to the communities and councils in the preparation of their budgets, to make sure that they obtain adequate funds to employ local people, to determine their priorities and program their activities for the service of the community at large, and to make sure that the community functions smoothly and efficiently, as they should if they are to meet the aspirations, desires and hopes of the community.

Over the next month I am going to write in detail on aspects of other programs under the Department of Local Government. I have in mind the Municipal Division, the Town Planning and Lands Division, and Research and Planning.

I have gone to great lengths to review, identify, explain and articulate the history, progress and direction which Council and the Executive Committee is following. My role has changed drastically and radically over the past ten years, largely through my own choice. I have delegated much of my authority

as given me under the N.W.T. Act and by the Government of Canada, to responsible officials, councils, committees and communities. I do not any longer see the Commissioner's role as that of Governor, or for that matter Administrator, but rather as someone who encourages, advises, and provides a channel of communication for the aims and aspirations of Territorial residents to responsible Canadian authorities. The majority of my time has been and will continue to be for the remainder of my time, spent in the communities, as that is the area I believe requires the greatest support.

I have outlined for you the goals, objectives, programs and policies of this Government, and the feelings of the Executive Committee and the Council. I would hope that you support what has been and is the thrust of the Territorial If for one reason or another you are not able to continue fulfilling the responsibilities as I have outlined them, it is your duty to let me know, and there will have to be a parting of the ways. If it is of any assistance to you, perhaps I should add that one of the main operational goals of the Administration is to pursue a policy of meaningful devolution and decentralization. We support the establishment of regional councils throughout the various regions of the Northwest Territories, the details, terms of reference, objectives and method of operation (which includes funding, etc.) are still to be worked out. I intend to respond favourably to their requests and will so recommend to Council and the Executive Committee. This, then, is part of the devolution process.

With reference to decentralization, I intend to continue to press for quick development and implementation of a decentralizaliopefully this should be ready for approval before tion program. too long. Local Government will play a major role in the implementation of this decentralization, and of course in To meet this assisting the regional councils when requested. objective, the Executive Committee has authorized the Administration to prepare and implement the decentralization of the Department of Local Government within the next month. decentralization will affect most of the divisions of the Department, the Development Division included. to be aware of this because by the end of spring a number of the Department's positions now located at headquarters will have been transferred to the field, some will become redundant, and there may very well be a need to create others. Wherever additional funds are needed, Council's support will be sought through the provision of Supplementary Estimates. As you know,

it is possible to transfer funds from activity to activity with Executive approval. However, only Council has the authority to transfer funds from Department to Department.

After you have read this, I would appreciate you notifying me in person of your intentions. I shall be leaving for the communities early next week and would therefore appreciate knowing of your reaction by 12:00 o'clock noon Monday, April 25th.

The Directors and senior field personnel will be given a verbal summary of the contents of this document, and I intend to table the matter at the forthcoming Territorial Council session. While the document is not confidential, I can tell you that you and your colleagues have the only copies of the details other than members of the Executive Committee and the Director of Local Government, and I would think it only proper that it not be made public until Council has had an opportunity to see it.

As I said to you the other day, I am very proud of the accomplishments of the Territorial Government and I want you to understand and appreciate that that includes the Department of Local Government. Local Government has done much for the Northwest Territories, and from a purely monetary point of view over \$128 million has been spent on the capital and operational programs of the Department of Local Government over the past ten years. This, of course, does not include all the money actually voted, which would increase the figure much more, as a few years ago these included programs that since their inception have been transferred out of the Department, such as Recreation, Library Services, Housing, etc. It is difficult to measure the benefits when relating them purely to the monetary input, but I believe them to be substantial and I have no hesitation in defending them.

There is still much to be done. The people of the north deserve the best, and nowhere is that more clearly demonstrated than in the outlying communities. To me, that is what it's all about, so let's get on with the job.

Yours sincerely,

S. H. Hodgson, Commissioner.



# OFFICE OF THE COMMISSIONER NORTHWEST TERRITORIES CANADA

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