



Choosing a Premier

The Legislative Assembly of the Northwest Territories has only been a fully elected legislative body since 1975. Prior to that the Assembly was a mix of elected members and members appointed by the Federal government.

By 1986 the commissioner's position had become a ceremonial one. Executive control was placed in the hands of an elected eight member cabinet including a government leader.

The orderly devolution of power has resulted in the creation of a political system about which there has been little public debate. The current system of government is the result of consensus by elected members on how the executive function will operate. As a result, both the premier and cabinet minister are chosen by all 24 MLA's by secret ballot in the Assembly, in public, in what is called Territorial Leadership Committee.

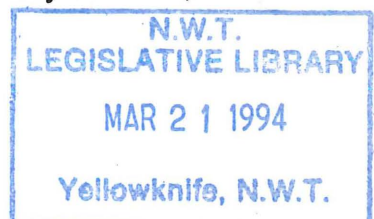
One obvious strength of this system is that all 24 members are involved in the process. Candidates for premier and ministers give speeches and answer questions in the meeting.

The power and responsibilities assumed by cabinet when it is elected are those given to it by members of the Assembly. In this sense, it is the member's government, not the people's and in theory it should work well. It is under the control of the membership and members can effect change quickly since the cabinet is in a permanent minority that cannot easily impose its will on the 15 so-called ordinary members.

Immediately after the election of premier and cabinet, the leader faces two enormous challenges. First she must work with an elected cabinet not with people of her choice. Second, she must quickly outline a list of plans, policies, priorities and programs representing the government's commitment to the public. In the absence of party politics the choice of alternative governments is not offered to the public prior to an election. This issue of public accountability has led during the last six years to discussions about choosing a leader by popular vote, and giving the leader the power to choose her own cabinet.

Some believe this process would provide a system of government with a more cohesive cabinet, clear policy direction, clear authority and mandate for the premier to lead and greater public accountability. In the absence of a party political structure the mechanism for leadership selection and review and the involvement of the public in policy formulation through party affiliation is missing.

In the current territorial system, once the 24 members are elected, decision making proceeds by so-called consensus. It is this great challenge to forge consensus in a permanent minority situation which has led to discussions about ways of strengthening the leader's mandate. Dennis Patterson, former government leader, now sitting as an ordinary member, believes



the leader's hand needs to be strengthened: "especially in today's hard times, when tough financial decisions must be made, tough negotiations concluded with unions or an increasingly unsympathetic Federal government. There is not the comfort of the numbers in the government caucus of a party system to provide that stability required to sustain unpopular but necessary measures."

On initial examination the concept of electing a leader by popular vote is very attractive since it involves the public directly in seeking commitments from candidates who, if elected, will be accountable. It avoids following various models of party politics which many aboriginal people find inconsistent with their own tradition of consensus. Of the current 24 members, 17 are of aboriginal descent. Although many of them concede the weakness of the current system, only changes which retain the so-called consensus style are acceptable.

Although the debate on the leadership elections issue was active until the fall of 1993 it has been deflated in recent months. Many members now recognize that strengthening the role of the leader through a popular vote could easily lead to party politics. Candidates would need a large territory wide organization, heavy financial support and a platform appealing to a broad section of the population. Inevitably, candidates seeking election to the Assembly would be drawn into one camp or another, especially those seeking a cabinet post, since an elected leader would be empowered to choose her own cabinet. To many, this sounds like the first step towards party politics.

The move towards electing a leader by popular vote poses other very substantive constitutional problems. Although the Assembly operates by consensus it follows the Westminster-style parliamentary/cabinet system. Despite the lack of cabinet cohesiveness, confusing policy direction and the fragility of a permanent minority government, the system survives. Both premier and cabinet could be easily removed by the Assembly on a confidence motion in the Assembly in the Westminster tradition. The tyranny of the majority contributes greatly to the leader's dauntless task of seeking accommodation through so-called consensus. The power to remove both leader and cabinet by the Assembly is a long-standing tradition. To remove it would be a departure from the Westminster model.

A leader chosen by the people could presumably only be removed by the people and explicit rules would have to be developed to achieve that. The leader's dominance as an MLA elected as leader by popular vote over all other MLA's would provide confidence and authority. The Assembly is less likely to challenge a leader when there is no alternative government in waiting, and the leader has this power to force another election by resigning, especially when the current legislation provides for a four year term for all MLA's.

