



Aboriginal Self-Government in the Northwest Territories

Supplementary Booklet 3

Our Government Today

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Who's Involved?

There are several different governing bodies and political institutions operating in the Northwest Territories (NWT). Some are active at the territorial level; others are based at the regional or community levels. Some serve or represent all residents; others serve only Aboriginal people.

In the relatively few years since our present Legislative Assembly first became fully elected (1975), Northerners have seen continuing political and constitutional change. Comprehensive **land claim agreements** have been signed by the Inuvialuit, Gwich'in and Sahtu; territorial and community governments have taken on greater responsibilities; the management of health, education and housing programs has been moved closer to the people; and negotiations on self-government are underway. It is therefore useful to review some of the bodies and institutions operating in our changing political environment.

Public Government Bodies and Institutions

Government of Canada

The federal government plays an important role in the lives of all Canadians. Matters as different as old age pensions, unemployment insurance, income tax, the *Criminal Code*, the overall management of the economy, the postal service and our relations with foreign states are all federal responsibilities. These and other federal responsibilities are set out mainly in Sections 91, 94A and 95 of the *Constitution Act, 1867* and are the same in the NWT as elsewhere in Canada.



Federal treaty payments in Trout Lake, 1985.
photo: DIAND

"**Indians**, and Lands reserved for the Indians" are a federal responsibility under Subsection 91 (24) of the 1867 *Constitution Act*. This responsibility gives the federal government a central role in all discussions of Aboriginal and treaty rights and of self-government.

In the NWT, Yukon and Nunavut, the federal government also has powers that belong to the provinces in other parts of Canada. The *Northwest Territories Act (NWT Act)*, our key constitutional document, is a federal Act of Parliament and the federal

Note: Key words are identified in BOLD text and defined in a listing of Key Words and Ideas on page 10 of this booklet. Other key words are defined where they occur in the text.

government is responsible for any changes to it. In addition, except for some small areas known as "Commissioner's lands", which the Government of the Northwest Territories administers, the Government of Canada controls all Crown lands in the NWT. This includes our water resources, oil, gas and other minerals. The federal government makes many important decisions affecting the territorial economy as a result of its control of natural resources in the NWT.

Federal laws are made by Parliament. Within Parliament, NWT residents are represented in the House of Commons by one Member who is elected by all residents of the territory (Western Arctic constituency). Under the *Canadian Charter of Rights and Freedoms*, elections of the House of Commons must be held at least every five years. In addition, the NWT is represented in the Senate by one seat. Senators are appointed by the Governor-General on the recommendation of the Prime Minister.

Government of the Northwest Territories

The GNWT is set up under the federal *NWT Act*. Section 16 of the *Act* lists the territorial government's powers. Most of these are similar to provincial powers and they include things as different as education, health care, social assistance, wildlife management, setting up of business corporations, municipal government, registration of land titles, the licensing of motor vehicles and the regulation of professions.



Election of the NWT 12th Assembly, October, 1991.

photo: Tessa MacIntosh

Territorial laws are made by the NWT's Legislative Assembly. *The NWT Act* requires a Legislative Assembly of 14 - 25 Members (MLAs). MLAs represent everyone living in their electoral districts. The actual number of electoral districts (within the 14 - 25 range), the boundaries of the electoral districts, the qualifications of voters, and election procedures are all set out in territorial laws. Under the *NWT Act*, an election of the Legislative Assembly must be held at least every four years.

Municipal Governments

Municipal governments are set up under the NWT's *Charter Communities Act*, the *Cities, Towns and Villages Act*, the *Hamlets Act* and the *Settlements Act*. Whatever the type of municipal government, each council is responsible to everyone within the community's boundaries.



Fort Good Hope (Sahtu Settlement Area)
photo: NWT Archives

There are 23 municipal governments in the NWT. These governments are responsible for the delivery of municipal programs and services such as water, sewage and garbage services, fire protection, road maintenance, recreation programs, by-law enforcement and community planning. Many municipal governments are also involved in supporting economic development and providing services like counselling. Some municipal governments also have powers to borrow money, administer land and collect property taxes.

The *Charter Communities Act* allows the Minister of Municipal and Community Affairs to issue a "Charter" to describe:

- (1) the make-up of a community council;
- (2) the method by which councillors are elected or appointed; and
- (3) the period for which councillors will hold office.

The **community charter** may also define the relationship between the community council and any band council or other local Aboriginal organization in or near the municipality. In this way, there may be guaranteed Aboriginal representation on the community council and a single administration may be established for the band council and the community council. The charter must also include the by-law making powers of the community government. 60% of voters must approve the charter by referendum. Deline, Fort Good Hope, Tsiigehtchic and Wha Ti are currently organized as charter communities.

NWT Association of Municipalities

The NWT Association of Municipalities represents all incorporated NWT municipalities and promotes community interests. The Association is consulted on legislative initiatives affecting municipalities and has been active in NWT constitutional development discussions.

Community and Regional Boards Established by the GNWT

To give more decision-making and program responsibilities to the people served, the GNWT has passed legislation setting up community and regional boards. These include:

- District Education Authorities: members are elected by all residents of the education district to perform duties under the *Education Act* with respect to education programs and the management of schools.
- Local Housing Associations and Authorities: bodies are established at the community level to

manage social housing and housing projects under agreements made under the *NWT Housing Corporation Act*.

- **Health and Social Services Boards:** members are appointed by the Minister of Health and Social Services under the *Hospital Insurance and Health and Social Services Administration Act*. They have the responsibility to represent their communities and to manage the health care and social services facilities and services for which the Board is responsible.

Aboriginal Government Bodies and Institutions

Band Councils



Chief Lloyd Chicot, Ka'a'gee Tu First Nation, Kakisa.

photo: MACA

Band councils are set up under the federal Indian Act and are elected by band members. Band councils are responsible for internal band matters and may represent the interests of the band at the community, tribal, regional, territorial and national levels. Band councils access funding to deliver a range of programs for band members and many band councils have participated in the establishment of community development corporations.

Band councils in the NWT follow the same model as those on reserves in southern Canada. The present *Indian Act* provides for elections of chiefs and band councils to be held in accordance with the Act or by custom of the band (all NWT bands follow a custom system). Unless the Minister of DIAND makes an order to allow for an exception, the council of a band must be made up of one chief and one councillor for every one hundred band members. The number of councillors must not be less than two, nor more than twelve, and no band can have more than one chief.

The general absence of reserves in the NWT (Hay River and Salt Plain are exceptions) has meant that band councils here, although established under the *Indian Act*, have fewer powers that they can exercise than band councils in southern Canada. Services arrangements are also different. For example, DIAND does not provide services, or funding for programs, in the way it does on reserves in southern Canada.

Band Councils in Unincorporated Communities

There are ten communities in the NWT where no municipal government has been formed under territorial legislation. In these communities, the local band councils have entered into agreements with the GNWT to provide services that would normally be provided by a municipal government. For example, in Jean Marie River, where there is no municipal government, the GNWT has entered into an agreement with the band council for the delivery of municipal services to all residents. These include band members as well as any residents who are not members of the band.

Community and Regional Metis Organizations

Metis in the NWT have established several community-based locals, councils and corporations to serve their interests. Each organization is governed by a constitution and by-laws. These set out requirements for membership and eligibility to vote and hold office. Many Metis organizations have set up development corporations, and all provide a range of programs and services to their members.

At a regional level the North Slave Metis Alliance and the South Slave Metis Tribal Council provide programs and services at the community and regional levels with the assistance of federal and territorial program funding. The South Slave Metis Tribal Council is currently engaged in negotiations with the federal government and the GNWT which are expected to deal with ownership of certain lands, resources management, and self-government in the South Slave region. In 1998, the North Slave Metis Alliance negotiated an **Impact Benefits Agreement** with BHP Diamonds Inc. Both the North Slave Metis Alliance and the South Slave Metis Tribal Council are members of the Aboriginal Summit.

Aboriginal Land Claim Corporations

Land claim agreements have been signed by the Inuvialuit, Gwich'in, and Sahtu **Dene** and Metis. A number of bodies have been set up under each agreement to manage lands, water and wildlife, to manage and distribute revenues and to administer economic, social and cultural development programs in each settlement area. The Inuvialuit Land Corporation, the Gwich'in settlement corporations and the Sahtu Secretariat Incorporated are all examples of bodies set up under land claim agreements.



Signing of the Inuvialuit Final Agreement in 1984.
Left to right: Inuvialuit negotiators and representatives Robert DeLury, Annie Gordon and Les Carpenter
photo: Inuvialuit Regional Corporation

Tribal Councils

In many areas of the NWT, tribal councils have been set up to serve and represent the interests of their members at a regional level. Tribal Councils are made up of chiefs and band councillors from Dene communities or Metis representatives and have varied responsibilities from region to region. The Gwich'in Tribal Council has important responsibilities under the *Gwich'in Comprehensive Land Claim Agreement*. Other tribal councils represent their constituents at comprehensive land claim, treaty land entitlement and self-government negotiations. In addition, some tribal councils get funding from the federal and territorial governments to provide programs and services.