Another element that has slowed down the process towards direct election of leader in recent months is uncertainty about the process itself. How would the elections for leader and cabinet be held? Would they be held simultaneously in two separate ballots, or would there be an initial election for MLA, and a subsequent election for leader for which only the MLA's would be eligible? At first glance simultaneous but separate elections make

most sense in terms of cost and efficiency and avoids the problem of a "caretaker" government. On the other hand limiting candidates to those already elected means that only "serious" candidates would be eligible to run. It would eliminate the complicated questions of candidate nomination by narrowing the field considerably. It means that the most able and experienced politician would not be asked to make a decision about which election to contest. They could contest both. In this way, even though some could lose the election as leader they could remain as MLA's and would not be lost to public service.

Another question which continues to be debated is the method by which votes would be tabulated. Should the "one person, one vote" be adhered to or would there be an electoral college system? For MLA's representing urban ridings, especially the capital city, Yellowknife, the "one person, one vote" would enhance the chances of a leadership candidate from an urban area. Under the current system the majority of MLA's represent rural riding and by weight of numbers can elect a cabinet favouring rural ridings. Should a leadership election be conducted on the basis of "one person, one vote" urban voters would have the advantage in terms of numbers and potential financial support.

An electoral college system would provide a better means of ensuring that a leader gets broader territorial support. There are several "college" possibilities. They could be communities, constituencies, or regions. The votes would be allocated on a winner take all basis. Whoever wins would get the entire block of votes allocated to that college. Alternatively, a candidate could be allocated electoral college votes on the basis of percentage of the popular vote.

If constituencies are used as "colleges", for example, each one would have a value of 100 points or votes. A candidate receiving 50% of the popular vote would win 50 of the points or votes. The candidates with the largest number of points overall tabulated in constituencies across the territories would be elected leader.

What happens though if no candidate wins 50% of the total number of electoral "points"? The only real solution to ensure that a leader has majority support is to hold another election a week or two later involving only the top two leadership candidates. There are obvious extra expenses and complication in operating a run-off election. Another system for achieving the same result on a single ballot, is the single transferable vote which is used in Australia.

In this system voters indicate their preference by rank ordering the candidates. When no candidate receives a majority of first choices, the candidates with the lowest number of first choices is eliminated.

The eliminated candidate's tally of second choice votes are then redistributed as first choices. While the system avoids the expense of a second election it is complicated.

Another factor which has slowed down the process towards change in electing a leader is the creation of the new territory of Nunavut in 1999. When the present NWT is divided in 1999, some members fear it will be difficult to reverse a process seen as a natural evolution of consensus government. Others argue that this is the perfect time for experimentation. The Inuit would have an opportunity to see whether the new system works and, if it does not, they could easily abandon it as merely an experiment if they do not wish to see it operate within this new territory of Nunavut.

The major constitutional question posed by the change in choosing a leader is the loss in power of the Legislative Assembly. How could the Assembly remove a leader with a mandate obtained directly from the people? If the Assembly was empowered to force an election for leader, presumably there would be a requirement for a general election also. This would incline the Assembly less towards forcing an election thus enhancing the power of the leader.

The current leader, Nellie Cournoyea, (with title premier since February 18) agrees, members would object to losing the power to choose it's cabinet and premier but believes the change should be made. She says "the benefits, such as accountability and stability would outweigh the objections if the premier receives a clear mandate from the people in a general election. With some creative thinking, I am sure a process can be found to soften people's concern about a weakened capacity of the Assembly to remove the first minister or cabinet."

Other members feel that the proposed change is just a few short steps from republicanism. The Assembly itself would be unacceptably diminished.

Frustration over the inadequacies of the current system of consensus has led to discussions on strengthening the power of the leader. The great interest in moving towards a separate election of leader by popular vote that existed a year ago no longer exists. The amount of work ahead before the creation of Nunavut in 1999 has convinced members that political experimentation may make too many demands on an already heavy schedule. On the other hand

given the fragile nature of the current system of consensus, most members feel the leader's mandate must be clarified and strengthened so the proposal to change is by no means dead.