Inuvialuit Regional Corporation

The Inuvialuit Regional Corporation was set up to carry out a number of important responsibilities under the *Inuvialuit Final Agreement*, including the initial transfer of financial compensation and settlement lands. In addition to its responsibilities under the *Inuvialuit Final Agreement*, the Inuvialuit Regional Corporation belongs to broader organizations including the Aboriginal Summit and the national Inuit association, Inuit Tapirisat of Canada.

Dene Nation



Dene Nation assembly at Weledeh, 1998.
photo: Jeri Hermann

The objectives of the Dene Nation include providing and supporting programs and policies for the economic, social, educational, health and cultural benefit of NWT Dene and giving voice to the opinions of the Dene at the territorial and other levels. All descendants of NWT Dene who are resident in the NWT are eligible for membership in the Dene Nation.

Metis Nation - Northwest Territories

Many community-based Metis organizations are affiliated with the Metis Nation, which represents the interests of its member organizations at the territorial and national level. Through the Metis Nation - NWT, Metis have participated in the establishment of territorial organizations like the Metis Development Corporation and the Metis Heritage Association.

Aboriginal Summit

The Aboriginal Summit is a forum for discussion made up of the elected heads of regional Aboriginal political bodies, the Dene Nation and the Metis Nation - NWT. The Deh Cho Tribal Council has chosen observer status in the Summit.

Joint Bodies and Institutions

Co-Management and Advisory Boards

The Inuvialuit, Gwich'in and Sahtu land claim agreements all provide for the establishment of management and advisory boards. These have responsibilities in the areas of resource management in which **public governments** and **Aboriginal peoples** have an interest. The boards are generally appointed by the federal and territorial governments and Aboriginal organizations. For this reason, they are described as "joint management" or "co-management" boards. This recognizes the interests of each party as well as the need for the coordinated management of resources.

Co-management and advisory boards have been set up to draft land-use plans, consider land use proposals, review environmental impacts, manage wildlife and make recommendations about heritage places and sites.

Key Words and Ideas

Aboriginal Government

A government that represents and serves an Aboriginal people.

Aboriginal Peoples

The descendants of the original peoples of Canada. Section 35 (2) of the Constitution Act, 1982 defines the Aboriginal peoples as Indians, Inuit and Metis.

Band

A local grouping of Indian people as defined in Section 2 of the *Indian Act*. Many bands are known as First Nations.

Community Charter

A legal document issued under the *Charter Communities Act* that sets out how a community government is to be set up and its by-law making powers.

Dene

Aboriginal peoples of the Mackenzie Valley, from Inuvik and Aklavik southwards. Dene groups in the NWT include the Gwich'in, Sahtu Dene, Dogrib, Chipewyan and South Slavey. Dene speak languages that are distinct from one group to another, but which belong to the same general language family.

Impact Benefits Agreement

An agreement with the private sector intended to limit the negative effects of resource development and provide employment and training opportunities for Aboriginal people. Impact benefits agreements have been completed between BHP Diamonds Inc. and the North Slave Metis Alliance, the Dogrib Treaty 11 Council and the Akaitcho Treaty 8 (Yellowknives Dene and Lutselk'e). In Nunavut, BHP has signed an impact benefits agreement with the Hamlet of Kugluktuk and the Kitikmeot Inuit Association.

Indian

Section 91 (24) of the *Constitution Act, 1867* gives the federal government responsibility for "Indians, and Lands reserved for the Indians". The *Indian Act* was passed by Parliament under this constitutional authority.

Inuvialuit

The Inuit of the Mackenzie Delta and Beaufort Sea region.

Land Claim Agreement

An agreement between an Aboriginal people and the Crown dealing with Aboriginal title in a geographic area. Land claim agreements deal with things like the rights of governments and Aboriginal people to land and resources, wildlife management and cash compensation. Land claim agreements may also deal with self-government.

Metis

Historically, people of both Aboriginal and non-Aboriginal origins mainly located in the prairie provinces and the NWT. Metis belong to a distinct group and are defined in the constitution as one of the Aboriginal peoples of Canada.

Public Government

A government which represents and serves all residents in an area. The federal, provincial, territorial and municipal governments are all "public governments".

Reserve

Defined in Section 2 of the *Indian Act* as an area of land that has been set aside for an Indian Band. Under the *Indian Act* the Crown has the title to Indian reserve land.